EL PASO COUNTY SHERIFF'S OFFICE

Thomas Jefferson said only an enlightened people are the safe depositary of power for the proper functioning of a republic and that the whole mass should be educated and informed because they are the only sure reliance for the preservation of our liberty.

This Policy Manual is the ongoing product of changing laws, practices, procedures, and best practices that are integral to providing guidance and direction to every member of this agency. At least once a year, updates are included to incorporate the most contemporary National, State and Local standards and laws that range from critical incidents to reporting requirements. While this Policy Manual is comprehensive, the foremost professional attribute must first include a standard of community service that embodies the tenets of the Law Enforcement Code of Ethics that embrace excellence in our personal and professional lives.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

SHERIFF'S INTRODUCTION

The El Paso County Sheriff's Office is an organization whose very existence is justified solely on the basis of service to the community. I view my position not only as a problem solver but as a communicator between my office and the citizens we serve, county staff, county commissioners, city councils, residential and business communities, educators, religious community, all other law enforcement professionals, and social groups which contribute to the vitality of the county.

I consider it our duty and privilege to protect and support individual rights while at all times providing for the security of persons and property in the community. In meeting this objective, it is our duty to operate as a public service organization.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

LAW ENFORCEMENT CODE OF ETHICS

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

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

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

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

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

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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

MISSION STATEMENT

MISSION:

Our mission is to provide the citizens of El Paso County effective and efficient public safety services. We deliver them consistently with character, competence, and transparency.

VISION:

Our vision is to ensure El Paso County remains the safest and most enjoyable place to live and visit in the State of Colorado. We are committed to holding the highest standard for public safety to achieve a county free of crime and public disorder.

VALUES:

Honesty—Our personal and professional behavior will be a model for all to follow. Our actions will match our words. We will have the courage to stand up for our beliefs and do what is right.

Loyalty—We are loyal to our Oath to protect the Constitutional Rights of those we serve by empowering our employees to make decisions that support the letter and spirit of the law.

Unity—We have a united commitment to serve our diverse community with fairness, dignity and equality. We commit to excellence in all we do.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Table of Contents

El Paso County Sheriff's Office 1

Sheriff's Introduction 2

Law Enforcement Code of Ethics 3

Mission Statement 4

Chapter 1 - Law Enforcement Role and Authority 11

100 - Law Enforcement Authority 12
101 - Chief Executive Officer 14
102 - Oath of Office 15
103 - Policy Manual 16

Chapter 2 - Organization and Administration 19

200 - Organizational Structure and Responsibility 20
201 - Rank Structure and Responsibility 40
202 - Interim Directive and Special Orders 45
203 - Administrative Communications 46
204 - Supervision Staffing Levels 47
205 - Travel Expense 48
206 - Travel Expenses 49
207 - Strategic Planning and Iniatives 54

Chapter 3 - General Operations 57

300 - Use of Force 58
301 - Handcuffing and Restraints 66
302 - Control Devices and Techniques 70
303 - Conducted Energy Weapon 75
304 - Deadly Force/Fatal Incidents 83
305 - Firearms 95
306 - Retiree Concealed Firearms 111
307 - Canines 114
308 - Domestic Violence 122
309 - Search and Seizure 127
310 - Temporary Custody of Juveniles 129
311 - At-Risk Adult Abuse 137
312 - Discriminatory Harassment 142
313 - Training 147
314 - Child Abuse 151
315 - Missing Persons 159
316 - Public Alerts 165
317 - Victim and Witness Assistance 169
318 - Bias-Motivated Crimes 173

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

319 - Deputy Response to Calls . . . 175
320 - Standards of Conduct . . . 179
321 - Information Technology Use . . . 186
322 - Electronic Mail . . . 192
323 - Report Preparation . . . 194
324 - Media Relations . . . 198
325 - Subpoenas and Court Appearances . . . 200
326 - Reserve Deputies . . . 203
327 - Outside Agency Assistance . . . 207
328 - Registered Offender Information . . . 209
329 - Major Incident Notification . . . 213
330 - Death Investigation . . . 215
331 - Identity Theft . . . 218
332 - Private Persons Arrests . . . 220
333 - Limited English Proficiency Services . . . 222
334 - Communications with Persons with Disabilities . . . 230
335 - Pupil Arrest Reporting . . . 238
336 - Biological Samples . . . 239
337 - Chaplains . . . 241
338 - Child and Dependent Adult Safety . . . 243
339 - Service Animals . . . 246
340 - Concealed Handgun Permit . . . 248
341 - Volunteers . . . 252
342 - Native American Graves Protection and Repatriation . . . 258
343 - Off-Duty Law Enforcement Actions . . . 260
344 - Emergency Management Plan . . . 262
345 - Office Use of Social Media . . . 264
346 - Community Relations . . . 267
347 - Fiscal Management and Resource Control . . . 271
348 - Attendance Policy . . . 278
349 - Reporting and Relaying Terrorism Information/Intelligence . . . 284
350 - Critical Incident Review Board . . . 288
351 - Incident Command System/National Incident Management System . . . 290
352 - Citizen's Patrol . . . 294

Chapter 4 - Patrol Operations . . . 296

400 - Patrol Function . . . 297
401 - Bias-Based Policing . . . 300
402 - Briefing . . . 303
403 - Vehicle Pursuits . . . 304
404 - Crime and Disaster Scene Integrity . . . 316
405 - Special Weapons and Tactics Team and Crisis Negotiations Unit . . . 318
406 - Ride-Along . . . 327
407 - Hazardous Material Response . . . 330
408 - Hostage and Barricade Incidents . . . 332
409 - Response to Bomb Calls . . . 337
410 - Civil Commitments . . . 342

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

411 - Summons Releases . . . 346
412 - Foreign Diplomatic and Consular Representatives . . . 348
413 - Rapid Response and Deployment . . . 352
414 - Immigration Violations . . . 355
415 - Emergency Utility Service . . . 360
416 - Aircraft Accidents . . . 361
417 - Field/Detention Training Officer Program . . . 365
418 - Detentions, Contacts and Photographing Detainees . . . 368
419 - Criminal Organizations . . . 372
420 - Mobile Data Computer Use . . . 375
421 - Portable Audio/Video Recorders . . . 378
422 - Public Recording of Law Enforcement Activity . . . 389
423 - Medical Marijuana . . . 392
424 - Foot Pursuits . . . 398
425 - Automated License Plate Readers (ALPR) . . . 403
426 - Homeless Persons . . . 405
427 - Reporting of Suspicious Activity of Terrorist Information . . . 408
428 - Crisis Intervention Incidents . . . 412
429 - First Amendment Assemblies . . . 417
430 - Civil Disputes . . . 423
431 - Medical Aid and Response . . . 425
432 - Service of Court Documents . . . 429
433 - Mounted Unit . . . 431

Chapter 5 - Traffic Operations . . . 435

500 - Traffic Enforcement and Responsibilities . . . 436
501 - Duties When Involved in or Responding to a Traffic Crash . . . 439
502 - Impaired Driving . . . 442
503 - Traffic Citations . . . 448
504 - Disabled Vehicles . . . 450
505 - Abandoned Vehicle Violations . . . 451

Chapter 6 - Investigation Operations . . . 453

600 - Investigation and Prosecution . . . 454
601 - Sexual Assault Investigations . . . 459
602 - Asset Forfeiture . . . 463
603 - Informants . . . 468
604 - Eyewitness Identification . . . 473
605 - Brady Material Disclosure . . . 477
606 - Unmanned Aerial System (UAS) Operations . . . 480
607 - Warrant Service . . . 483
608 - Operations Planning and Deconfliction . . . 488

Chapter 7 - Equipment . . . 494

700 - Office-Owned and Personal Property . . . 495
701 - Personal Communication Devices . . . 498
702 - Vehicle Maintenance . . . 502

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

703 - Vehicle Use 505
704 - Cash Handling, Security and Management 512
705 - Personal Protective Equipment 514
706 - Disposal of Media 519
707 - Mobile Fingerprint Scanner 521

Chapter 8 - Support Services 522

800 - Crime Analysis 523
801 - Dispatch 524
802 - Property and Evidence 530
803 - Records Section Procedures 539
804 - Records Maintenance and Release 541
805 - Protected Information 545
806 - Animal Control 548
807 - Jeanne Clery Campus Security Act 551
808 - Crime Prevention 556

Chapter 9 - Custody 558

900 - Temporary Custody of Adults 559
901 - Custodial Searches 564
902 - Prison Rape Elimination 569
903 - Transporting Detainees 578

Chapter 10 - Personnel 581

1000 - Recruitment and Selection 582
1001 - Orientation 593
1002 - Evaluation of Employees 594
1003 - Promotions 599
1004 - Grievance Procedure 608
1005 - Anti-Retaliation 610
1006 - Reporting of Employee Convictions 613
1007 - Drug- and Alcohol-Free Workplace 615
1008 - Leave 617
1009 - Communicable Diseases 629
1010 - Smoking and Tobacco Use 633
1011 - Seat Belts 634
1012 - Disciplinary/Corrective Action and Disciplinary Action Board 636
1013 - Complaint Handling/Investigation Procedures 650
1014 - Internal Investigative Rules 654
1015 - Investigation of Personnel Matters Related to Discrimination 658
1016 - Staff Inspection/Line Inspection 662
1017 - Body Armor 665
1018 - Personnel Records 667
1019 - Commendations and Awards 672
1020 - Fitness for Duty 679
1021 - Meal Periods and Breaks 682
1022 - Lactation Break Policy 683

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1023 - Payroll Record Procedures 685
1024 - Overtime Compensation Requests 686
1025 - Outside Employment 690
1026 - Occupational Disease and Work-Related Injury and Death Reporting . . . 694
1027 - Personal Appearance Standards 697
1028 - Uniform Regulations 699
1029 - Sheriff's Cadets and Explorers 711
1030 - Nepotism and Employment Conflicts 713
1031 - Office Badges 715
1032 - Temporary Modified-Duty Assignments 717
1033 - Employee Speech, Expression and Social Networking 719
1034 - Illness and Injury Prevention 723
1035 - Line-of-Duty Deaths 727
1036 - Job Classifications/Assignments 736
1037 - Honor Guard 738
1038 - Employee Drug Testing 740
1039 - Records Retention/Professional Standards 745
1040 - Benefits and Salary 749
1041 - Career Development and Higher Education 752
1042 - Fair Labor Standards Act (FLSA) 754
1043 - Retirement/Years of Service Recognition 758

Attachments 761
Approved Leather List New.pdf 762
Risk Assessment Form.pdf 764
Equipment Resource Clearing Sheet.pdf 767
County Personnel Manual Chapter 10.pdf 770
Discipline Matrix 2.pdf 780
Approved Leather List New.pdf . . . . . .
LEOSA WAIVER AND RELEASE FORM.pdf 783
Qualification Receipt.pdf 785
Approved Leather List.pdf 787
Sworn Personnel Discipline Process.pdf 788
Non-Sworn Disciplinary Process.pdf 789
Policy 1008 Leave Draft 01242017.pdf 790
2017-A EPSO Duty Handgun Qualification Standard (2).pdf 807
Approved Leather List New.pdf . . . . . .
Risk Assessment Form.pdf . . . . . .
Civilian Awards.pdf 809
CADET OPERATIONS MANUAL 8-17.pdf 810
Discipline Matrix 2.pdf . . . . . .
2016-2017 Promotion Criterion.pdf 844
EPSO ORG CHART 122016.pdf 845
MOU with CSPD and EPSO DFIT.pdf 847
Witness Instruction Forms.pdf 848
Retentions Form.pdf 861
Equipment Resource Clearing Sheet.pdf . . . . . .

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

19-1-307.pdf 864
CORA.pdf 870
PPCC MOU.pdf 872
Risk Assessment.pdf 881
County Personnel Manual Chapter 10.pdf . . . . . .
Foreign Diplomatic and Consular Representatives Forms.pdf 884
WH-382_Designation Notice.pdf 887
HR218.pdf 889
C.R.S 13-21-128.pdf 894
Sworn Awards.pdf 897

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Chapter 1 - Law Enforcement Role and Authority

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Law Enforcement Authority

100.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the authority of the members of the 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 ARREST AUTHORITY WITHIN THE JURISDICTION OF THE EL PASO COUNTY SHERIFF'S OFFICE

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

(a) In compliance with an arrest warrant.

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

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

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

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

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

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

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

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

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

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:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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

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

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

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

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

100.4 CONSTITUTIONAL REQUIREMENTS

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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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)).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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

102.3 OATH OF OFFICE

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

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

102.3.1 CANON OF ETHICS

All Sheriff's Office deputies shall be required to abide by a code or canon of ethics as adopted by the Office.

102.4 MAINTENANCE OF RECORDS

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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Policy Manual

103.1 PURPOSE AND SCOPE

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

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

103.2 POLICY

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

103.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the Sheriff's Office and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the County, its officials or members. Violations of any provision of any policy contained within this manual shall only form the basis for Office administrative action, training or discipline. The 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 Interim Directives, which shall modify those provisions of the manual to which they pertain. Interim Directives shall remain in effect until such time as they may be permanently incorporated into the manual.

103.4 DEFINITIONS

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

Adult - Any person 18 years of age or older.

CCR - Code of Colorado Regulations.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Policy Manual

CFR - Code of Federal Regulations.

County - The County of El Paso.

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

Office/EPSO - The El Paso 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 El Paso County Sheriff's Office Policy Manual.

May - Indicates a permissive, discretionary or conditional action.

Member - Any person employed or appointed by the El Paso County Sheriff's Office, including:

- Full- and part-time employees
- Licensed, certified peace officers
- Reserve, auxiliary deputies
- Civilian Personnel employees
- Volunteers.

Deputy - Those employees, regardless of rank, who are POST-certified employees of the El Paso County Sheriff's Office.

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

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

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

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

Shall or will - Indicates a mandatory action.

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

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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

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 Interim Directives. 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 Commander 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 Commanders, who will consider the recommendations and forward them to the command staff as appropriate.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Chapter 2 - Organization and Administration

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Organizational Structure and Responsibility

200.1 POLICY
It is the policy of the Sheriff's Office to provide all personnel/members with guidelines needed for the proper identification and clarification of the rank structure within the organization.

200.2 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.

200.3 SHERIFF'S OFFICE ORGANIZATION
DEPARTMENT: A specialized group or division of a large organization which is headed by an appointed person.
OFFICE: A public position normally obtained through an election process.
SECONDARY ASSIGNMENT: An assignment that is secondary to the individual's primary assignment or classification. For example: Special Weapons and Tactics Team (SWAT) member is a secondary assignment to that of a patrol, or investigations deputy/sergeant. The Special Response Team (SRT) member is a secondary assignment to that of a detention deputy/sergeant.
SPECIALIZED ASSIGNMENTS: A full time assignment which is characterized by increased levels of responsibility and specialized training. An example of a specialized assignment is the Mounted Unit, Canine Unit, and Crime Reduction Unit (CRU).

ORGANIZATION:

A. SHERIFF'S OFFICE ORGANIZATION: The Sheriff's Office consists of personnel designated in two classifications: sworn and civilian.

1. Sworn Personnel: Sworn personnel are personnel who possess a Deputy Sheriff commission, Colorado Post certified and are designated by one of the following ranks:

(a) Sheriff - Sworn position required by State Statute

(b) Undersheriff- Sworn position required by State Statute

(c) Bureau Chief

(d) Commander

(e) Lieutenant

(f) Sergeant

(g) Senior Deputy

(h) Deputy I

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(i) Deputy II

(j) Deputy III

2. Civilian Personnel: Civilian personnel are Sheriff's Office personnel who are not Colorado Post Certified, are classified other than Public Safety Officers in the County Personnel Classification Plan.

B. ORGANIZATIONAL STRUCTURE: The Sheriff's Office is organized into three bureaus consisting of eight subordinate divisions.

1. ADMINISTRATIVE & SUPPORT SERVICES BUREAU

(a) Administrative Services Division

(b) Emergency Services Division

(c) Support Operations Division

2. DETENTION BUREAU

(a) Security Division

(b) Operation Division

3. LAW ENFORCEMENT BUREAU

(a) Patrol Division

(b) Investigations Division

(c) Special Operations Division

C. ORGANIZATIONAL COMPONENTS:

1. Office of the Sheriff: The Office includes all personnel, functional areas, and components which are within the direct or indirect control or responsibility of the Sheriff of El Paso County

2. Bureau: A bureau is a major component of the Office structure. It is supervised by a bureau chief and comprised of various divisions

3. Division: A division is a major subordinate component of a bureau structure designed for a specialized purpose. A commander or civilian of equivalent grade normally supervises a division

4. Section: A section is a primary functional area or group subordinate to a division and is normally supervised by a lieutenant or civilian of equal grade

5. Unit: A unit is a functional area or group designated by a limited or specific task or responsibility. A unit may be subordinate to a section and is normally supervised by sergeant(s) or civilian(s) of equivalent grade.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) *Shift:* A shift is a person or group of persons assigned to a certain task or function during a specific time.

(b) *Team:* A team is a group of persons organized to perform a specific task. A team may be permanent or of a temporary duration

D. OFFICE COMPONENTS AND RESPONSIBILITIES: The functional responsibilities of Office components are set forth to define the areas of responsibilities within the Sheriff's Office. The designated responsibilities listed below are not all-inclusive, but incorporate the major functional areas.

1. Office of the Sheriff: The responsibilities and functions of the Sheriff are set forth in Colorado State Statutes. The Sheriff is ultimately responsible for the overall operation and function of the Sheriff's Office

2. Undersheriff : The Undersheriff is responsible for the overall coordination of Office functions. He/she has direct supervision over the Law Enforcement Bureau Chief, the Detention Bureau Chief, and the Administrative & Support Services Administrator. The Undersheriff represents the Sheriff when designated. Other functions of the Undersheriff are designated by the Sheriff and applicable state statutes

3. Chief of Staff: The Chief of Staff is responsible for advising and consulting the Sheriff, Undersheriff, and other Staff members. He/she develops, maintains and promotes effective community and intergovernmental relationships between the Sheriff's Office and local, state and federal governmental agencies, elected and appointed officials, media outlets, and business and community groups.

4. Staff Psychologist: The Staff Psychologist provides professional psychological testing, evaluations, counseling and consultation for members of the Sheriff's Office. The Staff Psychologist reports directly to the Sheriff and Undersheriff..

5. Detention Bureau: The Detention Bureau is an operational bureau responsible for all detention operations associated with the operation of the detention facility and the Court & Transport Section. Additionally, this bureau ensures the safety and security of all inmates in the lawful custody of the Sheriff. This bureau consists of two (2) subordinate operational divisions.

(a) Detention Security Division: The Detention Security Division is responsible for the care and security of all inmates who are in the lawful custody of the Sheriff at the Criminal Justice Center (CJC).

1. CJC Security Section: Personnel assigned to the Security Section are responsible for the safety and security of inmates and visitors during their assigned shifts. Additional duties of CJC Security personnel include the development of procedures and management plans. Part of the CJC Security Section responsibilities is the

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

operation of the Work Release Program. This program provides non-violent inmates with minor criminal offenses an opportunity to continue employment. Individuals participating in the Work Release Program are able to pay restitution for their crimes, and continue supporting their families while being incarcerated.

2. Detention Projects Unit is responsible for the Facility Inspector, the Supply Technician, and Laundry Supervisor. This unit is also responsible for providing supplies, conducting inspections of the Criminal Justice Center and providing laundry services to the inmate population

(b) Detention Operations Division: The Detention Operations Division consists of the Intake and Release Section, Offender Programs Section, and the Court Services Section

1. Intake and Release Section: Personnel assigned to the Intake and Release Section is responsible for the lawful admission and release of inmates brought to the Detention facility.

(a) Intake/Release Unit: This unit is responsible for the lawful admission and release of all inmates held at the Criminal Justice Center, and the appropriate distribution of all necessary documents

(b) Property Custodians: The Property Custodian Team is responsible for the receipt, inventory, and security of all inmate property. In addition they are responsible for all inmate property transactions with members of the public at the Intake and Release Transaction Window

(c) Warrants:The Warrants Team is responsible for maintaining and filing all arrest warrants received by the Sheriff. Team members also enter warrants into the National Crime Information Center (NCIC) and Colorado Crime Information Center (CCIC) databases. Additionally, Warrants Team members coordinate all in-state transports and out-of-state extraditions.

(d) Bookkeeping: The Bookkeeping Team is responsible for overseeing the Inmate Fund, to include all deposits and/or payments made to the fund. Team members also record all fees collected from the Inmate Work Release Program

2. Offender Programs Section is composed of civilian and sworn personnel who are responsible for the coordination of inmate

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

alternative sentencing programs. Additional duties of this section include; distribution of all necessary documents, classification of inmates, management of inmate funds and property, conducting detention investigations, and conducting inmate hearings, and the Accreditation Unit

(a) Inmate Classification: The Classification Team is responsible for the classification and proper placement of all inmates who are in the custody of the Sheriff. This team will document disciplinary action as well as receive and process all inmate grievances. Team members will ensure all inmate rights and privileges are provided to the inmate population. This team is also the custodian of detention bureau records

(b) Inmate Programs: The Programs Manager is responsible for developing, coordinating, and scheduling all inmate programs. Team members will supervise, train, and schedule all volunteers and personnel associated with inmate programs. Programs include: inmate recreation, law library, inmate grievance/complaints, disciplinary program, as well as inmate mail and religious services. Program Team personnel will ensure the inmate law library is constitutionally adequate for inmate usage. Assigned personnel also provide U.S. Mail and Inter-Office mail service for the El Paso County Sheriff’s Office and inmate population

(c) Gateways through the Rockies and the Reintegration and Recovery Unit: This unit is committed to providing carefully selected, non-violent inmates with a rigorous and comprehensive program of education, counseling, work experience, social skills, training, and post-release support. The Sheriff’s Office goal is to return inmates to society as productive members of the community

(d) Detention Investigation Team: The investigation team is utilized to conduct criminal investigations of crimes which occur within the detention facility. Investigators will conduct in-depth investigations; photograph crime scenes, conduct follow-up, and develop intelligence information.

(e) Accreditation Unit: The Accreditation Unit is composed of the ACA Accreditation Team, SOP Management and Facility Inspection. This section consists of sworn and civilian personnel who review the proofs of compliance documentation

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

for detention and law enforcement standards and ensure the Sheriff's Office is in compliance

(f) Special Response Team (S.R.T.): The Special Response Team (S.R.T.) will be utilized to quell inmate disturbances in the detention facilities. The S.R.T. may also be used for high-risk trials, riot control, transport of prisoners, civil disturbances, and other special operations as directed by the Detention Bureau Chief. The activities of the S.R.T. are the responsibilities of the Detention Operations Division Commander.

3. Court Services Section: Personnel assigned to the Court Services Section have the responsibility of transporting inmates between the detention facility and the courts, prevent escapes, and protect the public and courtroom staff. Additional duties require sworn personnel to arrest individuals with active warrants at the courthouse or upon judges' direction, transport inmates to prison and other detention facilities, and execute writs received from other agencies throughout the state. Within the Court & Transport Section are two units:

(a) Court Unit: Sworn personnel provide inmate security within the courtrooms. Sworn personnel will respond to courtroom emergencies and incidents occurring within the holding cells.

(b) Transport Unit: Sworn personnel transport inmates between detention facilities, courts, hospitals, funerals, correctional facilities, and law enforcement agencies.

6. Law Enforcement Bureau: The Law Enforcement Bureau is an operational bureau responsible for providing law enforcement functions. It has the responsibility to enforce the law, protect life and property, maintain peace and order within El Paso County, and coordinate emergency planning and response in El Paso County. The bureau consists of the Patrol Division, the Investigations Division, and the Special Operations Division.

(a) Patrol Division: The Patrol Division is responsible for basic law enforcement operations. It consists of five shifts. Sworn personnel assigned to the Patrol Division have the responsibility to enforce Colorado state law, El Paso County resolutions, protect life and property, and maintain peace and order within El Paso County. Sworn personnel assigned to the Patrol Division are responsible for providing basic law enforcement functions for the Sheriff's Office. Patrol deputies maintain peace and order, patrol sectors within El Paso County, answer calls for

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

service, enforce traffic laws and conduct initial and follow-up investigation of criminal offenses.

1. Patrol Unit: The Patrol Unit is comprised of members/teams, which work in five shifts performing basic law enforcement functions 24 hours a day seven days a week

2. Court Liaison/TRS: Civilian personnel assigned to this position are responsible for receiving, processing, and tracking all subpoenas and court notices for Sheriff's Office employees. Additional duties include initiating offense reports over the telephone when the reporting party has no suspect information or the incident does not require follow-up. The TRS Technician is responsible for the tracking and release of motor vehicles which have been impounded.

(b) Investigations Division: The Investigations Division consists of Investigations, Metro Vice, Narcotics and Intelligence (VNI), and Colorado Information Analysis Center. The Investigations Division is responsible for investigating all major crimes referred from the Patrol Division or reported directly to the division. Personnel from the Investigations Division will provide investigative support to other Sheriff's Office divisions as necessary.

1. Criminal Investigations Section: This section is responsible for investigating all crimes assigned or referred to this section.

(a) The Major Crimes Unit:

(a) Major Crimes Detectives: The Major Crimes Unit is responsible for investigating kidnappings, deaths, and crimes resulting in serious bodily injury.

(b) Metro Crime Lab Unit: The Metro Crime Lab is responsible for providing forensic services to the El Paso County Sheriff's Office, Colorado Springs Police Department, and the District Attorney's Office (4th Judicial District). This is a multi-agency metro unit and the day-to-day operations are managed by the Colorado Springs Police Department. Sheriff's Office (EPSO) members assigned to the Metro Crime Lab Unit administratively report to the Investigation Division, Major Crimes Sergeant.

(c) Computer Crimes: These detectives are responsible for assisting in the seizure, collection, preservation,

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

retrieval, and analysis of computer/electronic evidence. The Detectives report to the Major Crimes Sergeant.

(d) Evidence Unit: The Evidence Unit is responsible for processing, storing, and retrieving, for court purposes, all evidence taken into custody by members of the Office. It is also responsible for the storage, safekeeping, and ultimate release or disposal of all property seized by the Sheriff's Office.

(b) Financial and General investigations Unit:

(a) General Crimes Detectives are responsible for investigating burglaries, auto theft, thefts, and assaults (which do not result in serious bodily injury)

(b) Financial Crimes Detectives are responsible for investigating all financial related crimes. This includes check fraud, forgery, unauthorized use of a financial transaction device, criminal impersonation, and other identity theft related crimes.

(c) Special Victims Unit:

(a) The Special Victims Unit (SVU) is responsible for investigating sexual assaults, sexual assault on children and pornography, child abuse and crimes against at risk adult.

(b) Sex Offender Registration Unit: This unit is responsible for the registration, tracking, and compliance of court-ordered sex offenders. It consists of one full time and one part time employee. It may be augmented an SVU detective, as directed by the SVU sergeant, to whom it is subordinate

(d) Victim's Assistance Unit: The Victim's Assistance Unit is responsible for rendering assistance and providing referrals to victims of crime.

(e) Crime Analyst: The Crime Analyst is responsible for compiling and distributing crime trends and statistics, gang information, and for dissemination of the Sheriff's Office weekly crime bulletin

2. Metro Vice Narcotics and Intelligence (VNI) Section: This is a multi-agency metro unit and the day-to-day operations are managed by the Colorado Springs Police Department, through Sheriff's Office

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

and CSPD lieutenants. The unit is further divided into street teams comprised of sergeants, detectives, and a civilian Property Asset Manager. Its purpose is the investigation of all narcotics and associated crimes. The teams are supervised by VNI sergeants.

(a) Narcotics Unit: The Narcotics Unit is comprised of members of this Office and other local jurisdictions for the purpose of investigating all narcotics violations and associated crimes and is supervised by a sergeant from Metro VNI.

(b) Liquor Enforcement Unit: (Not shown on chart) The Liquor Enforcement Unit is comprised of members of this Office and other local jurisdictions for the purposes of gathering intelligence on illegal gambling, liquor violations, firearms, gangs, threats, and high-risk persons for the purposes of aiding law enforcement agencies in forecasting crime.

(c) Alcohol, Tobacco, and Firearms liaison (ATF): A deputy is assigned to ATF and is responsible for “Project Exile” criminal cases and will assist ATF personnel in investigating all crimes within El Paso County which violate federal alcohol, tobacco, and firearms laws.

(d) Federal Bureau of Investigations Safe Streets Task Force (Not shown on chart): One Sheriff’s Office Detective (Task Force Officer) is assigned to this federally run Task Force. The Safe Streets Violent Crime Initiative, designed to address violent street gangs and drug-related violence through the establishment of FBI sponsored, long-term, proactive task forces focusing on violent gangs, crime of violence, and the apprehension of violent fugitives.

(e) Federal Bureau of Investigation Joint Terrorism Task Force (Not shown on chart): One detective (Task Force Officer) is assigned to this federally run task force.

3. Colorado Information Analysis Center (CIAC): CIAC is actually a component of the State of Colorado’s Department of Public Safety. It provides a central point in Colorado for the collection, analysis, and timely dissemination of all-hazards information as well as the sharing of best practices. It focuses on preventing acts of terrorism, taking all-crimes, all-hazard approach. CIAC is a centralized resource that gathers, analyzes and disseminates all-hazards information to private sector, local, state, tribal, and federal stakeholders throughout Colorado and the United States.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

The Sheriff's Office has a representative directly assisting with operations at the CIAC center and acting as a liaison between CIAC and the South West Region of Colorado.

(c) The Special Operations Division: The Special Operations Division is responsible for providing direct interaction between the Sheriff's Office and the citizens of our community enhancing a partnership that ultimately expands the capability of the Sheriff's Office crime prevention efforts. In addition, the Special Operations Division is responsible for the specialized units designed to protect and enhance the quality of life of the citizens of El Paso County. Each section reports directly to the Special Operations Division Commander.

1. Special Operations Section: This section is comprised of specialized units designed to respond to highly volatile situations which requires the shortest possible response time to address the situation and restore peace and order. This section reports directly to the Special Operations Lieutenant.

(a) Crime Reduction Unit (CRU): CRU is intended to enhance law enforcement capabilities by providing specialized or directed patrol assignments, surveillance, fugitive apprehension, and conducting other special law enforcement functions as necessary

(b) Traffic Unit: The Traffic Unit is responsible for enforcing state statutes pertaining to traffic, as well as, enforcing the Model Traffic Code in the unincorporated areas of El Paso County. Additionally, they are responsible for public education and traffic control as needed

(c) Canine Unit (K-9): The Canine Unit is utilized to provide logistical support to the Law Enforcement and Detention Bureaus. Canine teams will respond to situations including: apprehending criminal suspects, detecting narcotics, conducting building searches, tracking, protecting citizens and deputies, conducting article searches, and performing any other function deemed necessary

(d) Explosives Ordnance Disposal Unit (EOD): The Explosive Ordnance Disposal Unit consists of FBI certified hazardous devices technicians and para-technicians. All members of the EOD Unit work as part of the Regional Explosives Unit which is a partnership with the Colorado Springs Police Department. All members have received specialized training in the proper

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

responses to, handling, or disposal of explosives or live military ordinance.

(e) Special Weapons and Tactics (SWAT): The SWAT Team will be used in situations requiring special tactics or weaponry. The SWAT Team is used in situations such as hostage situations, barricaded persons, and situations involving armed resistance, riots, high-risk warrant service, high-risk search warrant execution, and other specialized operations.

(f) Crisis Negotiation Unit (CNU): The CNU is comprised of highly trained negotiators that work jointly with the SWAT Team. The CNU's primary mission is to bring about peaceful resolution to incidents where someone is threatening harm to themselves or others.

2. Support Services Section: This section reports directly to the Support Services Section Lieutenant. The Support Services Section is responsible for volunteers designed to augment and support the field operations in a variety of ways. In addition, the Support Services Section supports and enhances safety in schools by providing School Resource Officers. Furthermore, the Rural Enforcement and Outreach Unit (REO) is housed within this section. REO provides law enforcement services to communities in eastern El Paso County through philosophies consistent with Community Oriented Policing. The Mounted unit is an additional unit which is a community oriented and problem solving unit that brings special capabilities of equine partners when needed.

(a) School Resource Officer (S.R.O.): Deputies assigned to this unit provide law enforcement related services to high school and middle school students throughout El Paso County. School Resource Officers provide a wide range of services to the schools. These services include, but are not limited to: counseling and mentoring students, teaching classes related to law enforcement, acting as a liaison between law enforcement and the school, coordinating programs and activities to support the schools, requesting and administering grants related to school activities, and taking enforcement action for incidents occurring at school. The School Resource Officer program seeks to reduce juvenile crime and foster positive relationships with students and school officials by providing these services to area schools.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Rural Enforcement and Outreach Unit (REO): The Rural Enforcement and Outreach works with School Resource Deputies, assists with Patrol calls-for-service and conducts investigations when Patrol would not typically have the time to commit. REO engages community members as well as regional law enforcement partners, to address a variety of community concerns in eastern El Paso County. They are visible in a variety of community outreach functions which helps garner information about area concerns and allows for efficient information flow between the Sheriff's Office and the community.

(c) Mounted Unit: The Mounted Unit is used to provide law enforcement equestrian support in high crime areas, crowd control, search and rescue missions, searches for evidence and fugitives over expanded terrain, trails and mountainous areas. This unit actively participates in community activities such as the Farm Watch Program, parades, and special events

(d) Sheriff's Citizen Patrol (SCP): The Citizen's Patrol provides non law enforcement services to the community. These services include patrolling and acting as extra eyes and ears in the field, vacation checks, alarm response, minor nuisance calls, and tagging and impounding vehicles that are abandoned or are creating a hazard. The services the Sheriff's Citizen Patrol volunteers provide allows full time sworn deputies additional time to proactively patrol and respond to priority calls for service.

(e) Chaplain Corps: The Chaplain Corps is a group of volunteer chaplain's which provide spiritual guidance to members of the Sheriff's Office as well as Citizens of El Paso County.

(f) Cadet/Explorer: The purpose of the cadet/explorer program is to introduce young adults from the ages of 15 to 21, (or 14 years old and currently in the ninth grade) to the careers of law enforcement and detention. While a member of the program, cadets will be taught the various aspects of both law enforcement and detention and how to deal with different responsibilities in order to prepare them for a career in these fields. The cadet/explorer will be allowed to observe and assist law enforcement and detention deputies with some duties in order to provide them with practical

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

work experience. The knowledge and experience each cadet/ explorer receives will allow the young adults to determine if a career in law enforcement and/or detention is a goal they wish to pursue. Members of this program are civilian volunteers and are supervised by the Support Services Section.

3. Reserve Section: The Reserve Section is comprised of civilian volunteers who perform the duties of a deputy sheriff. The reserve deputy can provide logistical support for the Law Enforcement Bureau and the Detention Bureau. A reserve deputy is authorized to be on duty and acting at the express direction or under the direct supervision of a P.O.S.T. certified peace officer, pursuant to section 16-2.5-103, 16-2.5-105, and 16-2.5-108. A reserve deputy is a peace officer while engaged in the performance of his/her duties whose authority shall be limited to the authority granted by his/her authorizing agency. A reserve deputy shall obtain reserve certification by the P.O.S.T. board as a reserve officer or may be a fully P.O.S.T. certified peace officer.

7. Administrative & Support Services Bureau: The Administrative & Support Services Bureau is responsible for providing logistical, communication, specialized law enforcement and emergency services for the office. This bureau is comprised of the Administrative Services Division, Support Operations Division and the Emergency Services Divisions.

(a) Support Operations Division: The Support Operations Division is responsible for providing support to the Office relating to communication, technology, and radio systems. The Support Operations Division is comprised of the Radio Systems Section, Communications Section, Information Technologies Section, and Web & Media Services Section.

1. Radio Services Section: The Radio Services Section Manager is responsible for the overall service of the office radio systems utilized by members assigned to all bureaus of the office to include hand held radios, base stations, repeater sights and all computer hardware and software related to radio operations.

2. Communications Section: The Communications Section provides the link between the public and police, fire or medical assistance, answering all emergency and non-emergency requests from citizens of the unincorporated portions of El Paso County. They dispatch the appropriate agencies, providing pre-arrival instructions on medical calls, while performing data entry and retrieval on multiple law enforcement computer systems.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Dispatch/911 Unit: The Dispatch/911 Unit answers emergent and non-emergent calls from citizens and dispatches police, fire, search and rescue, and medical units in an enhanced 911 environment

(b) Administrative Unit: The Administrative Unit trains new personnel on the National Crime Information Center/Colorado Crime Information Center (NCIC/CCIC), and coordinates street addressing for the county MSAG (Master Street Addressing Guide).

3. Information Technology Support Section: The Information Technology Services Section is responsible for the overall coordination of the Sheriff's Office computer system to include timely replacement of aging hardware, repair and maintenance of existing hardware and overall support for technological systems. This section is also responsible for compiling and maintaining records and reports generated by Office.

4. Web Services and Media Relations Section: The Media Relations Manager/Public Information Officer is responsible for the professional, creative, and technical work involved in the dissemination of information regarding the Sheriff's Office, both externally and internally. This section is also responsible for the entry, storage and records retention of all law enforcement related reports as well as processes and maintains all El Paso County Concealed Handgun Applications and Permits.

(a) The Media Services Unit: is responsible for the development of various publications using multiple technologies for distribution on the web and in print. They update the internal and external websites promptly and efficiently. They film, edit, and produce videos for distribution within the Office, as well as for public viewing. The Media Services Unit also photographs and videos Office functions for various mediums of publication. They assist in gathering data, editing articles and composing designs for various publications to include quarterly reports, annual reports, and other publications.

(b) The Records Unit: The Records Unit is responsible for typing all reports, maintaining case report files, maintaining card files as required, processing correspondence, maintaining statistical data records as required, and collecting and recording data required for National Incident Based Reporting

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

System. The Records Unit provides assistance and support to deputies, the court system, and to the public by accurately entering data into the Records Management System from Field Interview Reports, traffic tickets, case reports, and other types of correspondence which are vital for tracking purposes.

(c) The Concealed Handgun Permit Unit: The CHP Unit is responsible for the processing and issuing of all Concealed Handgun Permits in El Paso County in accordance with Colorado Revised Statutes. They also process all CHP renewals and have the added responsibility of the Extra Duty Program.

(b) Administrative Services Division: The Administrative Services Division is responsible for providing direct interaction between the Sheriff's Office and the citizens of our community enhancing a partnership that ultimately expands the capability of the Sheriff's Office crime prevention efforts.

1. Community Impact Section: The Community Impact Section is responsible for the following operational units.

(a) Civil Unit: The Civil Unit is responsible for the service of all papers involving civil process. It is responsible for the execution of court orders involving civil process, safekeeping of all fees collected for civil service, and arranging and conducting Sheriff's sales.

(b) Community Relations / Outreach: Community Relations and Outreach was designed to cultivate positive relationships/ trust with all sectors of the community and other agencies, developing programs on the military bases, host community problem solving "town hall" type meetings, present safety training to organizations, neighborhood groups, churches, schools and businesses, develop regular C.O.P. updates and training throughout the Office, expand crime prevention programs, particularly in areas where Neighborhood Watch does not yet exist, work with other units/sections to encourage individual community partnerships, pro-actively seek and engage in community/law enforcement collaboratives, and work to improve the overall reputation of the Sheriff's Office within the community and other law enforcement entities.

(c) Crime Prevention: The Crime Prevention Coordinator is responsible for organizing neighborhood watch and business watch groups, providing crime prevention and

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

safety information, and preparing periodic crime prevention newsletters/bulletins.

(d) Honor Guard: When activated the Honor Guard is comprised of sworn members of the Office dedicated to providing professional presentations at special events.

2. The Fiscal and Compliance Services Section consist of the Section Administrator, The Finance Unit, the Judicial Liaison, the Contract Compliance Analyst, and the Fleet Services Unit.

(a) Finance Unit: The Finance Unit is responsible for processing all purchase requests, receiving invoices, issuing vouchers for payment on invoices, and the general supervision of all Sheriff's Office budgets. The Finance Unit is responsible for the preparation and submission of a budget which provides the necessary resources for the Office operations and programming. The Finance Unit is also responsible for the preparation and distribution of financial reports which include, at a minimum, income and expenditure statements, revenue reports, and any other reports as requested.

(b) Judicial Liaison: The Judicial Liaison is responsible for developing and maintaining effective interagency relationships between the Sheriff's Office, Problem Solving Courts, the 4th Judicial District Attorney's Office, Public Defender, the Judiciary, the Board of County Commissioners and the public. The liaison provides information and statistical data regarding success rates of projects, ongoing analysis of Sheriff's Office business operations for efficacy and efficiency and acts in collaboration with other stakeholders to insure the resolution of issues and the public safety.

(c) The Financial & Contract Compliance Analyst: The Analyst is responsible for the oversight of Sheriff's Office Contracts. The Analyst conducts financial, statistical and analytical studies related to the contracts: prepares financial reports, statements, monitors, and disseminates statistical reports designed to ensure full compliance of all contractual terms including conducting audits. The Analyst also oversees the Capital Asset program, including updates and audits.

(d) Fleet Services Section: The Fleet Services Section is responsible for the acquisition, maintenance, assignment,

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

and disposal of vehicles for which the Sheriff's Office has responsibility

3. Training Section: The Training Section is responsible for coordinating and scheduling all training within the Sheriff's Office to include recruit training academies. All training conducted outside the Sheriff's Office is coordinated through the Training Unit. This unit maintains all training and equipment issue records

4. Personnel Services Section: The Personnel Services section is responsible for actively recruiting the best personnel to fill open positions within our organization. In addition this section is responsible for the entry, storage and records retention of all law enforcement related reports.

   (a) Recruiting Sergeant: The recruiting sergeant is responsible for all recruiting activities undertaken by the Office.

   (b) Background Investigator: The background investigator's responsibility is to conduct and coordinate pre-employment background investigations with the Personnel Unit.

   (c) Volunteer Coordinator: The Volunteer Coordinator is responsible for recruiting, processing, and coordinating the assignment of volunteers within the Sheriff's Office. The Volunteer Coordinator insures all volunteers have cleared background checks and polygraphs, if necessary, for the assignment.

   (d) *Human Resources: This service is now maintained by the El Paso County Human Resources Section.

(c) Emergency Services Division: The Emergency Services Division is responsible for the challenges in the Sheriff's Office as it relates to strategic planning, tactical operations, homeland security issues, wildfire mitigation and response, planning, and to support interagency collaboration and cooperation for specific programs that impact the community. The Emergency Services Division is comprised of the Wildland Fire Team, Hazardous Materials, Search and Rescue Team, and Fire Investigation. The Division also acts as a liaison to the local Office of Emergency Management, Emergency Operation Centers, area fire departments and military installations as it relates to all risk responses and planning as needed.

1. Emergency Services Division:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Fire Investigations: The Fire Investigations Section is responsible for those functions necessary to support local Fire Protection Districts in the investigation of the cause, origin, and circumstances of fires within El Paso County.

(b) Hazardous Material: Members of the Hazardous Materials Team support and assist other governmental agencies when requested thru the El Paso County Office of Emergency Management Hazardous Materials Response Coordinators. Deputies serving on the Hazardous Materials Team do so as an ancillary duty.

(c) Search and Rescue: The Search and Rescue Team, comprised primarily of dedicated volunteers, is responsible for providing a ready resource to carry out search, rescue, and recovery operations in mountain terrain, under climatic conditions and in any other situations compatible with capabilities of the team.

(d) Wild Fire Suppression: The Wildfire Suppression/Prevention team coordinates and directs the functions required of the Sheriff under C.R.S. 30-10-513, as well as other applicable state statutes and regulations regarding wildland fires and fire investigations. Additionally, this unit provides the liaison between the Sheriff's Office and the various fire departments within El Paso County, other counties, State, and Federal agencies in fire related matters.

E. Specialized Assignments: A full time assignment which is characterized by increased levels of responsibility and specialized training.

1. Specialized assignments identified.

(a) Accreditation Manager

(b) Canine Unit

(c) Crime Reduction Unit

(d) Intake and Release

(e) Mounted Unit

(f) Professional Standards

(g) Range Master

(h) Reintegration and Recovery Thinking 4 Change Certified

(i) School Resource Officers

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(j) Traffic Unit

(k) Training Specialist

(l) And others at the discretion of the Sheriff

F. Each specialized assignment will be reviewed on an annual basis. This review will be made using the initial evaluation of the problem or condition which required the implementation of the specialized assignment and comparing information to the statement of purpose for each assignment.

200.4 ORGANIZATIONAL CHART

The Sheriff or the authorized designee is responsible for developing and updating, at least annually, a chart showing the organizational components and functions. The chart may be attached to this Policy Manual for distribution.

200.5 COMMAND PROTOCOL

200.5.1 SUCCESSION OF COMMAND

The Sheriff exercises command over all personnel in the Office. During planned absences the Sheriff will designate the Undersheriff to act in the place of the Sheriff.

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

(a) Undersheriff

(b) Bureau Chief

(c) Division Commander

(d) Lieutenant

200.5.2 UNITY OF COMMAND

The principles of unity of command ensure efficient supervision and control within the Office. Generally, each employee 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, SWAT), any supervisor may temporarily direct any subordinate if an operational necessity exists.

200.5.3 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

200.5.4 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.

200.6 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Rank Structure and Responsibility

201.1 POLICY

It is the policy of the Sheriff's Office to provide all members with the clarity required to understand the duties and responsibilities of each rank identified in the ranking structure of the organization.

201.2 PROCEDURE AND SCOPE

To provide members with guidance for the duties and general responsibilities of each rank.

201.3 DEFINITIONS

CIVILIAN PERSONNEL: Employees who do not possess a Deputy Sheriff's Commission.

MEMBER: A sworn employee, a civilian employee, or a volunteer (e.g. Cadet, Reserve) of the Sheriff's Office.

SWORN PERSONNEL: Employees who possess a Deputy Sheriff's Commission issued by the Sheriff.

201.4 PROCEDURE

A. DEPUTY SHERIFFS GENERALLY

1. Deputy Sheriffs are always subject to orders from a supervisory deputy, calls for service from private citizens, and will comply to rules and regulations stipulated in this policy and procedure manual.
2. Deputy Sheriffs will obtain the assistance of supervisory deputies in the interpretation of any action, which is not clearly understood.
3. Deputy Sheriffs are required to know and abide by Sheriff's Office rules, regulations, special orders, the Law Enforcement Code of Ethics, the Police Code of Conduct, and the provisions of the applicable standard operations manuals. Deputy Sheriffs will study and have considerable knowledge of all state and federal laws which they may be required to enforce.
4. Deputy Sheriffs will abide by and enforce the laws of the Constitution of the United States of America as well as the State of Colorado.. They will preserve the peace, protect life, and property, prevent crime, apprehend criminals, recover lost or stolen property, and enforce all laws in a fair and impartial manner.
5. Deputy Sheriffs will report all crimes, suicides, attempted crimes, and important happenings or other information of concern to the Office that may come to their attention. They shall not repress, conceal, or distort the facts of any incident or information that comes to their attention.
6. Deputy Sheriffs will use office equipment and supplies for official use only in the manner for which it was designed or intended.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

B. OFFICE OF THE SHERIFF:

1. The Sheriff is the highest-ranking member of the Sheriff's Office. As an elected official, he/she is responsible to the community.

2. The Sheriff's responsibilities are to maintain peace and order in El Paso County, provide general law enforcement services to unincorporated areas of the County, operate all jails within the county, serve criminal warrants and civil process throughout the entire county as directed by the District and County Courts, coordinate search and rescue efforts, suppress prairie and forest fires in El Paso County and perform other duties as directed by Colorado State Statutes and the Courts

C. THE UNDERSHERIFF:

1. The Undersheriff is the second highest-ranking official in the Sheriff's Office and performs duties as required by state statute and other duties as directed by the Sheriff. He/She will assume the responsibilities of the Sheriff in his/her absence.

2. The Undersheriff is responsible for the overall internal operation of the Office and for the development and implementation of policy and procedures affecting the bureaus and divisions within the Sheriff's Office.

3. The Undersheriff directly supervises the three bureau chiefs within the Office

D. BUREAU CHIEFS:

1. The Sheriff appoints bureau chiefs.

2. The qualification for a bureau chief position shall include, at a minimum, a bachelor's degree and/or five years of experience and training at a supervisory level.

3. Bureau chiefs will manage each respective bureau. Bureau chiefs will conduct necessary inspections and audits of their respective bureau to ensure compliance with applicable laws, policies, procedures, and directives.

4. Bureau chiefs are responsible for formulating annual goals for their respective bureaus and translating them into more specific objectives, which are prioritized for accomplishment by the staff.

5. Bureau chiefs will participate in budget deliberations and present justification to support the budget request.

6. Bureau chiefs will review space and equipment requirements at least annually and report deficiencies and plans for the effective use of space and equipment to the Undersheriff.

7. Bureau chiefs will provide an annual assessment of positions presently assigned to their respective bureau and future personnel needs required for performing the bureau's objectives to the Undersheriff.

8. Bureau chiefs will provide a review of their operations to assess their compliance with policies and procedures.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

9. Bureau chiefs will ensure all divisions and units under their command operate in an efficient manner

E. DIVISION COMMANDERS

1. The Sheriff appoints Division Commanders.
2. Division commanders are responsible to support the division to which they are assigned and are responsible for the efficient function and operation of the sections and units under them.
3. Division commanders will develop and implement policy and procedure as necessary to accomplish their assigned functions.
4. Division commanders will enforce and carry out policies established at higher levels of command.
5. Division commanders will organize their division for efficient operation of all activities.
6. Division commanders will critically observe procedures affecting the operation of their division and recommend changes designed to increase their effectiveness.
7. Division commanders will evaluate the level of services provided by the division and strive to continually improve the quality of the service.
8. Division commanders will evaluate their personnel on a continuing basis. They will train, counsel, and discipline their personnel as required. Division commanders will concern themselves at all times with the care and welfare of their assigned personnel.
9. Division commanders will be responsible for the process of preparation and execution of the strategic plan, annual budget, and monthly/quarterly/annual reports for their division, and the deployment of assets and resources to ensure the completion of the Sheriff’s Office mission

F. COMMAND AND STAFF PERSONNEL:

1. All personnel in the rank of lieutenant or above are designated as command personnel and staff deputies. They are responsible for their assigned personnel, division, and sections, on a 24 hour basis and shall be available and responsive by cell phone, text, email or any other form of communication after business hours unless otherwise approved by the Undersheriff or Sheriff
2. Command personnel have direct supervision and control of all sworn and civilian personnel assigned to their command. They are responsible for the efficiency and effectiveness of their command and shall coordinate the functions and activities of the various sections within their command. They shall promote harmony among the members of their command and are responsible for the cooperation of their command with all other sections, units, and divisions within the Office
3. Command personnel will, without specific instruction, establish the required duty assignments and functions necessary to carry out their assigned responsibilities

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

4. All command personnel will, when notified either on or off duty, respond to any emergency or incident of a serious or unusual nature, which arises within the scope of their responsibilities

5. All command personnel are responsible for the efficiency, discipline, and morale of all personnel assigned to their command. They shall investigate, or cause to be investigated all complaints by citizens, reports of misconduct, incompetence, neglect of duty, or any violation of rules and regulations, by any personnel of the Sheriff's Office. They shall report any incompetent employee to the appropriate supervisor

6. Command personnel will frequently conduct general inspections of all personnel and equipment. They are responsible for the good order and condition of their assigned work areas, and will insure they are maintained and presentable in appearance at all times

7. In addition to command responsibilities, command or staff personnel may be designated to such duties as policy formulation, procedure development, special staff studies, advise the Sheriff's staff on a particular area, prepare specialty reports as directed, represent the Sheriff as directed on boards, meetings, or other special events and perform any other staff functions as directed by the Sheriff or Undersheriff.

G. SUPERVISORY PERSONNEL:

1. Supervisory personnel are those individuals designated as unit supervisors, section supervisors, or personnel in the rank of sergeant or above.

2. Supervisory personnel must accept responsibility in matters of procedure.

3. Supervisory personnel are responsible for their own conduct and the conduct of their subordinates.

4. They shall set a high standard with regard to the three (3) characteristics of this Office: Honesty, Loyalty and Unity; as well as leadership.

5. They shall be neatly attired at all times, clean in person and equipment, setting the example for subordinates to follow.

6. Supervisory personnel are responsible for the proper communication, execution and compliance of orders given to their subordinates.

7. Supervisory personnel will ensure that orders or other information is disseminated in an accurate and timely matter and ensure the information is clearly understood.

8. Supervisory personnel will report any incidents or observations of willful neglect of duty or misconduct by a member of the Sheriff's Office not assigned to their command. In the event that conduct presents an immediate threat to the welfare of the community or the reputation of the Office, they will take immediate and direct corrective action.

9. Supervisory personnel will concern themselves with the morale and welfare of their subordinates at all times.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

10. They shall train, counsel, advise, and discipline subordinates as needed.

H. CIVILIAN PERSONNEL:

1. Civilian personnel will be knowledgeable in all aspects of their assigned duties and maintain adequate levels of proficiency to perform their assigned tasks. Civilian personnel members will perform their duties with firmness and determination.
2. Civilian personnel will not release any official office information to persons not authorized to receive the information. Civilian personnel will use County owned equipment for official use only.
3. Civilian personnel will treat all citizens and co-workers with appropriate courtesy and render respect due to the individual's rank and position.
4. Civilian personnel in command positions are responsible for compliance with duties and responsibilities set forth for supervisory personnel.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Interim Directive and Special Orders

202.1 PURPOSE AND SCOPE

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

202.1.1 INTERIM DIRECTIVE PROTOCOL

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

Any Interim Directives 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 Interim Directive for the year 2011.

202.1.2 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.

202.2 RESPONSIBILITIES

202.2.1 STAFF

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

202.2.2 SHERIFF

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

202.3 ACCEPTANCE OF INTERIM DIRECTIVE

All employees are required to read and obtain any necessary clarification of all Interim Directives.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Administrative Communications

203.1 PURPOSE AND SCOPE

Administrative communications of this Office are governed by the following policies.

203.2 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.

203.3 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 employee to employee, supervisor to employee or any combination of employees.

203.4 SURVEYS

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

203.5 OTHER COMMUNICATIONS

Interim Directives and other communications necessary to ensure the effective operation of the Office shall be issued by the Sheriff or the authorized designee.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Supervision Staffing Levels

204.1 PURPOSE AND SCOPE

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

204.2 MINIMUM STAFFING LEVELS

Minimum staffing levels should result in scheduling at least two regular supervisors on-duty whenever possible. Lieutenants will ensure that at least one field supervisor is deployed during each shift, in addition to the Lieutenant.

204.2.1 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Travel Expense

205.1 PURPOSE

To provide guidance for the issues relating to travel and reimbursement of travel expenses.

DEFINITIONS:

ACTUAL EXPENSE REIMBURSEMENT: Reimbursement for the actual amount of reasonable travel related expenses. This reimbursement method can not be combined with the per diem method. Records indicating dollar amount, time, location, and purpose of expenditure are required and must be substantiated with receipts or written certification. Reimbursement for individual meals and incidental expenses may not exceed the established per diem rates. Reimbursement for alcoholic beverages is not authorized.

COMPENSABLE TRAVEL TIME: The time used to travel to and from an event outside of El Paso County is compensable. When traveling to or from a multi-day event outside of El Paso County, the time used to travel from the employee's place of residence to the destination lodging and from the destination lodging to the employee's place of residence is compensable.

COMMUTING DISTANCE: Any travel to counties immediately adjacent to El Paso County, i.e., Douglas, Elbert, Lincoln, Pueblo, Fremont and/or Teller will be considered commuting distance.

INCIDENTAL EXPENSES: Expenses for tips, food service charges, luggage handling fees in excess of one piece of luggage, etc. These expenses are part of the per diem reimbursement.

MISCELLANEOUS EXPENSES: All travel related expenses that are not considered part of a per diem reimbursement. These expenses include luggage fees for initial piece of luggage, tolls, cab fares, fuel, telephone charges, business center expenses, laundry, or other duty related expenses. Miscellaneous expenses require substantiation with itemized receipts or written certification.

PER DIEM: The daily monetary allowance for member meals and/or incidental out-of-pocket expenses while conducting duty related functions. The per diem rate is a set dollar amount dependent upon the location and time frame of the travel and does not require substantiation receipts. Per diem is only authorized for overnight travel outside of commuting distance and is based on the "sleep or rest" location on each day of travel.

205.2 POLICY

In the course of performing duties for the Office, certain travel expenses will be necessary. It shall be the policy of the Sheriff's Office to establish guidelines for such travel and expenses.

Refer to SOP 207 regarding Travel Expense Procedures

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Travel Expenses

206.1 PURPOSE

To provide guidance for the issues relating to travel and reimbursement of travel expenses.

206.2 DEFINITIONS

ACTUAL EXPENSE REIMBURSEMENT: Reimbursement for the actual amount of reasonable travel related expenses. This reimbursement method can not be combined with the per diem method. Records indicating dollar amount, time, location, and purpose of expenditure are required and must be substantiated with receipts or written certification. Reimbursement for individual meals and incidental expenses may not exceed the established per diem rates. Reimbursement for alcoholic beverages is not authorized.

COMPENSABLE TRAVEL TIME: The time used to travel to and from an event outside of El Paso County is compensable. When traveling to or from a multi-day event outside of El Paso County, the time used to travel from the employee's place of residence to the destination and from the destination to the employee's place of residence is compensable.

COMMUTING DISTANCE: Any travel to counties immediately adjacent to El Paso County, i.e., Douglas, Elbert, Lincoln, Pueblo, Fremont and/or Teller will be considered commuting distance.

INCIDENTAL EXPENSES: Expenses for tips, food service charges, luggage handling fees in excess of one piece of luggage, etc. These expenses are part of the per diem reimbursement.

MISCELLANEOUS EXPENSES: All travel related expenses that are not considered part of a per diem reimbursement. These expenses include luggage fees for initial piece of luggage, tolls, cab fares, fuel, telephone charges, business center expenses, laundry, or other duty related expenses. Miscellaneous expenses require substantiation with itemized receipts or written certification.

PER DIEM: The daily monetary allowance for member meals and/or incidental out-of-pocket expenses while conducting duty related functions. The per diem rate is a set dollar amount dependent upon the location and time frame of the travel and does not require substantiation receipts. Per diem is only authorized for overnight travel outside of commuting distance and is based on the "sleep or rest" location on each day of travel.

206.3 POLICY

In the course of performing duties for the Office, certain travel expenses will be necessary. It shall be the policy of the Sheriff's Office to establish guidelines for such travel and expenses.

206.4 PROCEDURE

The Sheriff's Office recognizes the requirement for its members to participate in duty related functions outside the immediate area. These may include training, extraditions, investigations, seminars, conferences, meetings, or other functions that will enhance or enable the quality

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

services provided to the citizens of El Paso County. Clearly established procedures for attendance at these events will ensure that all expenses are reasonable and economical.

206.5 APPROVAL

All requests for schools and travel will be submitted on a Sheriff's Office School/Travel. Request form to the member's supervisor for approval by the respective chain of command, to the Administrative Services Commander.

(a) Requests for schools or training at no cost to the Sheriff's Office must be submitted on a School/Travel Request Form and receive final approval by the member's respective chain of command. Approved forms must be submitted to the Training Section for training documentation purposes.

(b) Requests to conduct day trips in order to attend meetings or conduct Office related duties may receive final approval by the member's supervisor and do not require a School/Travel Request Form. Upon approval, all School/Travel Request Forms will be forwarded to the Finance Unit at least 45 days prior to the scheduled event, when possible for processing and notification.

206.6 LODGING

1. Lodging accommodations will be allowed, when authorized by the employee's Division Command when either of the following conditions are satisfied:

    (a) Travel is required outside of commuting distance for a period to exceed one day, or

    (b) In order to ensure the safety of the employee, when it is anticipated the duty day for a one day event, including travel time, substantially exceeds a normal duty day (12 hours or longer). Example: if a member attends a one day training event scheduled for eight hours, and the travel time to and from the event exceeds four hours, then the member is entitled to one night of lodging.

        (a) When traveling outside of commuting distance via commercial carrier, one day of lodging will be provided the day prior to the scheduled event.

        (b) One day of lodging will be provided the last day of the scheduled event, unless the event is scheduled to concluded prior to 12:00 PM and travel can be completed no later than 8:00 PM.

        (c) Lodging accommodations will be made at the hotel recommended by the host agency when possible.

            (a) If space is unavailable or the quoted rate is not reasonable, accommodations at an alternate location will be made.

            (b) Distance, travel time, and expense will be primary considerations when selecting alternate lodging sites.

            (c) The target rate for all lodging shall be at or below the IRS recommended rate for lodging in the area of travel or determined

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

based off the lodging rate corresponding to that conference/training or evaluated based off reasonability and economics.

(d) Members must obtain itemized receipts for lodging expenses. Expenses for room service, in room movies, convenience bar items, spa services, alcoholic beverages, etc. are not reimbursable expenses and should be settled separately from the lodging. These items may not be charged on travel cards.

(c) When two or more members are traveling to the same event, the following guidelines will be used to determine the sharing of rooms:

(a) No more than two members are required to share a single room with two beds.

(b) Only members of the same gender will share rooms.

(c) Command and staff personnel, or civilian equivalents, will not be required to share rooms.

206.7 PER DIEM

1. When overnight travel is required, members are entitled to a per diem allowance for meals and incidental expenses.

   (a) Per diem allowances for meals and incidental expenses do not require substantiation with receipts.

   (b) Miscellaneous expenses require itemized receipts for reimbursement, and are explained in this policy.

   (c) Members conducting extraditions or investigations requiring overnight travel will not be entitled to an advanced per diem allowance for meals and incidental expenses. In these cases, a travel card will be obtained from the Finance Unit to cover lodging, meals, and any incidental expenses. Members will be required to present substantiation with itemized receipts upon their return.

2. The rates of per diem allowance authorized are approved by the BoCC.

3. When traveling to numerous locations, the per diem rate will be calculated based on the lodging location for each day.

4. Per diem will be calculated at 100% for all days, to include travel days.

5. Due to processing requirements, advanced per diem requests must be submitted to the Finance Unit at least 45 days prior to travel to ensure the funds are available prior to departure.

206.8 RENTAL VEHICLE

(a) Rental vehicles will be authorized by the approving authority on the School/Travel Request Form.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Rental vehicles should only be authorized when transportation in and around the area of travel is required to conduct Sheriff's Office related business, or alternate means of transportation are not available.

(c) When authorized, rental vehicles will be shared between multiple travelers.

(d) Rental vehicles will be of a size and classification to meet the requirements of the traveling member(s).

(e) If a rental vehicle is authorized, the insurance offered by the rental company should be accepted.

Rental vehicles originating from the local area are not authorized unless county owned vehicles are unavailable or impractical for the purpose of the travel.

206.9 MEALS AND MISCELLANEOUS EXPENSES

1. When per diem is not authorized, meals may be reimbursed using the actual expense reimbursement method.

   (a) At the discretion of the employee's Division Commander, meals will only be reimbursed for business travel outside of commuting distance and shall not reimburse the cost of alcohol.

   (b) Requests for reimbursement must include dollar amount, time, and location of the meal expense. Reimbursement must be substantiated with itemized receipts or written certification.

   (c) Advance payment for individual meals is not authorized. Individual meals not covered by per diem will be reimbursed upon completion of travel and submission of expense statement.

   (d) This section does not apply to employee's assigned to specialized assignments conducting routine duties outside of El Paso County.

2. Members may be authorized to receive reimbursement for miscellaneous expenses regardless of per diem eligibility and distance of travel.

   (a) These expenses may include tolls, parking fees, reasonable luggage fees, cab fares, fuel, POV expenses, telephone charges, business center expenses, laundry, or other duty related expenses. Reasonable laundry expenses are only authorized for travel periods of five (5) days or longer.

   (b) Requests for reimbursement must include dollar amount, time, and location of the miscellaneous expense. Reimbursement must be substantiated with itemized receipts or written certification.

206.10 VACATION OR SCHEDULED TIME OFF IN CONJUNCTION WITH TRAVEL

1. Members may elect to take vacation time or scheduled days off in conjunction with official Sheriff's Office travel.

2. Members are responsible for any additional cost incurred as the result of extended travel.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Members will be personally responsible and shall not charge the additional costs to the Sheriff's Office Travel Card for any increase in air fare or rental vehicle expense as a result of their extended travel or that of the travel expenses related to a non-Sheriff's Office employee, spouse, significant other or the like that accompany the approved member during their travel duration.

(b) Members will be responsible for lodging accommodations in excess of the authorized lodging days and/or additional fees for additional occupants, should it apply. Only the number of days and occupant(s) authorized should be charged to the Sheriff's Office Travel Card. Additional days or occupants should be reconciled with personal funds.

206.11 EXPENSE STATEMENTS AND REQUEST FOR REIMBURSEMENT

1. SPECIFIC ASSIGNED TRAVEL CARD HOLDERS have 7 days from the close of the statement to submit and reconcile their expense statement and return all corresponding documents and receipts to the Budget and Finance Unit, unless granted an extension by the Sheriff or Undersheriff.

2. PURCHASE CARD (Temporary Use) CARD HOLDERS have 3 business days to return the P-Card that was temporarily issued to them for their travel and complete a Credit Card Expense Form which shall include corresponding documents and receipts to the Budget and Finance Unit, unless granted an extension by the Administrative Services Commander.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Strategic Planning and Iniatives

207.1 PURPOSE

To outline policy and procedures required of an organizational planning system, which supports both the El Paso County Sheriff's Office strategic planning and initiative process.

207.2 DEFINITIONS

EXTERNAL STRATEGIC PLAN: An annual plan, prepared in support of the County's Strategic Plan.

INTERNAL STRATEGIC PLAN: An annual plan, prepared in support of the Sheriff’s Office Strategic Plan contains measurable objectives for the current year and budget/planning year. The purpose is to support the budgeting process and provide work plans for various Office functions.

STRATEGIC PLANNING: A continuous and systematic process where people make decisions about intended future outcomes, how outcomes are to be accomplished, and how success is measured and evaluated. Strategic planning is a pathway to an ideal organization through continual improvement.

STRATEGIC INITIATIVES: Major projects, which may go longer than one (1) fiscal year. They are large or truly significant event and may be such things as major capital projects, technical system reconfigurations, major equipment replacement, or new processes or procedures which will require significant time, money and effort, and are considered critical to the Office or its ability to provide for the public safety of El Paso County citizens.

207.3 POLICY

It is the policy of the Sheriff’s Office to have an efficient, continuous and systematic planning process where people make decisions about intended future outcomes, how outcomes are to be accomplished, and how success is measured and evaluated. This process will anticipate workload, population trends, personnel levels, as well as, provide for the identification, pursuit and tracking of major projects such as capital projects, technical system reconfigurations, major equipment replacements, or new processes or procedures which require significant time, money, effort, and are considered critical to the safety of the citizens of El Paso County.

207.4 PROCEDURE

A. REQUIREMENTS:

1. Annual Internal Strategic Plans will be prepared for:

(a) All sections and special teams: Plans will consist of Section/Special Team mission, vision, operating philosophy, prioritized issues and challenges, prioritized two-year goals, prioritized strategic initiatives, and prioritized current year measurable objectives with actions/strategies.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) All divisions: Plans will contain division mission, vision, operating philosophy, prioritized issues and challenges, prioritized two-year goals, prioritized strategic initiatives, prioritized current year measurable objectives with actions/strategies, and prioritized budget year measurable objectives with actions/strategies.

(c) All bureaus: Plans will contain bureau mission, vision, operating philosophy, prioritized issues and challenges, prioritized two-year goals, and prioritized strategic initiatives.

2. Annual External Strategic Plans will contain Sheriff's Office mission, vision, operating philosophy, prioritized issues, challenges, prioritized goals, and prioritized strategic initiatives.

3. Annual Variance Reports will be prepared for all plans containing measurable objectives. Specific format and detail will be provided annually.

B. RESPONSIBILITIES:

1. The Undersheriff is responsible for the overall administration and execution of strategic planning and strategic initiative within the Office.

2. The Chief of Staff is responsible for the overall management of the strategic planning and initiative programs for the Office to include: providing guidance; training and individual assistance as requested; plan content, format and organization; internal and external staffing/coordination; and printing and distribution.

C. REVIEW PROCESSES:

1. Periodic Reviews:

(a) Section level strategic plan reviews should occur periodically. The reviews should take place with unit personnel and focus primarily on two-year goals, measurable objectives, and the accompanying actions/strategies. The section supervisor should be informed on whether or not the unit is on track with respect to meeting individual measurable objectives and whether or not two-year goals require updates. Further, the section supervisor should be apprised of any difficulties in meeting any measurable objective.

(b) Division level strategic plan reviews should occur periodically. Reviews should take place between division commander and section supervisors and focus primarily on any strategic initiative milestones, two-year goals, measurable objectives and accompanying actions/strategies. Division commanders should be informed on whether or not the section plan is on track, with respect to meeting strategic initiative milestone and measurable objectives. Further, the division commander should be apprised of any changes to the sections two-year goals, and any difficulties foreseen in meeting any section's measurable objectives.

(c) Bureau level strategic plan reviews should occur periodically. Reviews should take place between the bureau chief and division commander

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

and focus primarily on reviewing issues and challenges, two-year goals, strategic initiative milestones, and any section or division measurable objectives, which might not be met. Any additions, deletions, or changes to the issues and challenges, two-year goals, or strategic initiatives will be forwarded to the Chief of Staff.

(d) Office level strategic plan review should occur periodically. Reviews should take place between the Sheriff, Undersheriff and bureau chiefs with the focus primarily on reviewing the issues and challenges, two-year goals, and the strategic initiatives. Any additions, deletions, or changes should be forwarded to the Chief of Staff or assessment of impact on the County Strategic Plan or other planning documents.

2. Annual Plan Reviews:

(a) All strategic plans are reviewed annually. Missions, visions, values, issues and challenges, two-year goals and strategic initiatives will be reviewed, changed, and/or updated as required and forwarded to the Chief of Staff.

(b) An annual formal variance review will be performed on all measurable objectives. This variance review should answer the question, “How did we do?” An attempt to measure effect, i.e., actions/strategies, against the objective they were designed to achieve will be accomplished and an attempt to link systematic cause with effect should be attempted.

D. DISTRIBUTION:

1. Internal Office Strategic Plan: A copy will be provided to all organizational levels down to and including units. Division commanders, section supervisors and unit leaders are encouraged to review, not only their plans, but also the entire Office plan with each employee.

2. External (County Strategic Plan): A copy will be furnished to the Sheriff, Undersheriff, bureau chiefs, and the Chief of Staff. Bureau chiefs are encouraged to review, not only the Sheriff’s Office plan, but also the entire County Plan with their staff and make the plan available to all assigned personnel.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Chapter 3 - General Operations

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

300.1.1 DEFINITIONS

Bodily Injury: Physical pain, illness or any impairment of physical or mental condition. C.R.S. § 18-1-901 (c).

Conducted Electrical Weapon (CEW): An Office approved, less lethal non-deadly device that uses electronic electrical energy to transmit NMI (neuromuscular incapacitation) or cause pain stimulus to the body to impair muscular control (also known as Taser).

Deadly Physical Force: "Deadly force," as used in this policy, means force, the intended, natural and probable consequence of which is to produce death, and which does, in fact, cause death. C.R.S. § 18-1-901 (30)(d). It may include, but is not limited to, use of firearms, neck restraints and intentional intervention with a vehicle (forcible stops or ramming).

Deadly Weapon: Any of the following, which in the manner it is used or intended to be used is capable of producing death or serious bodily injury. This includes (I) a firearm, whether loaded or unloaded; (II) a knife; (III) a bludgeon: or (IV) any other weapon, device, instrument, material, or substance, whether animate or inanimate. C.R.S. § 18-1-901(3)(e).

Duty to Report Use of Force by Peace Officers: C.R.S. § 18-8-802 (1)(a), a peace officer who, in pursuance of such officer's law enforcement duties, witnesses another peace officer, in pursuance of such other peace officer's law enforcement duties in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, or in the process of crowd control or riot control, uses physical force which exceeds the degree of physical force permitted pursuant to section C.R.S. § 18-1-707 must report such use of force to such officer's immediate supervisor. Failure to do so may result in criminal charges. See C.R.S. § 18-8-802 for required contents of report.

Non- Deadly Weapon: Any object or material, when in the manner it is used or intended to be used is unlikely to result in death or serious bodily injury.

Objectively Reasonable: An officer is entitled to use objectively reasonable use of force depending on the circumstances at the time of the use of force. The totality of the circumstances

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

include: (1) the facts and circumstances of each particular case, including the severity of the crime at issue; (2) whether the suspect poses an immediate threat to the safety of officers or others; and (3) whether the suspect is actively resisting arrest or attempting to evade arrest by flight. Decision about objectively reasonable use of force will take into consideration the analysis and factors as outlined in Graham v. Connor to include the fact law enforcement is often forced to make split second judgments about the amount of force necessary in a particular situation, in circumstances which are tense, uncertain and rapidly evolving, and where the reasonableness of the law enforcement officer's belief as to appropriate level of force must be judged from an on scene perspective and not through the use of 20/20 hindsight.

Serious Bodily Injury: Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree. C.R.S. § 18-1-901(p).

Use of Force: The use of manual and/or mechanical (including deadly and non-deadly weapons) means to compel compliance with a lawful order, overcome resistance, self-defense or to protect another deputy or a citizen. It includes the discharge of a firearm, intentionally pointing a firearm at a human being, use of chemical spray, chokeholds, pressure point techniques, hard hands, kicks and knee strikes, handcuffing under resistance, restraint chair, taking a subject to the ground, or the deployment of canines and equines. It does not include escorting or handcuffing a person with no resistance.

Use of Excessive Force: C.R.S. § 18-8-803, (1) Subject to the provisions of section 18-1-707 C.R.S., a peace officer who uses excessive force in the pursuance of such officer's law enforcement duties shall be subject to the criminal laws of this state to the same degree as any other citizen, including the provisions of part 1 of article 3 of this title concerning homicide and related offenses and the provisions of part 2 of said article 3 concerning assaults. (2) As used in this section, "excessive force" means physical force, which exceeds the degree of physical force permitted pursuant to section 18-1-707. The use of excessive force shall be presumed when a peace officer continues to apply physical force in excess of the force permitted by section 18-1-707 to a person who has been rendered incapable of resisting arrest.

300.2 POLICY

It is Office policy that deputies comply with the laws of the State of Colorado and use only that amount of physical force that is objectively reasonable to effect an arrest of an offender, prevent an escape, or to otherwise perform their duties of protecting the community while defending themselves and others from bodily harm.

In light of these factors and others, the Sheriff's Office recognizes that objectively reasonable force may vary from deputy to deputy. For instance, because of differences in size, strength and

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

specialty training among deputies, different amounts of force may be objectively reasonable for different deputies in similar situations.

Deputies will assess fluid and rapidly changing situations as well as their own abilities and training, and will select the tactics and amount of force that they reasonably believe necessary to successfully resolve the situation.

The Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. The use of force by deputies is a matter of utmost concern, both to the citizens of our community and our Office.

300.2.1 DUTY TO INTERCEDE
Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.2.2 REPORTING
A deputy who witnesses another peace officer using force in excess of that permitted pursuant to CRS § 18-8-802 must report such use of force to a supervisor. Subsequent written notification shall be within 10 days of the occurrence and include the date, time and place of the occurrence, the identity, if known, and description of the participants, and a description of the events and the force used (CRS § 18-8-802(1)(b)).

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

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

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.

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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

a legitimate law enforcement purpose. Deputies, when safe and appropriate, will consider the use of de-escalation techniques, and document any use of de-escalation techniques.

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

300.3.1 USE OF FORCE TO EFFECT AN ARREST

Any deputy is justified in using reasonable and appropriate physical force upon another person when and to the extent that he/she reasonably believes it necessary (CRS § 18-1-707(1)):

(a) To effect an arrest or to prevent the escape from custody of an arrested person, unless he/she knows that the arrest is unauthorized.

(b) To defend him/herself or a third person from what the deputy reasonably believes to be the use, or imminent use, of physical force while effecting or attempting to effect the arrest of a suspect or while preventing or attempting to prevent the escape of a suspect.

Deputiesshall not apply force in excess of the force permitted by CRS § 18-8-803 to a person who has been rendered incapable of resisting arrest.

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

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

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

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

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

(d) The effects of drugs or alcohol.

(e) Subject’s mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

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

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

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

(j) Training and experience of the deputy.

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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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

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

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

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

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

(q) Whether during the course of the interaction, new facts developed requiring a change in the amount of force required.

(r) The extent of the injury inflicted.

(s) Any effort made by the deputy to temper or limit the amount of force (de-escalation).

(t) The severity of the security problem at issue (Detentions).

(u) Any other exigent circumstances.

(v) The deputy's actions immediately prior to and/or immediately connected to the deputy's use of force unreasonably created the need for the deputy to use force.

300.3.3 GENERAL USE OF FORCE DIRECTIVES

(a) All sworn personnel and academy recruits must be trained in the use of force. They will have access to the Use of Force Policy and are required to understand and comply with the directives as outlined in this policy.

(b) Any choke hold intended to restrict or stop the flow of blood to the brain is prohibited unless deadly force is justified.

(c) When restraining subjects, deputies should not place the subject in a prone position, hands restrained behind the back, feet shackled, and a chain or tether 12 inches or less which connects the restrained hands and feet or any position which restricts or impairs respiration. This position is known as a "hog-tie" position.

(d) Whenever force is used and the subject is restrained and compliant, deputies shall place the subject in a position which does not restrict or impair respiration.

300.3.4 USE OF NON-DEADLY PHYSICAL FORCE

In addition to statutory justification of the use of force extended to citizens, deputies may use "reasonable and appropriate physical force" to:

(a) Maintain order and discipline in a detention or correctional institution 18-1-703 (l) (b) C.R.S.

(b) Affect an arrest or prevent an escape of an arrested person, unless the member knows that the arrest was unauthorized 18-1-707 (l) (a) C.R.S.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) Defend the member or a third person from what is reasonably believed to be the use or imminent use of physical force while affecting, or attempting to affect, an arrest or while preventing, or attempting to prevent, an escape 18-1-707 (l) (b) C.R.S.

(d) Take a person into protective custody for mental health or intoxicated conditions 27-10-105, 25-10-310 C.R.S.

300.4 USE OF DEADLY PHYSICAL FORCE

In accordance with the statutory justifications outline by Colorado Law at C.R.S., 18-1-701 et. seq, a member is justified in using deadly physical force in the following circumstances:

(a) To defend the member or a third person from what is reasonably believed to be the use or imminent use of deadly physical force.

(b) To effect an arrest, or to prevent the escape from custody, of a person whom the member reasonably believes:

- Has committed or attempted to commit a felony involving the use of a deadly weapon; or is attempting to escape by the use of a deadly weapon and the suspect presents an imminent danger to human life or threat of serious bodily injury to another.
- Otherwise indicates, except through a motor vehicle violation, that the suspect presents an imminent danger to human life or threat of serious bodily injury to another unless apprehended without delay.

(c) A peace officer employed in a detention facility is justified in using deadly physical force when the peace officer reasonably believes it is necessary to prevent the escape of a prisoner convicted of, charged with, or held for a felony or confined under the maximum security rules of any detention facility and when the peace officer reasonably believes that,
unless apprehended without delay, the escaping inmate presents an imminent danger to human life or serious bodily injury to another.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 CONSIDERATION OF DE-ESCALATION TECHNIQUES

Use of force policies, training, and supervision are implemented with the goal of ensuring deputies use techniques other than force to effect compliance whenever feasible and safety allows for de-escalation. Deputies shall use force only when objectively necessary, and in a manner that avoids unnecessary injury to deputies and civilians.

De-escalation is implicit in the objective reasonableness standard. In situations which are not tense, uncertain, and rapidly evolving, deputies will use appropriate de-escalation techniques to

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

delay, reduce the amount of force, or eliminate the need for force when feasible and safety allows for the de-escalation.

De-escalation techniques include, but are not limited to, verbal persuasion, warnings and tactical de-escalation techniques such as slowing down the pace of an incident, waiting out subjects, creating distance (reactionary gap) between the deputy and the threat, and requesting additional resources (e.g. specialized CIT deputies or negotiators). 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.

Deputies will consider the possibility a subject may be noncompliant due to a medical or mental condition, physical or hearing impairment, language barrier, drug interaction, or emotional crisis.

When force is applied, deputies will reduce the intrusiveness of the force as the subject's ability to resist or as the threat is diminished.

300.6 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.

300.6.1 NOTIFICATION 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 an Electro Muscular Disruption Technology Device (EMDT) or control device.

(f) Any application of restraint device other than handcuffs, shackles or belly chains.

(g) The individual subjected to the force was rendered unconscious.

(h) An individual was struck or kicked.

(i) An individual alleges any of the above has occurred.

300.7 EXHIBITING FIREARMS

Unnecessarily or prematurely drawing or exhibiting a firearm limits a deputy's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

unwarranted or accidental discharge of the firearm. A deputy decision to draw or exhibit a firearm should be based on the tactical situation and the deputy's reasonable belief there is a substantial risk the situation may escalate to the point where deadly force may be justified. When a deputy has determined the use of deadly force is not necessary, the deputy shall, as soon as feasible, secure or holster the firearm.

Intentionally pointing a firearm at a person requires a written report of the incident. The following exceptions to this report requirement will apply, unless otherwise directed by a supervisor or an individual deputy decides it is necessary to document:

(a) SWAT team deputies will not be required to report the pointing of a firearm at a subject as a use of force during the execution of a SWAT operation under the direction of a supervisor. The supervisor shall determine and direct the documentation of the operation.

(b) Deputies who are assigned to a federal Task Force will not be required to report the pointing of a firearm at a subject as use of force when conducting federal task force operations during which a supervisor is present. The supervisor shall direct the documentation of the operation.

(c) Deputies will not be required to report the intentional pointing of a firearm at a subject as use of force if done solely while entering and securing a building in connection with the execution of an arrest or search warrant. The supervisor shall direct the documentation of the operation.

300.8 MEDICAL CONSIDERATION

If injury results from a use of force the deputy will notify medical. If the scene is safe based on the totality of the circumstances, deputies should apply first aid, if it is feasible and safe to do so. When feasible and safe, deputies should check on the tightness of restraints and double-lock restraints. Deputies should ask the following three questions after force is used and the subject is restrained: Are you injured? Where are you injured? Do you need medical attention?The asking of the questions and the answers by the detainee shall be documented in a case report or incident report, depending on the situation.

300.9 SUPERVISOR RESPONSIBILITY

If Use of Force results in SBI or Death, the DFIT Team shall be called to investigation.. Professional Standards shall also be notified. If Use of Force results in bodily injury, reporting procedures shall be followed.

300.10 TRAINING

Deputies will receive yearly training on this policy and demonstrate their knowledge and understanding.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Handcuffing and Restraints

301.1 PURPOSE AND SCOPE

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

301.2 POLICY

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

301.3 USE OF RESTRAINTS

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

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

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

301.3.1 RESTRAINT OF DETAINEES

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

301.3.2 RESTRAINT OF PREGNANT PERSONS

Persons who are known to be pregnant should be restrained in the least restrictive manner that is effective for officer safety and in no event shall these persons be restrained by the use of leg irons, waist chains or handcuffs behind the body.

No person who is in labor shall be handcuffed or restrained except in extraordinary circumstances and only when a supervisor makes an individualized determination that such restraints are necessary to prevent escape or injury.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

301.3.3 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.

301.4 APPLICATION OF HANDCUFFS OR PLASTIC CUFFS

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

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

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

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

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

301.5 APPLICATION OF SPIT HOODS/MASKS/SOCKS

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

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

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

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

301.6 APPLICATION OF AUXILIARY RESTRAINT DEVICES

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

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

301.7 APPLICATION OF LEG RESTRAINT DEVICES

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

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

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

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

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

301.7.1 GUIDELINES FOR USE OF LEG RESTRAINTS

When applying leg restraints the following guidelines should be followed:

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

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

(c) Once secured, the person should be placed in a seated or upright position, secured with a seat belt, and shall not be placed on 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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).

301.8 REQUIRED DOCUMENTATION

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

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

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

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

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

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

301.9 EMERGENCY RESTRAINT CHAIR

Four/five point restraints are used only in extreme instances or only when other types of restraints have proven ineffective. Advance approval is needed from the facility administrator/designee before an inmate is placed in a four/five point restraint. Subsequently, the health authority or designee must be notified to assess the inmate's medical and mental health condition, and to advise whether, on the basis of serious danger to self or others, the inmate should be in a medical/mental health unit for emergency involuntary treatment with sedation and/or other medical management, as appropriate. If the inmate is not transferred to a medical/mental health unit and is restrained in a four/five point position, the following minimum procedures are followed:

(a) Direct visual observation by staff is continuous prior to obtaining approval from the health authority or designee;

(b) Subsequent visual observation is made at least every 15 minutes;

(c) Restraint procedures are in accordance with guidelines approved by the designated health authority;

(d) All decisions and actions are documented.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Control Devices and Techniques

302.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and maintenance of control devices.

302.2 POLICY

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

302.3 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.

302.4 RESPONSIBILITIES

302.4.1 LIEUTENANT RESPONSIBILITIES

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

302.4.2 USER RESPONSIBILITIES

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

Any damaged, inoperative, outdated or expended control devices or munitions, along with documentation explaining the cause of the damage, shall be returned to the unit supervisor.

302.5 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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

302.6 TEAR GAS GUIDELINES

Tear gas may be used for crowd control, crowd dispersal or against barricaded suspects based on the circumstances. Only the Lieutenant, and Incident Commander 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.

302.7 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.

302.7.1 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.

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

Each deployment of a pepper projectile system shall be documented. This includes situations where the launcher was directed toward the suspect, whether or not the launcher was used. Unintentional discharges shall be promptly reported to a supervisor and documented on the

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

appropriate report form. Only non-incident use of a pepper projectile system, such as training and product demonstrations, is exempt from the reporting requirement.

302.7.3 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.

302.8 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.

302.9 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.

302.9.1 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.

302.9.2 DEPLOYMENT CONSIDERATIONS
Before discharging projectiles, the deputy should consider such factors as:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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 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.

302.9.3 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

302.10 TRAINING FOR CONTROL DEVICES

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

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

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

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

302.11 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Conducted Energy Weapon

303.1 PURPOSE AND SCOPE

To provide guidance to sworn personnel on the training, use and documentation of all Conducted Electrical Weapon (CEW).

303.2 DEFINITIONS

ADVANCED TASER CEW (referred to as the "CEW"): An Office approved CEW used to transmit NMI (neuromuscular incapacitation) or pain compliance, thereby temporarily overriding function.

AFID'S (Anti-Felon Identification): Identification tags dispersed upon the deployment of the CEW which are printed with serial numbers, and can be used to identify which cartridge was fired.

ARCING: Activating the CEW without firing a cartridge, displaying a visible and audible electrical current between two electrodes on the CEW.

CEW: Conducted Electrical Weapon

LASER ILLUMINATION: Placing the laser light beam either on the subject or in the subject's view, indicating that the CEW is ready for deployment.

CEW CYCLE: For the purpose of this policy, a cycle is a single trigger pull, causing the CEW to activate for five seconds. By holding the trigger continuously, the cycle can be overridden and each five seconds thereafter constitutes a full cycle.

CEW DEPLOYMENT: Deploying the probes, or applying a drive-stun.

VISUAL DISPLAY: Drawing the CEW in an operational situation within view of the suspect.

303.3 POLICY

It is the policy of the Sheriff's Office that its deputies will protect themselves, third parties or other individuals from injury by an aggressor, using force options that are reasonable based on the totality of the circumstances.

(a) When deputies encounter circumstances in which the use force is necessary to stop a threat and/or minimize the potential for injury or death, they must assess the situation in order to determine which force option is appropriate.

(b) All uses of force will be reported per policy.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) When safe to do so after any use of force is applied, and when there is no risk to officer safety, deputies will determine if first aid is needed, and if so, ensure that medical attention is obtained.

303.4 ISSUANCE AND CARRYING CEWS

(a) Only Office approved CEWs will be used.

(b) Only deputies who have successfully completed an approved CEW certification course will be authorized to carry and deploy the CEW.

(c) A list of all authorized CEWs will be maintained by each of the division commanders where CEWs are assigned.

(d) All deputies who are issued a CEW shall be certified as an end-user by an authorized instructor prior to carrying the CEW in the field.

(e) Deputies authorized to carry and deploy CEWs will annually complete refresher training.

(f) Documentation of all training shall be kept on file in the Training Office.

(g) Deputies who are issued a CEW are required to carry it during the course of their normal duties when in uniform.

(h) Carrying a CEW is optional for personnel working a plain clothes assignment.

(i) Deputies will not carry the CEW on the same side as their handgun.

(j) CEWs will be carried in a safe and secure holster.

303.5 VERBAL AND VISUAL WARNINGS

A verbal warning of the intended use of the CEW 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 CEW may be deployed.

If, after a verbal warning, an individual is unwilling 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, display the electrical arc (provided that a cartridge has not been loaded into the device), or the laser in a further attempt to gain compliance prior to the application of the CEW. The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

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 CEW in the related report.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

303.6 USE OF THE CEW

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

303.6.1 APPLICATION OF THE CEW

The CEW may be used in any of the following circumstances, when the circumstances perceived by the deputy at the time indicate that such application is reasonably necessary to control a person:

(a) The subject is violent or is physically resisting.

(b) The subject 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, him/herself or others.

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

303.6.2 DEPLOYMENT OF THE CEW

Deputies are authorized to use and deploy CEW's in accordance with approved training.

(a) The CEW may be used when a non-deadly force option is reasonable to stop a physical threat, including but not limited to:

1. Threats to officer safety.
2. Threats to the safety of others.
3. A CEW may be deployed against an aggressive animal.

(b) When deploying a CEW in a situation where the subject may have the ability and/or opportunity to cause death or serious bodily injury, deputies should be prepared to deploy a deadly force option.

(c) The CEW will not be used against any subjects who:

1. Submit peacefully and complies with lawful commands
2. Is merely expressing verbal disagreement or verbal threats without the ability and/or opporotunity to carry out those threats.
3. Is saturated with, or in the presence of, any flammable gases or liquids, to include O.C.
4. In areas where compressed oxygen is present, such as medical/emergency rooms.
5. In houses where ether or methamphetamine labs are suspected.

(d) Except in situations where a deputy is facing an immiment risk of serious bodily injury or death, CEWs will not be used on people who:

1. Deputies reasonably believe to be pregnant, or

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

2. Have obvious infirmities which deputies should reasonably believe would render the subject unable to provide a significant physical threat, or
3. Subjects in an elevated position who may incur serious injury in an uncontrolled fall.

(e) The CEW may be used on persons who refuse to comply with lawful orders under the following circumstances:

1. The deputy reasonably believes the subject by his words and/or actions presents an immediate or imminent risk of bodily injury to the deputy or a third party, or
2. The deputy reasonably believes other means of control would be ineffective or would increase the risk of injury to the deputy, subject or a third person.

(f) Personnel will not use the CEW for display of intimidation.

(g) When it is reasonably safe to do so, personnel assigned to the Law Enforcement Bureau or Extra Duty assignments will advise dispatch over the radio whenever a CEW is deployed.

(h) When tactically feasible, any time a CEW is about to be deployed, the deputy using the CEW should communicate with other officers his/her intent by loudly announcing “CEW.”

(i) CEW cartridge/probe deployments should be directed at lower center mass of the body (splitting the belt line) or the offender’s back as the primary target areas. Avoid targeting the chest.

(j) Do not remove the TASER cartridge when drive stunning. Drive stunning should only be used to create distance between the deputy and the subject or as a means of connecting the circuit.

(k) Avoid exposures longer than 15 seconds (multiple or continuous cycling). This may increase the risk of death or serious injury.

(l) Consider offender impact zones such as grass, dirt, gravel, concrete, or asphalt and their affect on secondary injuries.

(m) Each subsequent CEW application involves an additional use of force analysis.

(n) Following a CEW deployment, deputies should not restrain or position the subject in a manner that may restrict or impair respiration.

(o) A supervisor will be notified of all CEW deployments; however, response to the scene will be at the discretion of the supervisor based upon the circumstances, type of deployment and potential for injury or allegation of injury by a third person.

(p) Following deployment of the CEW, as soon as practical the subject shall be examined by qualified medical personnel on scene or at a medical facility.

(q) Only medical staff may remove probes from sensitive tissue areas i.e. face, neck, groin, and female breast. Removal from other areas may be done by a certified CEW user at the discretion of a supervisor.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

303.6.3 TARGETING CONSIDERATIONS

Reasonable efforts should be made to target lower center mass and avoid the head, neck, chest and groin. If the dynamics of a situation or officer safety do not permit the deputy to limit the application of the CEW probes to a precise target area, deputies should monitor the condition of the subject if one or more probes strikes the head, neck, chest or groin until the subject is examined by paramedics or other medical personnel.

303.6.4 MULTIPLE APPLICATIONS OF THE CEW

Deputies should apply the CEW for only one standard cycle and then evaluate the situation before applying any subsequent cycles. Multiple applications of the CEW against a single individual are generally not recommended and should be avoided unless the deputy reasonably believes that the need to control the individual outweighs the potentially increased risk posed by multiple applications.

If the first application of the CEW appears to be ineffective in gaining control of an individual, the deputy should consider certain factors before additional applications of the CEW, including:

(a) Whether the probes are making proper contact.

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

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

303.6.5 ACTIONS FOLLOWING DEPLOYMENTS

(a) The CEW used by the Sheriff’s Office has data storage capability.

(b) Supervisors shall ensure the data is downloaded as soon as possible following an operational deployment. The CEW will be secured until this can be accomplished.

(c) Deployed cartridges, probes, wires and a sample of the paper AFIDs used in an operational deployment will be collected and handled as evidence.

(d) Probes that have been removed from skin will be treated as Bio-Hazard “sharps.” They should be placed point down into the expended cartridge bores and secured.

(e) Photographs will be taken of any injuries, punctures, or skin irritations that occurred as a result of the CEW deployment and will be placed into evidence.

(f) Whenever a CEW is deployed operationally, including pointing the CEW at a subject or illuminating the subject with the laser, required reports will be completed. Applicable reports will be forwarded to the user’s respective division commander via their chain of command.

303.6.6 DANGEROUS ANIMALS

The CEW may be deployed against an animal as part of a plan to deal with a potentially dangerous animal, such as a dog, if the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

303.6.7 OFF-DUTY CONSIDERATIONS
Deputies are not authorized to carry Office CEWs while off-duty.

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

303.7 DOCUMENTATION

Deputies shall document all CEW discharges in the related arrest/crime report and the CEW report form. Notification shall also be made to a supervisor. Unintentional discharges, pointing the device at a person, laser activation and arcing the device will also be documented on the report form.

303.7.1 CEW FORM
Items that shall be included in the CEW report form are:

(a) The type and brand of CEW and cartridge and cartridge serial number.

(b) Date, time and location of the incident.

(c) Whether any display, laser or arc deterred a subject and gained compliance.

(d) The number of CEW 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 CEW was used.

(f) The type of mode used (probe or 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 Director should periodically analyze the report forms to identify trends, including deterrence and effectiveness. The Training Director should also conduct audits of data downloads and reconcile CEW report forms with recorded activations. CEW information and statistics, with identifying information removed, should periodically be made available to the public.

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

(a) Identification of all personnel firing CEWs

(b) Identification of all witnesses

(c) Medical care provided to the subject

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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

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

303.8 MEDICAL TREATMENT

Consistent with local medical personnel protocols and absent extenuating circumstances, only appropriate medical personnel should remove CEW probes from a person's body. Used CEW 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 CEW probes or who have been subjected to the electric discharge of the device 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 CEW probes are lodged in a sensitive area (e.g., groin, female breast, head, face, neck).

(e) The person requests medical treatment.

Any individual exhibiting signs of distress or who is exposed to multiple or prolonged applications (i.e., more than 15 seconds) shall be transported to a medical facility for examination or medically 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 recording is made of the contact or an interview with the individual, any refusal should be included, if possible.

The transporting deputy shall inform any person providing medical care or receiving custody that the individual has been subjected to the application of the CEW.

303.9 SUPERVISOR RESPONSIBILITIES

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

A supervisor should review each incident where a person has been exposed to an activation of the CEW. The device's onboard memory should be downloaded through the data port by a supervisor and saved with the related arrest/crime report. Photographs of probe sites should be taken and witnesses interviewed.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

303.10 TRAINING

Personnel who are authorized to carry the CEW shall be permitted to do so only after successfully completing the initial Office-approved training. Any personnel who have not carried the CEW as a part of their assignment for a period of six months or more shall be recertified by Office-approved CEW instructors prior to again carrying or using the device.

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

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

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

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

Application of CEWs during training could result in injury to personnel and should not be mandatory for certification.

The Training Director should ensure that all training includes:

(a) A review of this policy.

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

(c) Performing weak-hand draws or cross-draws 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 near the head, neck, chest and groin.

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

(f) De-escalation techniques.

(g) Restraint techniques that do not impair respiration following the application of the CEW.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Deadly Force/Fatal Incidents

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of a deputy.

304.2 POLICY

The policy of the Sheriff's Office is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

A. Cooperation: The Sheriff's Office will fully cooperate with an investigation completed by the Colorado Springs Police Department Deadly Force Investigation Team (DFIT), when a member of the Sheriff's Office acts with deadly force. The Sheriff's Office is committed to this process because it allows for a neutral, transparent investigation and assessment of the actions of the Sheriff's Office deputy. The cooperation is necessary in order to assess the deputy’s actions and apply the actions to law as established by the U.S. Constitution and the Colorado State Constitution. No inference should be made about the deputy’s conduct simply because an investigation occurs. Investigation is mandated by C.R.S. 16-2.5-301.

B. Subject Matter of Investigation: The Colorado Springs DFIT will investigate matters where, either in the line of duty or not, a deputy;

   1. Intentionally discharges a firearm and the discharge causes either bodily injury, serious bodily injury or death to another person or

   2. Uses other deadly force and causes either serious bodily injury or death to another person.

C. Incidental Matters of Investigation: Should there be ancillary investigations, such as, but not limited to, an on-going investigation outside of the deadly force incident, that investigation shall remain with the original investigating agency. The DFIT will investigate and gather facts only about the deadly force incident, to include the preceding events of the incident.

D. Matters discretionary for investigation: Shots discharged by accident causing no property damage or injury will be investigated by the deputy's chain of command or the Professional Standards Unit. However, if the accidental discharge results in serious bodily injury or death to an individual the CSPD DFIT will be the investigating agency.

304.3 DEFINITIONS

Objectively Reasonable Use of Force: A deputy is entitled to use objectively reasonable use of force depending on the circumstances at the time of the use of force. The totality of the circumstances include: the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of deputies or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight. Decisions about objectively reasonable use of force will take into consideration the analysis

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

and factors as outlined in Graham v. Connor to include the fact that law enforcement officers are often forced to make split second judgments about the amount of force that is necessary in a particular situation, in circumstances that are tense, uncertain and rapidly evolving, and that the reasonableness of the law enforcement officer's belief as to appropriate level of force must be judged from an on scene perspective and not through the use of 20/20 hindsight.

Deadly Force: Intentional use of force which can cause death or serious bodily injury or which creates a degree of risk that a reasonable and prudent person would consider likely to cause death or serious bodily injury. It includes, but is not limited to, use of firearms, choke holds, and intentional intervention with a vehicle (forcible stops or ramming).

Deputy Support Team: Team of Sheriff's Office employees, to include, but not limited to the staff psychologist and a member of the involved deputy's chain of command.

Deadly Force Investigation Team (DFIT): Team of law enforcement officers trained in the investigation of deadly force incidents. When referred to in this policy, the DFIT team is comprised of individuals from the Colorado Springs Police Department, under the command of a CSPD Investigations Lieutenant.

First Responder: A responding deputy who is first on scene after a deadly force incident.

Involved Deputy: A deputy who has intentionally discharged a firearm or acted with use of force upon another person or persons.

Liasion DFIT (LDFIT): Team made up of detectives from the Sheriff's Office. The team shall include, but not be limited to, Investigations Lieutenant, Investigations Sergeant, and at least one detective. The Sheriff's Office Use of Force expert may also be a member of this team. The LDFIT acts as a support element under the DFIT, providing administrative, logistical, and investigative coordination with the DFIT.

Public Safety Statement: Statement made by the involved deputy to a responding scene supervisor designed to ensure the safety of the deputies and the community.

Serious Bodily Injury: Bodily injury which, either at the time of the actual injury or at a later time involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or weapon impairment of the function of any part or organ of the body, or breaks, fractures or burns of the second or third degree.

Weapon: The firearm or other weapon used by the involved deputy(s).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

304.4 INVESTIGATIONS

304.4.1 NOTIFICATION OF DFIT

The DFIT will be summoned as soon as possible after the knowledge that a use of deadly force incident has occurred. For those matters involving use of force, but not involving the discharge of a weapon, the DFIT will be summoned only upon order of the Commander, a Bureau Chief, the Undersheriff or the Sheriff. If the coroner is needed, the DFIT lieutenant will summon the coroner.

1. Members of the DFIT are identified by the Commander of the Investigations Division. The DFIT commander (Investigations Lieutenant) shall keep a current list of the members of the DFIT, to include all phone numbers. This list shall be shared with all members of the DFIT.
2. The DFIT commander shall be notified by the agency needing the investigation. The DFIT commander will typically be notified though the Sheriff's Office Communications Center but other direct means of notification (LDFIT commander, command staff personnel, other investigations personnel, etc.) are acceptable.
3. The DFIT commander shall then notify the members of the DFIT that are on call. The DFIT commander shall coordinate the response of the DFIT.
4. The DFIT commander shall coordinate notification of the Office of the District Attorney. The Office of the District Attorney may, at their discretion, respond to the incident. Generally, the response of the Office of the District Attorney will consist of the Chief Investigator and/or designee and a Deputy District Attorney.
5. The DFIT commander shall notify Professional Standards.

304.4.2 NOTIFICATION OF OTHERS

Notification shall be made to the following persons or agencies: Sheriff, Undersheriff, Bureau Chief of deputy, Commander of deputy, Professional Standards Unit Lieutenant, County Attorney assigned to the Sheriff's Office, Staff Psychologist, Director of Information, DA’s Office. A notification list of names and phone numbers shall be maintained and attached.

304.4.3 DUTIES OF FIRST RESPONDERS

Prior to the arrival of the DFIT, the first responder shall act to ensure community safety, officer safety, preservation of evidence, and preservation of the scene. Initial responding law enforcement personnel, regardless of their assignment, are subject to the operational control and direction of the DFIT commander or his/her designee either directly or via correspondence through the LDFIT. This is to ensure the timely preservation of evidence.

First uninvolved deputy who arrives on scene will be the deputy in charge and will assume the responsibilities of a supervisor until properly relieved. Primary function of this deputy is to direct first responder intervention in order to preserve human life, evaluate for on-going safety concerns, and establish a perimeter.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

304.4.4 AUTHORITY OF THE DFIT

1. The Lieutenant the DFIT will be responsible for conducting an impartial investigation into all cases arising under this policy. The DFIT Lieutenant will direct the investigation.
2. The Lieutenant of the DFIT will coordinate, as needed, with the LDFIT to facilitate contact with witnesses who are Sheriff's Office employees, in order to achieve an efficient and thorough investigation.

304.4.5 DUTIES OF THE DFIT

1. Ensure a thorough and impartial investigation of all incidents within the scope of the DFIT's responsibilities, in accordance with applicable laws, standards of procedure, and policies.
2. Ensure that the DFIT and the Office of the District Attorney share information and collaborate on decisions regarding, but not limited to, release of evidence, witness identification, witness interviews and other significant legal matters.
3. Provide, as soon as possible, a confidential briefing to the LDFIT, and to the Sheriff's Office command staff, as requested regarding the use of force incident. Provide updates to the LDFIT as needed, or reasonably requested.
4. Ensure that proper investigation procedures are followed, evidence is collected and preserved, and reports are generated in a timely manner.
5. Refer the completed investigation to the Office of the District Attorney for legal review. The LDFIT and the Sheriff shall be notified at the time the investigation is presented.
6. Prepare and coordinate with the LDFIT any necessary documents needed to provide a timely briefing to the Sheriff.
7. Ensure that any Brady material, or Rule 16 material is preserved, and communicated, as appropriate, to the Office of the District Attorney.
8. At the conclusion of the investigation, and finding by the District Attorney, provide any requested documents to the Professional Standards Unit, in order to complete a Critical Incident Review Book. Participate in any critical incident review meetings, as requested.

304.4.6 DUTIES OF THE DFIT LIEUTENANT

1. Ensure that notification to all appropriate parties has been accomplished.
2. Ensure that the deputy's weapon that was used (to include leather gear) has been preserved and placed into evidence. The weapon shall not be opened, unloaded, or tampered with in any manner except to render the weapon safe for transportation.
3. Direct Involved Deputies.
4. Ensure that witnesses are detained until witnesses have given identification, contact information, and an on-scene statement, if necessary. Ensure that additional follow up, when necessary, with respect to witness statements is conducted.
5. Assign a CSPD Detective, member of the DFIT to conduct the interview of the involved Deputy(s).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

6. Make decisions about release of evidence, after consultation with the Office of the District Attorney.

304.4.7 DUTIES OF THE DFIT COMMANDER

1. The DFIT Lieutenant shall act as Commander of the Investigation.
2. The DFIT commander shall coordinate and direct the involved deputy(s) as follows:
   A. Non-Injured Deputy:
      (a) Ensure that the involved deputy(s) has provided a public safety statement. Once the statement has been made, direct the involved deputy(s) to leave the scene and respond to the Office of the Sheriff, or another location as directed by the DFIT commander.
      (b) The involved deputy(s) will be removed from the scene prior to participating in any interviews, or a walk-through of the scene, with DFIT members. The involved deputy(s) may later return to the scene if deemed necessary for investigative reasons by the DFIT Commander.The involved officer will retain the utilized weapon until it is requested by a member of the DFIT or Metro Crime Lab personnel.
      (c) If more than one deputy is involved, the deputies will be separated, in order to preserve the integrity of the investigation.
      (d) Typically the deputy will be transported to the Investigations Division at the Office of the Sheriff, by an involved agency supervisor who could serve as a liaison supervisor to the involved deputy(s). When practical, the responding field supervisor will consult (by phone) with the responding DFIT or LDFIT supervisor prior to removing the officer from the scene. This will allow the DFIT supervisor to be fully appraised of the location of the involved deputy(s).
      (e) The supervisor will remain with the officer at least until all necessary evidence has been collected and the deputy has been contacted by an investigator with the DFIT.
      (f) For safety reasons, no deputy having used deadly force should be allowed to drive themselves from the scene.
      (g) Further questioning of the involved deputy(s) should not occur at this point as an in depth interview will take place at a scheduled time with DFIT investigators in the manner outlined below.
   B. Injured Deputy:
      (a) The LDFIT commander shall keep the DFIT commander informed of the status and location of the deputy(s).
      (b) To the extent possible or practical, and only when safe for the injured deputy, the responding supervisor or LDFIT commander shall obtain a public safety statement from the injured deputy.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) Only the agency of the injured involved deputy shall release any details with respect to the health status of the involved deputy. Release of this information shall be coordinated with the DFIT commander.

304.5 RESPONSIBILITIES OF INVOLVED DEPUTY (NO PHYSICAL INJURY)

304.5.1 WEAPON SURRENDER

The weapon used shall be surrendered to a member of the Metro Crime Lab . The weapon should not be altered in any manner prior to surrender. The involved deputy shall retain his weapon until it is safe to surrender it.

304.5.2 ON SCENE SAFETY STATEMENT

The Deputy shall give a brief statement to first uninvolved deputy on scene, and then to DFITcommander or designee. This statement is intended to provide enough information to provide for community safety and to begin the investigation. It is not intended to be an interrogation of the deputy. On scene safety statement shall include, but not be limited to: (a) brief synopsis of events (b) initial description of involved parties to assist in efforts to locate the suspect, or assure all suspects are detained (c) possible location of critical evidence (d) define the scope of the scene to include direction of possible rounds fired to account for public safety, and (e) location and identity of any known witnesses.

304.5.3 SEPARATION FROM THE SCENE AND FROM THE PUBLIC

1. When safe, the involved deputy shall be separated from the scene and placed/ transported to a location where he/she can be contacted. Care shall be taken to prevent media access to the deputy. The LDFIT will facilitate this and provided transportation.
2. The involved deputy shall be treated with respect and give access to ongoing information, as requested, if it does not hamper the investigation.

304.5.4 ADVISEMENT OF THE DEPUTY

The LDFIT will advise the deputy that his/her legal representative has been contacted and will facilitate the deputy speak with the lawyer.

304.5.5 INTERVIEW OF THE DEPUTY

1. The deputy shall have adequate time to consult with his/her legal representative, in a private secure area.
2. Barring unusual circumstances, the formal interview with the directly involved deputy(s) will not occur until after the deputy has been removed from the incident scene and a sufficient period of time has passed to allow the deputy to begin recovering from the stress of the incident. When possible, the interview will occur within 48 hours of the incident.
3. Taking into account a rest period, and the requests of the involved deputy and his/her attorney, the DFIT will determine a time and place for the interview to be

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

conducted. The interview will not be attempted until the investigation of the event is substantially complete. This allows investigators time to gather the necessary facts prior to questioning an involved deputy.

4. Typically the comprehensive interview of involved deputies will not occur until a sufficient rest period has passed and the deputies have had time to collect themselves following the incident. This is to allow the deputy time to recover from the immediate effects of traumatic stress associated with a deadly force incident prior to comprehensive questioning. The decision about the timing of the interview will be the result of discussion with the DFIT, the LDFIT supervisors and the involved deputy(s) and their attorney if applicable. This policy at no time supersedes the deputy's responsibility to provide the brief public safety statement and any other details that may be needed to complete a thorough investigation.
5. The interview with the deputy shall be recorded and the recording shall be placed into evidence.
6. The deputy may request that his/her legal representative be present in the room during the interview. One assigned detective from the DFIT will conduct the interview. Other personnel, as determined by the DFIT, may observe the interview remotely. Those personnel may include Sheriff's Office officials, Sheriff's Office Professional Standards representatives, District Attorney's Office personnel and others as determined by the DFIT team.

304.5.6 DEPUTY SUPPORT TEAM

Member(s) of the support team will facilitate communication with the involved deputy's family, legal representation, psychological support and other matters critical to the deputy. The member(s) will:

1. Act as a liaison with the deputy's family
2. Act as a Liaison with deputy's legal representative
3. Perform other duties as necessary and as directed by the deputy or the LDFIT

304.6 PROCESS OF INVOLVED DEPUTY WHO IS INJURED

A. The LDFIT, and/or the support team, will notify the deputy's family as soon as possible and in person when possible. Notification will include location of medical care for deputy.

B. The Deputy Support Team will facilitate transportation for the family members, as appropriate, to the location of medical care.

C. The Deputy Support team will provide basic background information to the family members. Family members will be cautioned to not speak to media, or engage in social media about the incident. Family members will also be cautioned that they should not ask questions about the incident, as any statements made by an involved deputy to family members may not be covered by privilege.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

304.7 PROFESSIONAL STANDARDS RESPONSIBILITIES

1. Observe the investigation, ensure compliance with Department policy, and report observations to agency head as requested.
2. Request questions be asked through the LDFIT supervisor. This process is in place to ensure there is a bifurcation of the administrative and criminal investigation.
3. Facilitate the timely replacement of duty weapons and issued equipment collected as evidence from involved deputies.
4. Facilitate an initial contact between involved deputy and involved agency psychologist.
5. Facilitate/Begin a Professional Standards Investigation, if appropriate under the facts and circumstances.
6. Accumulate information as needed/requested for a Critical Incident Review Board or similar process, as directed by agency head.
7. Collect statistical information and maintain for reporting purposes as required by C.R.S. 24-33.5-517.

304.8 DEPARTMENT DEPUTY RESPONSIBILITIES

Deputies who are witnesses to the incident, but not directly involved, shall dictate or submit a report regarding the incident, prior to going off shift that day, unless an exception is granted by the LDFIT supervisor or assigned Sheriff's Office DFIT Detective. Submission of a report does not preclude an interview or request for additional information from a member of the DFIT team. The DFIT may choose to interview a Sheriff's Office deputy who is a witness. Sheriff's Office deputy(s) are directed to cooperate. These interviews shall be recorded. The LDFIT team will coordinate the interviews.

304.9 COLLECTION OF EVIDENCE

304.9.1 HANDLING OF INVOLVED WEAPONS

A. The weapon, holster, duty belt (and accessories), a spare ammunition and any auxiliary firearms in the possession of the officer directly involved in the use of deadly force may be taken under the control of a DFIT member. This will take place at a location determined by the DFIT. Typically, the involved deputy will be taken to their home headquarters building to be met by Metro Crime Lab personnel and DFIT/LDFIT detectives. However, unusual circumstances may require the involved weapon or other items to be collected in the field.

B. If the weapon is a rifle or shotgun, it shall be retained by the involved officer until it can be given directly to a member of the DFIT or Lab Personnel.

C. For safety purposes, supervisors should avoid disarming deputies in the field, but shall take immediate action to ensure that involved weapons and equipment are not changed or tampered with prior to being placed into evidence. This may include ensuring that the weapon is holstered and not handled further unless necessary.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Whenever possible, the deputy's weapon and equipment shall be collected inside a police facility; if this is not possible then inside a cruiser or other place which is safe and out of public view.

D. Field supervisors will coordinate with on scene supervisors of the involved agency LDFIT, and the DFIT, regarding the collection of other items of property and equipment, such as personally owned flashlights, handcuffs, clothing, etc. The involved weapon(s) will not be opened, unloaded or tampered with, in any manner, except as necessary to render the weapon safe. The supervisor obtaining the involved weapon and related equipment will be responsible for its preservation until he/she personally places it into evidence or personally turns it over to a detective from the Deadly Force Investigation team or a Technician of the Metro Crime Lab for placement into evidence. All requests for further processing of this equipment will be the responsibility of assigned DFIT members.

304.9.2 OTHER ITEMS OF EVIDENCE

A. All items evidence collected by the DFIT or Metro Crime Lab will be stored and maintained by the Sheriff’s Office. Involved agency officers who have collected items of evidence will place the evidence according to typical involved agency procedure. Members of the involved agency LDFIT will facilitate the movement of those items of evidence to the Sheriff's Office evidence facility.

B. All video/audio recordings of interviews shall be maintained by the Sheriff's Office and placed into evidence at the Sheriff's Office.

C. All surveillance video, or body camera video, shall be collected, preserved and maintained by the Sheriff's Office. These items shall be placed into evidence at the Sheriff's Office.

D. Initial responding law enforcement personnel, regardless of their assignment, are subject to operational control and direction of the DFIT commander or his/her designee either directly or via correspondence through the LDFIT. This is to ensure the timely preservation of evidence.

304.9.3 RELEASE OF EVIDENCE

A. No items of evidence placed as a result of a deadly force investigation will be released without the approval of the Office of the District Attorney, and the DFIT commander.

B. Upon receiving approval from the District Attorney's Office and the Sheriff's Office DFIT commander, the LDFIT commander or designee shall coordinate the release from evidence of firearms and other equipment collected during the investigation. This shall include facilitating coordination between the involved officer and the respective Professional Standards Unit regarding exchange or retention of any replacement firearms issued, and with Fiscal Services regarding exchange or retention of other duty equipment. The LDFIT commander will also coordinate the return of personally owned property to the deputy from whom it was collected. If the department funded the replacement of a privately owned auxiliary weapon or other personal items of

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

equipment, the disposition of the weapon and/ or equipment previously held as evidence will be at the sole discretion of the involved agency.

C. Under most circumstances, evidence placed as a result of a deadly force investigation will be held for a minimum 6 month time period. During this time frame, the items will be evaluated for release taking into account considerations such as pending civil litigation, pending criminal charges, court orders, etc.

304.10 INTERVIEW OF THE INVOLVED DEPUTY

304.10.1 SCOPE OF INTERVIEW

The interviewer should review the attached addendum entitled "Officer Interview Guidelines and Potential Questions."

304.10.2 ATTENDANCE OF INTERVIEW

Only the following persons will be present during the questioning:

1. One assigned DFIT Detective
2. The involved deputy
3. The involved deputy's attorney at the discretion of the officer.

304.10.3 VIEWING SCENE OR VIDEO OF INCIDENT BY INVOLVED DEPUTY

A. Scene: If determined to be beneficial to the investigation, or if requested by the deputy or his attorney, the involved officer may be brought to the scene in order to complete a walkthrough at the direction of the DFIT. This walkthrough will only occur after evidentiary items have been recovered and removed and prior to comprehensive questioning. The walkthrough may assist the deputy in remembering more accurately and fully what occurred and be beneficial to the investigation. The determination regarding the need and timing of this walkthrough will be made through discussion with the DFIT and the LDFIT supervisors, members of the District Attorney's Office and the involved deputy and their attorney if applicable. The DFIT commander retains the right to deny the request for investigative reasons.

B. Video of Incident:

1. Involved deputies shall not review any video body camera footage prior to an interview. This allows the deputy to provide and statement of what the officer perceived at the time of the event.
2. Following the interview, if requested by the deputy, the deputy may review available video footage. After review, the deputy may choose to make additional statements.

304.10.4 INTERVIEW OF INVOLVED DEPUTY

A. Recording: The interview shall be recorded and the recording placed into evidence.

B. Observing the interview: The DFIT may allow, within their discretion, the following personnel to remotely observe the Interview:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. Professional Standards Unit representative
2. District Attorney representative
3. LDFIT representative
4. Any others as determined by the DFIT

C. In most circumstances, the deputy will not be detained or placed into the custody prior to the interview. The deputy will retain the ability to stop the interview or to leave the interview. Should the deputy be detained and placed in custody, appropriate Constitutional advisement shall be given.

D. No involved deputy shall be required to submit a written report of the incident. The deputy must cooperate fully with the investigative personnel.

304.11 RELEASE OF INFORMATION

The on-scene release of information will be determined by the following factors:

A. Decision about information to be released to the public at the time of the incident, about the incident, rests solely with the DFIT Commander, in consultation with the LDFIT Commander and the DFIT Chain of Command. Priority shall be given to those facts that immediately impact public safety.

B. The Sheriff's Office Manager of Public Information shall release no information, unless consent is given by the DFIT Commander.

C. No names of involved deputies, medical status of involved deputies, or photos of involved deputies will be released by the DFIT agency. This release of information is solely within the discretion of the involved agency and the agency head.

304.11.1 DFIT RESPONSIBILITIES

A. Set a staging area for media, where media is safe and cannot compromise the investigation

B. Decide on information that will be disseminated about the incident and the investigation. The DFIT will coordinate with the Sheriff's Office Media Relations Manager.

C. Manage media requests and CORA requests regarding the incident and the investigation.

D. The DFIT shall not release the identity of the involved deputy(s).

304.11.2 LDFIT RESPONSBILITIES

A. Coordinate with the Manager of Public Information assigned to the Sheriff's Office and CSPD.

B. Disseminate information, as permitted by deputy or family. Care should be taken to not release any private information, or identifying information, without consent of the Deputy and the consent of the Investigations Unit Commander or the Sheriff.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

C. The names of the involved deputy(s) may only be released with permission of the LDFIT Lieutenant, Commander, Bureau Chief, Undersheriff or Sheriff. The Deputy(s) shall be personally notified that the names are going to be released. After notification, the names of the involved deputy(s) shall be released pursuant to the Colorado Criminal Justice Records Act. Photos of the involved deputy(s) may be released at that time, provided there are no safety concerns regarding the release of the photos.

304.12 RELEASE OF SURVEILLANCE VIDEO OR BODY CAMERA FOOTAGE

Surveillance video, or body camera footage may not be released without the consent of the DFIT commander who shall consider the effect of the proposed release on the investigation, and the requirements of the Colorado Criminal Justice Record Act.

Prior to any decision to release the surveillance video or body camera footage of a deadly force incident, consultations by the DFIT Commander must occur with the involved agency head, the LDFIT supervisor, the Sheriff's Office chain of commend, the involved agency legal advisor and the legal advisor for the Sheriff's Office and the District Attorney's Office.

If the decision is made to release surveillance video or body camera footage, the involved deputy(s) shall be notified prior to the release.

304.13 CONCLUSION OF THE INVESTIGATION

A. Upon completion of the investigation, the reports will be forwarded to the Office of the District Attorney. The District Attorney will review the reports and render a written decision.

B. Once the decision is in writing, the DFIT and the LDFIT will be notified and given a copy of the decision. The LDFIT will notify the involved deputy(s) and give a copy of the decision to the deputy(s). The manager of media relations shall also receive a copy for information purposes. The manager of media relations will refer any questions about the findings to the Office of the District Attorney.

C. The Office of the District Attorney will release the decision to the media. Care should be taken to provide notification to the involved deputy(s) prior to release of the media.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Firearms

305.1 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.

305.1.1 AUTHORIZATION TO CARRY FIREARMS (C.R.S. 16-2.5-101)

(a) A person who is included within the provisions of this article and who meets all standards imposed by law on a peace officer is a peace officer, and, notwithstanding any other provision of law, no person other than a person designated in this article is a peace officer. A peace officer may be certified by the peace officers standards and training board pursuant to part 3 of article 31 of title 24, C.R.S., and, at a minimum, has the authority to enforce all laws of the state of Colorado while acting within the scope of his or her authority and in the performance of his or her duties, unless otherwise limited within this part 1.

(b) A peace officer certified by the peace officers standards and training board shall have the authority to carry firearms at all times, concealed or otherwise, subject to the written firearms policy created by the agency employing the peace officer. All other peace officers shall have the authority to carry firearms, concealed or otherwise, while engaged in the performance of their duties or as otherwise authorized by the written policy of the agency employing the officer.

(c) A Reserve Deputy or a Deputy who does not have a Full POST Certification, is authorized to carry a concealed weapon while engaged in the performance of their duties. A Reserve Deputy has the authority to act only when called to duty, and is under the direction of a full POST Certified Peace Officer. (CRS 16-2.5-110) A Reserve Deputy or a Deputy who is not fully POST Certified, may apply for and obtain a concealed Handgun Permit. When off duty, a Reserve Deputy, or a deputy who is not fully POST Certified, retains his/her right to open carry pursuant to Colorado Law.

(d) As used in every statute, unless the context otherwise requires, “law enforcement officer” means a peace officer.

305.2 POLICY

The Sheriff's Office will equip its members with firearms to address the risks posed to the public and Office members by violent and sometimes well-armed persons. The Office will ensure firearms are appropriate and in good working order and that relevant training is provided as resources allow.

305.3 DEFINITIONS

Carry condition refers to the following five loaded or empty states of the patrol rifle and shotgun:

(a) Cruiser Ready Condition:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Patrol Rifle - chamber empty, bolt forward, hammer cocked, safety on, loaded magazine in the magazine well.

(b) Shotgun – chamber empty, bolt forward, hammer cocked, safety on, tubular magazine loaded with duty rounds

(b) Tactical Condition:

(a) Patrol Rifle – round in the chamber, bolt forward, hammer cocked, safety on and loaded magazine seated in the magazine well.

(b) Shotgun – round in the chamber, bolt forward, hammer cocked, safety on and tubular magazine loaded with duty rounds

(c) Fire Condition:

(a) Patrol Rifle - round in chamber, bolt forward, safety off, loaded magazine in magazine well.

(b) Shotgun – round in the chamber, bolt forward, safety off, tubular magazine loaded with duty rounds

(d) Safe Condition:

(a) Patrol Rifle - chamber empty, action and dust cover open with bolt locked to the rear, safety on, no magazine or ammunition in the weapon.

(b) Shotgun - chamber empty, action open with bolt to the rear, safety on, no ammunition in the magazine

(e) Storage Condition:

(a) Patrol Rifle - chamber empty, bolt forward, hammer down, safety off, and no magazine or ammunition in the weapon. (Safety cannot be placed to the on position with the hammer down)

(b) Shotgun – chamber empty, bolt forward, hammer down, safety on, and magazine tube empty.

OPTICAL WEAPON SIGHT (OWS): Refers to a mounted optical device, sighting system, which allows the user to see the image of an aligned aiming point in the same focus as the target.

TACTICAL WEAPON LIGHT: Refers to a weapon-mounted light used to aid in dim-light threat identification.

PRIMARY DUTY WEAPON SYSTEM: Refers to the authorized duty handgun.

SECONDARY DUTY WEAPON SYSTEM: Refers to the authorized duty shotgun or duty patrol rifle.

BACK-UP WEAPON: Refers to a concealed authorized handgun worn by a deputy while on duty, in addition to his authorized primary duty handgun

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

OFF DUTY WEAPON: Refers to a concealed handgun carried by the deputy while in an off- duty status.

305.4 USE OF FIREARM DIRECTIVES

305.4.1 DISPLAY OF FIREARMS

Except for training and educational presentations, employees shall not draw or display their personally owned or department issued firearms to the general public unless circumstances cause the employee to believe it may be necessary to lawfully use these items accordance with the provisions of this policy.

305.4.2 FIREARMS 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 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.

(a) If on-duty at the time of the incident, the member shall file a written report 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.

305.4.3 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. 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, EMDT device, 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 or becomes impractical.

In addition to general training regarding the use of firearms, the Training Director 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.

305.4.4 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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).

305.4.5 WARNING AND OTHER SHOTS

Warning shots are not authorized. 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.

305.4.6 DRUGS AND ALCOHOL

Firearms shall not be carried by any member, either on- or off-duty, who has consumed an 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.

305.4.7 FIREARM STORAGE

Sworn personnel are responsible for the safe and secure storage of all Sheriff's Office firearms. Sheriff's Office issued handgun, shotgun, rifle, and approved back-up or off duty handguns that are not in the immediate control of a sworn employee will be stored safely and securely either by utilizing the issued gunlock, a locking storage device, or in a weapons locker. Handguns will not be left in plain view inside a Sheriff's Office vehicle or privately owned vehicle. The handguns should be stored in a glove box that can be locked or in the vehicle's trunk. The rifle or shotgun should be secured in a Sheriff's Office vehicle utilizing a locking gun rack or in the trunk of the vehicle.

305.4.8 FIREARM 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 civil liability.

305.4.9 FIREARM SAFEKEEPING

Office issued firearms shall be placed into safekeeping with the Rangemaster when the member will be unable to report for duty for more than 90 days. Examples of situations when a weapon(s) should be placed into safekeeping may include, but are not limited to:

(a) FMLA/Medical Leave

(b) Military Deployment

(c) Administrative Leave

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

305.4.10 FIREARM MAINTENANCE

Personnel authorized to carry firearms are responsible for the maintenance and serviceability of their equipment. Firearms are to be cleaned and inspected regularly to ensure serviceability.

(a) Personnel will inspect their firearms, holsters and ammunition prior to any duty assignment.

(b) Personnel will clean their firearms following any duty where weather or circumstances are likely to soil the weapon.

(c) Personnel will clean their firearms following any training or qualification.

(d) Immediate Supervisors are strongly encouraged to periodically inspect all weapons to verify Deputies are following this weapon maintenance policy.

305.5 AUTHORIZED FIREARMS

Members shall only use firearms that are issued or approved by the Office and have been thoroughly inspected by the Rangemaster. Except in an emergency or as directed by a supervisor, no firearm shall be carried by a member who has not qualified with that firearm at an authorized Office range.

305.5.1 DUTY WEAPONS

UNIFORMED DEPUTIES

The Office issued duty weapon for deputies is the Glock Model 22 semi-automatic in 40 S&W. Any duty handgun carried as a primary duty weapon must be equipped with self illuminating sights powered by tritium vials or similar, also known as “Night Sights”.

SPECIALIZED UNITS

The following is a list of authorized special teams weapons. Duty ammunition for these weapons varies and is approved by the training section.

(a) Remington Model 700 Sniper Rifle, Caliber.308

(b) LWRC international Model AR-10 (R.E.P.R.), Caliber.308

(c) Heckler-Koch MP-5 Submachine Gun, Caliber 9mm

(d) Ruger 10-22, semi-automatic rifle (suppressed), Caliber.22

(e) Colt M-16/AR-15/MK18, Caliber 5.56/.223

(f) Winchester and Marlin "Lever Action" Carbine, Caliber 30/30

(g) Remington Model 1187, semi-automatic, 12 GA Shotgun

(h) Remington Model 870, pump action, 12 GA Shotgun

Due to the nature of tactical team deployments, certain modifications such as shortened barrels, suppressors, telescopic sights and laser aiming devices may be approved for their applications only.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) No modifications are to be made without specific prior approval from respective division commanders.

PLAIN CLOTHES DEPUTIES

Plain clothes deputies assigned to a special unit or plain clothes assignments may be issued either a Glock Model 22, 23 or 27 in 40 S&W, and Glock 43 in 9mm.

Plain clothes deputies may use a personally owned Glock pistol or other approved manufacturer of a “Pre-Set Striker Fired” handgun in 9mm, 40 S&W, and 45 ACP, with written approval from their respective bureau chief. These weapons will be inspected and approved by the Rangemaster / Armorer prior to written approval and qualification. Handguns must be equipped with self illuminating sights powered by tritium vials or similar, also known as “Night Sights”.

When plain clothes deputies’ transition to a uniformed assignment, they will be required to carry an Office issued Glock Model 22.

AUTHORIZED BACK-UP FIREARMS

Members desiring to carry an office or personally owned back-up handgun are subject to the following restrictions:

(a) The handgun will meet the requirements set forth in SOP 306.6 - Registration and Inspection.

(b) Only one back-up handgun may be carried at a time.

(c) The purchase of the handgun will be the responsibility of the member and the ammunition will be provided by the Office.

(d) 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.

(e) The handgun shall be inspected by the Rangemaster / Armorer prior to being carried and thereafter shall be subject to inspection whenever it is deemed necessary.

(f) Prior to carrying the back-up handgun members shall qualify from the position it will be carried, under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling.

AUTHORIZED OFF-DUTY FIREARMS:

The carrying of firearms by fully POST Certified 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 deputy may elect to carry his issued duty handgun or a personally owned handgun while Off Duty.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) The purchase of the personally owned handgun and ammunition shall be the responsibility of the member.

(b) If using a personally owned weapon, it must meet the requirements set forth in 305.6-Registration and Inspection.

(c) 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.

(d) It will be the responsibility of the member to submit the handgun to the Rangemaster / Armorer for inspection prior to being personally carried. Thereafter the handgun shall be subject to periodic inspection by the Rangemaster.

(e) Prior to carrying the off duty handgun, members shall qualify from the position it will be carried, under range supervision and thereafter shall qualify in accordance with the office qualification schedule. Members must demonstrate proficiency and safe handling.

(f) Members shall only carry office-authorized ammunition.

(g) When armed, deputies shall carry their badges and Sheriff's Office identification cards under circumstances requiring possession of such identification.

305.5.2 SECONDARY DUTY WEAPONS SYSTEMS
12 GAUGE DUTY SHOTGUNS

The purpose of the duty shotgun is to enhance the tactical capabilities of law enforcement personnel by augmenting the service pistol and patrol rifle, as appropriate. Shotguns will be deployed according to policy and training.

12 Gauge shotguns will be issued as required by assignment. Authorized ammunition is 00 Buckshot. Deputies not authorized to deploy a Patrol Rifle will also be issued Rifled Slugs until they successfully complete the Patrol Rifle Class. Rifled Slugs may also be issued when deemed tactically necessary.

All shotguns must be inspected by the Rangemaster / Armorer prior to duty use. Deputies must first qualify with the shotgun prior to carrying it on duty. If a deputy changes weapons, he/she must qualify with the new shotgun prior to carrying it on duty.

Deputies authorized to carry a shotgun, desiring to carry a personally owned shotgun while on duty must meet the following criteria:

(a) Written approval from their respective bureau chief.

(b) The weapon will be inspected and approved by the Rangemaster / Armorer prior to written approval and qualification.

(c) 12 gauge pump or semi-auto, made by an approved manufacturer in SOP 305.6 - Registration and Inspection.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(d) Must have an operational safety mechanism and sear disconnector.

(e) A barrel length of at least 18 inches and no more than 21 inches.

(f) Rigid or collapsible shoulder-mounted stock in universal or pistol-grip configuration.

(g) Pistol grip stocks without a shoulder butt stock are not authorized.

DUTY PATROL RIFLE

The purpose of the patrol rifle is to enhance tactical capabilities of law enforcement personnel by augmenting the service pistol and shotgun, as appropriate. Patrol rifles will be deployed in accordance with Office policy and training.

(a) The Sheriff’s Office will issue the AR-15 Platform, in 5.56/.223 Remington caliber and made by an approved manufacturer in 306.6- Registration and Inspection.

All Patrol Rifles will be inspected by the Rangemaster / Armorer prior to being issued. It will be test fired and zeroed to the individual deputy prior to qualification. Should a deputy change firearms, he/she must qualify with the new patrol rifle prior to carrying it on duty.

Deputies must complete a 24 hour Patrol Rifle training and qualification course prior to being authorized to deploy the Patrol Rifle on duty.

The basic load of duty ammunition shall be one (1) 20 round magazine, and one (1) 30 round magazine. Magazines will be loaded two rounds short of capacity. If a particular magazine will not hold the specified number of rounds, it will be returned to the Range Master for repair or replacement. Additional personally owned magazines are authorized and must be loaded to the same specifications as above.

Deputies authorized to carry a Patrol Rifle, desiring to carry a private weapon while on duty must meet the following criteria:

(a) Written approval from their respective bureau chief.

(b) The weapon will be inspected and approved by the Rangemaster / Armorer prior to written approval and qualification.

(c) Personally owned weapons will be limited to the AR-15 Platform, in 5.56 /.223 Remington caliber, and made by approved manufacturer in SOP 305.6 - Registration and Inspection.

(d) Must have an operational safety mechanism and sear disconnector

(e) A barrel length of at least 14.5 inches and no more than 20 inches.

305.6 FIREARM STORAGE, INSPECTION AND REGISTRATION

The Sheriff's Office authorizes the use of weapons made by approved and reputable firearms manufacturers. They include:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

- Beretta, Bushmaster, Colt, DPMS, Glock, Heckler-Koch, KAHR, Kimber, LWRC International, Marlin, Mossberg, Olympic Arms, Para-Ordnance, Remington Arms, Rock River, Ruger, SigArms, Smith and Wesson, Springfield Armory, Walther, and Winchester.
- Authorized calibers for "Back-up" and "Off Duty" weapons are limited to.380 ACP, 38 Special, 357 Magnum, 9mm, 40 S&W, and 45 ACP.

This list is not meant to be all inclusive and is subject to change, modifications or updates based on the recommendation of the Range Master, with the approval of the chain of command up to the Undersheriff.

All approved weapons will be appropriate for Office members based on national standards and practices, and inspected at least once during the calendar year. This is required in order to ensure that the weapon is serviceable and suitable for law enforcement purposes.

In order to maintain the integrity of the firearms program, only the Range Master/Armorer or his designee is authorized to approve or make any changes to a weapon including changes to the stocks, grips, trigger, and sights or firing mechanism.

All firearms used for duty and off duty purposes will be inspected and approved by the Rangemaster/Armorer prior to qualification and being carried.

A record will be maintained by the Rangemaster of all weapons that are submitted for inspection and registration. That record will include the make, model, caliber, and serial number of each weapon.

Modifications to weapons that affect their adherence to factory specifications, their safety or their reliability will be cause for rejection by the armorer.

Any weapon that is damaged or consistently malfunctions will be reported to the armorer. The armorer will inspect the weapon to determine the extent of the damage and/or the cause of the malfunction. If the weapon is found to be unsafe or in need of repair it will be removed from service. Once repairs are made the armorer will inspect the weapon and return it to active service.

Normally, the cost of repairing a privately owned weapon is the responsibility of the individual deputy. However, the armorer is authorized to make repairs that are within his/her capability and to use minor parts that are furnished by the Sheriff’s Office. All such work will be at no cost to the deputy.

When a weapon is repaired by someone other than the armorer, it will not be returned to active service until the armorer has inspected it and verified its serviceability.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

305.7 AUTHORIZED EQUIPMENT

305.7.1 TACTICAL WEAPON LIGHT

The Tactical Weapon Light is a task-specific tool and does not replace the need for a Primary Flashlight. Personnel utilizing the tactical light are reminded that the use of the tactical light may not be consistent with general search procedures. In order to effectively use the light, the weapon would have to be in a “cover down” or “on target” position and not in a “search position.”

Sworn personnel are authorized to mount a tactical light only to weapons equipped with a rail-mount system on the weapon. No laser-aiming device may be attached to the weapon, whether or not it is incorporated with a tactical light.

Personnel choosing to utilize the tactical light are responsible for purchase and maintenance costs of the light, batteries and holster.

Prior to carrying a tactical light on duty, personnel are required to complete the following:

(a) The lighting system and attachment will be inspected and approved by the Range Master/Armorer

(b) Complete documented training developed by the training section on the application and use of the tactical light for that weapon system.

(c) Personnel must pass the qualification course for the specific weapon system, on day and dim- light courses, while demonstrating proficiency with the tactical light.

(d) After successful completion, personnel will be required to annually meet the requirements set forth for that weapon system with attached tactical light system.

(e) Tactical weapon lights will remain attached to the weapon at all times and handguns with lights attached will be kept in an authorized holster designed for such attachment.

305.7.2 OPTICAL WEAPON SIGHTING SYSTEMS (OWS)

The Office issued Patrol Rifle is equipped with the optical weapon sight. The OWS is mounted allowing for co- witnessing of the front and rear backup iron sights. Personnel receive training on this OWS during the required 24 hour Patrol Rifle User class.

Personnel that are authorized to deploy a shotgun or patrol rifle and desire to change to a different OWS, attach an OWS to an Office issued shotgun, or attach an OWS to an approved personally owned Patrol Rifle or shotgun are required to complete the following:

(a) Personnel choosing to change to a different OWS are responsible for purchase and maintenance costs of the OWS.

(b) The OWS and mounting system will be inspected and approved by the Range Master, and weapons so equipped must also have co-witnessed front and rear back up iron sights.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) Approved OWS systems will display one primary aiming point, have no more that 4x magnification, and will remain attached to the weapon at all times.

(d) Complete documented training developed by the training section on the application and use of the OWS for that weapon system.

(e) Personnel must pass the qualification course for the specific weapon system while demonstrating proficiency with the OWS.

(f) After successful completion, personnel will be required to annually meet the requirements set forth for that weapon system with attached OWS.

305.7.3 HOLSTERS

Only office-approved holsters and magazine carriers listed in policy shall be used and worn by members. Members shall periodically inspect their holsters and magazine carriers to make sure they are serviceable and provide the proper security and retention of the handgun and spare magazines.

See attachment: Approved Leather List New.pdf

305.8 AUTHORIZED AMMUNITION

Ammunition used for both duty and off duty purposes is restricted to approved calibers and manufacturers. Approved manufacturers include Speer, Remington, Federal, Winchester, and Hornady.

Ammunition will be issued or supplied by the Office under the following conditions:

(a) Primary, secondary, and authorized back-up duty firearms.

(b) Authorized training, practice and qualifications.

(c) Off-duty ammunition is the responsibility of the individual.

(d) Reloads are not authorized except for training or practice.

Duty Load Requirements

Duty, Off Duty, and Back-Up semi auto handguns will be carried with a round chambered, appropriate safeties engaged, and a fully loaded magazine in the weapon. Back-Up and Off-Duty Revolvers will have the cylinder fully loaded.

(a) Uniformed deputies will carry a fully loaded handgun with at least two additional fully loaded magazines.

(b) Plain clothes deputies will carry a fully loaded handgun and at least one additional fully loaded magazine.

(c) Off-duty deputies will carry a fully loaded handgun.

(d) Handgun Magazines will be loaded to capacity as specified by the manufacturer.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(e) Additional personally owned handgun magazines are authorized and must be loaded to the same specifications as above.

(f) If a particular magazine will not hold the specified number of rounds, it will be returned to the Range Master for repair or replacement.

Patrol Rifle

The minimum basic load of duty ammunition shall be one (1) 20 round magazine and (1) 30 round magazine. The Patrol Rifle will be carried in the “Cruiser Ready Condition” until deployed.

(a) Office issued magazines will be loaded 18 rounds in the 20 round magazine and 28 rounds in the 30 round magazine.

(b) Additional personally owned magazines are authorized and must be loaded to the same specifications as above.

Duty Shotgun

The minimum basic load of duty ammunition is 15 rounds of 00 Buckshot. The tubular magazine should be fully loaded, with the remaining rounds in an ammunition carrier. The Duty Shotgun will be carried in the “Cruiser Ready Condition” until deployed.

305.9 FIREARMS TRAINING AND QUALIFICATIONS

All sworn personnel shall attend firearms training and successfully complete firearms qualifications per the requirements listed in this section. Either a Dim Light Training or Dim Light Qualification is required annually.

305.9.1 FIREARM QUALIFICATION REQUIREMENTS

All sworn personnel shall qualify annually with all issued or personally owned weapons they are authorized to deploy or carry.

(a) Sworn personnel who are not issued a shotgun or patrol rifle may qualify with a “Range” Shotgun or Patrol Rifle to meet the “optional” qualification requirement (if certified) or as deemed necessary by their Division Commander.

The required semi-annual weapon qualification for all sworn personnel is:

(a) Primary Duty Handgun

The optional semi-annual weapon qualifications for sworn personnel are

(a) Duty Shotgun

(b) Duty Patrol Rifle

(c) Duty Back-up Off Duty Handgun

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Sworn Personnel must qualify with their handgun from the position normally carried.

(a) Duty handgun qualification requires the deputy to carry and draw their weapon from a duty belt and holster position normally worn on duty.

(b) Off-duty and back-up weapons qualification require the individual to carry and draw the weapon from a holster in the position of concealment regularly used.

All personnel are encouraged to wear a ballistic vest during firearm qualification and training.

(a) Personnel who are issued a vest, or required to wear a ballistic vest in the performance of their normal duties, shall qualify and train while wearing their ballistic vest.

(b) Personnel who are not issued a ballistic vest; or do not own a ballistic vest, a surplus ballistic vest may be provided if available

Specialized Assignments - All sworn deputies assigned to SWAT or SRT may exceed the semi-annual qualification requirement per their standard operating procedures.

305.9.2 FIREARMS TRAINING REQUIREMENTS

All personnel authorized to carry a weapon will be required to successfully complete an annual training session. This will be separate, and in addition to, the Weapon Qualification requirements.

The curriculum, days, and hours will be determined by the Training Section. Curriculum may include, but is not limited to;

(a) Proper application of "Deadly Force"

(b) Decisional and Tactical scenarios

(c) Daylight and Dim-light conditions

(d) Weapon Management and Marksmanship

Specialized Assignments - All sworn deputies assigned to SWAT or SRT may exceed the annual training requirement per their standard operating procedures.

305.9.3 FIREARMS QUALIFICATION PROCESS

Weapon Qualification Procedures

Deputies have a total of three (3) attempts to pass the current weapon qualification courses. Deputies may receive up to 30 minutes of remedial training between their 2nd and 3rd attempt.

<u>If the Deputy fails on 3rd attempt:</u>

(a) If the failure is with Deputy's issued Duty Handgun, the Deputy will then complete an "Off Duty" qualification course. Notification to their immediate supervisor by the range master will be completed as soon as possible.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) This will allow the deputy to retain their weapon and carry in an “Off Duty” status. Deputies who are driving a county vehicle may drive said vehicle to an appropriate location to be determined by the Deputy’s immediate supervisor. The vehicle will be parked there until the deputy successfully completes remedial training. The deputy will report to remedial training in his/her POV.

(c) A remedial training session will be scheduled for the Deputy no earlier than the next day, but within 3 days. (Example; Deputy fails to qualify on Monday, Remedial must be scheduled no later than Thursday).

(d) The Remedial Session will be 4 hours, not including the time needed for the 4th Qualification Attempt.

Failure to Pass Remedial Training with Primary Duty Firearm:

If the deputy fails to qualify after four (4) hours of remedial training, the deputy will be required to appear before a board to show cause why they should not be subjected to administrative or disciplinary action.

(a) The board will consist of the Training Sergeant, the Range Master, and the deputy’s immediate supervisor and division commander.

(b) At the discretion of the board, the deputy may be required to complete additional remedial training, or the deputy may be subjected to administrative or disciplinary action.

Secondary Weapon Systems

If a Deputy fails with a secondary weapon system, such as a Shotgun or Patrol Rifle, the Deputy may not deploy that weapon system until successfully completing rifle or shotgun remedial training.

(a) The Deputy’s Supervisor will be contacted, and if the weapon is an Office owned weapon, it will be taken by the Range Master for safe keeping until remedial training is completed.

(b) The remedial training will follow the same procedure as described above.

Unlike a disqualification with a Duty Handgun, a Deputy may still report for duty after failing to qualify with a secondary weapon system. Due to this, the remedial training will be scheduled as soon as feasible for both the deputy and the Range Master.

Back-Up and Off- Duty Weapons

If a Deputy fails with a Back-up or Off Duty Weapon, the Deputy may not carry that weapon or attempt an additional qualification until they attend a handgun workshop with that weapon, and qualify on the appropriate course.

Failure to Report for Required Qualification or Training

Sworn personnel will be responsible and will be held accountable for their own qualification and training requirements.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Training Section will not send out reminders on who needs to attend training sessions or is in need of qualification.

(b) If a deputy fails to meet the qualification requirements as outlined in this policy for any weapon(s) they carry, they are not authorized to deploy the weapon(s) until they report to the range and qualify with it.

(c) Deputies who repeatedly fail to meet qualification and training requirements may be referred to the Professional Standards Unit for further investigation.

305.10 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 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 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 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 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 take-off 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Retiree Concealed Firearms

306.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the issuance, denial, suspension or revocation of Sheriff's Office identification cards under the Law Enforcement Officers' Safety Act (LEOSA) and Colorado law (18 USC § 926C).

306.2 POLICY

It is the policy of the Sheriff's Office to provide Concealed Handgun Permits to qualified former or retired deputies as provided in this policy.

306.3 LEOSA

The Sheriff should issue a Concealed Handgun Permit for LEOSA purposes to any qualified former or retired deputy of this Office who (18 USC § 926C(c)):

(a) Separated from service in good standing from service with a public agency as a law enforcement officer.

(b) Before such separation, was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest *or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)*

1. Before such separation, served as a law enforcement officer for an aggregate of 10 years or more; or

2. Separated from service with such agency, after completing any applicable probationary period of such service, due to a service-connected disability, as determined by such agency.

(c) During the most recent 12-month period, has met, at the expense of the individual, the standards for qualification in firearms training for active law enforcement officers, as determined by the former agency of the individual, the State in which the individual resides or, if the State has not established such standards, either a law enforcement agency within the State in which the individual resides or the standards used by a certified firearms instructor that is qualified to conduct a firearms qualification test for active duty officers within that State;

1. Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification as described in subsection (d)(1); or

2. Has not entered into an agreement with the agency from which the individual is separating from service in which that individual acknowledges he or she is not qualified under this section for reasons relating to mental health and for those reasons will not receive or accept the photographic identification as described in subsection (d)(1);

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(d) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance; and

(e) Is not prohibited by Federal law from receiving a firearm.

306.3.1 LEOSA IDENTIFICATION CARD FORMAT

The El Paso County Sheriff's Office Retired Peace Officer National Concealed Handgun Permits shall bear:

(a) A color photograph of the applicant;

(b) Applicant’s legal name (first name, middle initial and last name);

(c) Current and complete El Paso County address;

(d) Date of birth;

(e) Height;

(f) Weight;

(g) Hair color;

(h) Sex;

(i) Weight;

(j) Eye color;

(k) Expiration date;

(l) Signature of the sheriff who issues the permit; and

(m) Signature of the applicant.

306.3.2 AUTHORIZATION

The Sheriff's Office Retired Peace Officer National Concealed Handgun Permit allows qualified former or retired law enforcement officers to carry a concealed firearm in any jurisdiction in the United States, regardless of state or local laws, with certain exceptions. Although LEOSA preempts state and local laws, there are two exceptions:

(a) Permit private persons or entities to prohibit or restrict the possession of concealed firearms on their property (such as bars, private clubs, amusement parks, etc.)

(b) Prohibit or restrict the possession of firearms on any state or local government property, installation, building, base, or park.

306.4 QUALIFIED FORMER OR RETIRED LAW ENFORCEMENT OFFICERS RESPONSIBILITIES

The qualified former or retired law enforcement officers shall carry the following:

(a) a photographic identification issued by the agency from which the individual separated from service as a law enforcement officer that indicates the person as having been employed as a police officer or law enforcement officer; and

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) a valid Sheriff's Office Retired Peace Officer National Concealed Handgun Permit.

306.4.1 RESPONSIBILITIES UNDER LEOSA

In order to obtain or retain an Sheriff's Office Retired Peace Officer National Concealed Handgun Permit, the qualified former or retired law enforcement officers shall provide:

(a) A signed Sheriff's Office Retired Peace Officer National Concealed Handgun Permit application

(b) A Colorado State ID with a current and complete El Paso County address.

(c) A photographic identification issued by the agency from which the individual separated from service as a law enforcement officer.

(d) Pay a $13.00 fee to the Sheriff’s Office;

(e) Successfully qualify with the Sheriff’s Office Rangemaster

(f) Successfully pass an annual criminal history background check; and

(g) Remain subject to all applicable Office policies and federal, state and local laws.

306.5 DENIAL, SUSPENSION OR REVOCATION

A Sheriff's Office Retired Peace Officer National Concealed Handgun Permit may be denied, suspended 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 applicant has a right to seek a second review of the application by the Sheriff, to submit additional information for the record, and to seek judicial review.

The law enforcement office 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).

306.6 FIREARM QUALIFICATIONS

Monthly the Rangemaster will provide former or retired law enforcement officers an opportunity to qualify. Written evidence of the qualification and the weapons used will be provided to the Concealed Handgun Permit Office and will contain the date of the qualification. The Rangemaster will maintain a record of the qualifications and weapons used.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Canines

307.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of canines to augment law enforcement services to the community including, but not limited to, locating individuals, contraband and apprehending criminal offenders.

307.2 POLICY

It is the policy of the 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.

307.3 ASSIGNMENT

Canine teams will assist and supplement the Office to function primarily in assist or cover assignments. However, they may be assigned by a supervisor 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 and then only at the direction of a supervisor.

307.4 REQUESTS FOR CANINE TEAMS

Office members are encouraged to request the use of a canine. Requests from Office units outside of the Patrol Division shall be reviewed by the canine supervisor.

307.4.1 OUTSIDE AGENCY REQUEST

All requests for canine assistance from outside agencies must be approved by the canine supervisor and are subject to the following:

(a) Canine teams shall not be used for any assignment that is not consistent with this policy.

(b) 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.

(c) It shall be the responsibility of the canine handler to coordinate operations with outside agency personnel in order to minimize the risk of unintended injury.

(d) It shall be the responsibility of the canine handler to complete all necessary reports as directed.

307.4.2 PUBLIC DEMONSTRATIONS

All public requests for a canine team shall be reviewed and approved by the canine supervisor prior to making any resource commitment. Canine handlers are responsible for obtaining resources and

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 lieutenant.

307.5 APPREHENSION GUIDELINES

A canine may be used to locate and apprehend a suspect if the canine handler reasonably believes that the individual has either committed, is committing or 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 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.

Use of a canine to locate and apprehend a suspect wanted for a lesser criminal offense than those identified above requires approval from the canine supervisor. Absent a change in circumstances that present 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 practical.

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.

307.5.1 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.

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

307.5.2 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 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.

307.5.3 REPORTING DEPLOYMENTS, BITES AND INJURIES

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 a canine use report. The injured person shall be promptly treated by emergency medical services personnel and, if appropriate, transported to a 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 supervisor. 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).

307.6 NON-APPREHENSION GUIDELINES

Dual purpose canines, those trained in tracking and apprehension, shall only be used to track or search for non criminals in emergency situations (e.g., lost children, individuals who may be disoriented or in need of medical attention). The canine handler is responsible for determining

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 present an immediate 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.

(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 it becomes reasonably practicable.

307.6.1 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.

307.6.2 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.

307.6.3 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.

At no time will an explosive-detection trained canine be used to render a suspected device safe or clear.

307.7 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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) 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 supervisor as soon as possible.

(c) 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.

(d) 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.

(e) Under no circumstances will the canine be lodged at another location unless approved by the canine supervisor.

(f) 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 supervisor so that appropriate arrangements can be made.

307.7.1 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 dog. The handler shall also ensure that the unattended vehicle remains inhabitable for the canine.

307.8 HANDLER COMPENSATION

The canine handler shall be available for call-out under conditions specified by the canine supervisor.

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).

307.9 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 supervisor 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

307.10 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.

All canine training should be conducted while on-duty unless otherwise approved by the canine supervisor.

307.10.1 CONTINUED TRAINING

Each canine team shall thereafter be re-certified to a current nationally recognized standard or other recognized and approved certification standards on an annual basis.

307.10.2 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.

307.10.3 TRAINING RECORDS

All canine training records shall be maintained in the canine handler’s and the canine’s training file.

307.10.4 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 regarding the same. Alternatively, the Office may work with outside trainers with the applicable licenses or permits.

307.10.5 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 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 Agency (DEA).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

These procedures are not required if the canine handler uses commercially available synthetic substances that are not controlled narcotics.

307.10.6 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.

(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 Evidence Unit 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.

307.10.7 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 to verify the explosive training aids on hand against the inventory ledger once each quarter.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(d) Only members of the canine team shall have access to the explosive training aids storage facility or locker.

(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 supervisor, who will determine if any further action will be necessary. Any loss of explosives will be reported to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Domestic Violence

308.1 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.

308.1.1 DEFINITIONS

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.

308.2 POLICY

The 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.

308.3 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.

308.4 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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 reporting deputy 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. Marital status of suspect and victim.
2. Whether the suspect lives on the premises with the victim.
3. Claims by the suspect that the victim provoked or perpetuated the violence.
4. The potential financial or child custody consequences of arrest.
5. The physical or emotional state of either party.
6. Use of drugs or alcohol by either party.
7. Denial that the abuse occurred where evidence indicates otherwise.
8. A request by the victim not to arrest the suspect.
9. Location of the incident (public/private).
10. Speculation that the complainant may not follow through with the prosecution.
11. The racial, cultural, social, professional position or sexual orientation of the victim or suspect.

308.4.1 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Provide the victim with a VINE (Victim Information and Notification Everyday) brochure allowing for self registration that will enable notification of the victim upon the suspect's release from jail via either telephone, email, or text.

(c) Advise the victim whether any type of court order will be in effect when the suspect is released from jail.

308.4.2 IF NO ARREST IS MADE

If no arrest is made, the deputy should document the incident in a case report along with any resolution or options provided to the parties.

308.5 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.

308.6 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.

308.7 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

and opportunity to respond was given to the party against whom the order was issued (18 USC § 2265).

308.8 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.

308.9 LEGAL MANDATES AND RELEVANT LAWS

Colorado law provides for the following:

308.9.1 STANDARDS FOR ARRESTS

Deputies investigating a domestic violence report should consider the following:

(a) If a deputy has probable cause to believe an offender has committed an offense of domestic violence, an arrest shall be made (CRS § 18-6-803.6).

(b) A deputy is not required to arrest both parties involved in an alleged act of domestic violence when both claim to have been victims of such domestic violence (CRS § 18-6-803.6). If a deputy receives complaints of domestic violence from two or more opposing persons, the deputy shall evaluate each complaint separately to determine if a crime has been committed by one or more persons.

(c) In determining whether a crime has been committed by one or more persons, the deputy shall consider the following (CRS § 18-6-803.6):

1. Any prior complaints of domestic violence.
2. The relative severity of the injuries inflicted on each person.
3. The likelihood of future injury to each person.
4. The possibility that one of the persons acted in self-defense.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(d) Unless impractical, if probable cause exists to believe an offender has violated a court order and that such offender had notice of the court order, an arrest shall be made (CRS § 18-6-803.5). If the circumstances make arrest impractical, the deputy shall seek an arrest warrant for the offender (CRS § 18-6-803.5).

(e) If a restrained person is arrested for violating or attempting to violate any provision of a court order, the arresting deputy shall make all reasonable efforts to contact the protected party to notify him/her of such arrest (CRS § 18-6-803.5).

308.9.2 REPORTS AND RECORDS

The Records Supervisor will maintain records on the number of domestic violence-related calls reported to the 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 Sheriff's Office for violating a court order, the Records Supervisor shall forward to the issuing court a copy of the arrest report, a list of witnesses to the violation, and, if applicable, a list of any charges filed or requested against the restrained person. The Records Supervisor shall also ensure that a copy of the same information is provided to the protected party. The agency shall delete the address and telephone number of a witness from the list sent to the court upon request of such witness, and such address and telephone number shall not thereafter be made available to any person, except law enforcement officials and the prosecuting agency, without order of the court (CRS § 18-6-803.5).

If a restrained person is on bond in connection with a violation or attempted violation of a protection order in this or any other state and is subsequently arrested by the Sheriff's Office for violating or attempting to violate a protection order, the Records Supervisor shall notify the prosecuting attorney so that a motion may be filed with the court that issued the prior bond for the revocation of the bond and for the issuance of a warrant, if appropriate (CRS § 18-6-803.5).

308.9.3 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Search and Seizure

309.1 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 Sheriff's Office personnel to consider when dealing with search and seizure issues.

309.2 POLICY

It is the policy of the 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.

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.

309.3 SEARCHES

The U.S. Constitution generally provides that a valid warrant is required in order for a search to be valid. There are, however, several exceptions that permit a warrantless search.

Examples of law enforcement activities that are exceptions to the general warrant requirement include, but are not limited to, searches pursuant to the following:

- Valid consent
- Incident to a lawful arrest
- Legitimate community caretaking interests
- Vehicle searches under certain circumstances
- Exigent circumstances

Certain other activities are recognized by federal and state courts and by certain statutes as legitimate law enforcement activities that also do not require a warrant. Such activities may include seizure and examination of abandoned property, and observations of activities and property located on open public areas.

Because case law regarding search and seizure is constantly changing and subject to interpretation by the courts, each member of this Office is expected to act in each situation according to current training and his/her familiarity with clearly established rights as determined by case law.

Whenever practicable, deputies are encouraged to contact a supervisor to resolve questions regarding search and seizure issues prior to electing a course of action.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

309.4 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.

309.5 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Temporary Custody of Juveniles

310.1 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 Sheriff's Office (42 USC § 5633). This policy is not applicable, in its entirety, to the custody of juveniles at the Criminal Justice Center.

310.1.1 DEFINITIONS

Juvenile non-offender - An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. Juvenile non-offenders include a juvenile taken into protective custody for being intoxicated or incapacitated by alcohol and clearly dangerous to the health and safety of him/herself 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 his/her 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(18); CRS § 19-1-103(68)). Juvenile offenders include juveniles taken into custody for possession of a handgun under CRS § 18-12-108.5 (28 CFR 31.303).

Non-secure custody - When a juvenile is 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.

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.

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.

310.2 POLICY

The 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 Sheriff's Office. Juveniles should be held in temporary custody only for as long as reasonably necessary for processing, transfer or release.

310.3 JUVENILES WHO SHOULD NOT BE HELD

Juveniles who exhibit certain behaviors or conditions should not be held at the 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.

1. If the deputy taking custody of a juvenile believes that he/she may be a suicide risk, the deputy shall ensure continuous direct supervision until evaluation, release or transfer to an appropriate facility is completed.

(d) Significant intoxication or showing signs of having ingested any substance that poses a significant risk to their health, whether or not they appear intoxicated.

(e) Extremely violent or continuously violent behavior.

(f) Afflicted with, or displaying symptoms of, a communicable disease that poses an unreasonable exposure risk.

Deputies taking custody of a juvenile who exhibits any of the above conditions should take reasonable steps to provide medical attention or mental health assistance and notify a supervisor of the situation.

These juveniles should not be held at the Sheriff's Office unless they have been evaluated by a qualified medical and/or mental health professional.

310.4 CUSTODY OF JUVENILES

Deputies should take custody of a juvenile and temporarily hold the juvenile at the Sheriff's Office when there is no other lawful and practicable alternative to temporary custody.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

No juvenile should be held in temporary custody at the Sheriff's Office without authorization of the arresting deputy's supervisor. 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 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 Sheriff's Office (42 USC § 5633).

310.4.1 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 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 (42 USC § 5633).

310.4.2 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. Juvenile status offenders may not be held in secure custody (42 USC § 5633).

310.4.3 CUSTODY OF JUVENILE OFFENDERS

Juvenile offenders should be held in non-secure custody while at the Sheriff's Office unless another form of custody is authorized by this policy or is necessary due to exigent circumstances.

310.4.4 PETTY OFFENSE TICKETS

Offenders 10 years of age or older who have committed an offense that would be a petty offense or county ordinance violation if committed by an adult may be issued a penalty assessment. The Sheriff's Office shall maintain annual data on the penalty assessments issued, including the age, ethnicity and gender of each juvenile ticketed and the disposition of each ticket (CRS § 19-2-302.5).

310.4.5 REQUIREMENTS FOR CUSTODY OF JUVENILE OFFENDERS

A juvenile offender may be taken into temporary custody (CRS § 19-2-502):

(a) When there are reasonable grounds to believe that he/she has committed a violation of a statute, county ordinance or court order that would subject an adult to an arrest.

(b) Pursuant to a lawful warrant issued by a court pursuant to CRS § 19-2-503.

A juvenile offender shall not be held longer than is reasonably necessary to obtain basic identification information and to contact the juvenile’s parents, guardian or legal custodian (CRS § 19-2-507(4)).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

The juvenile shall be released to the care of the juvenile's parents or other responsible adult unless a determination is made in accordance with CRS § 19-2-507(2) that the juvenile's immediate welfare or the protection of the community requires that the juvenile be detained.

If the juvenile is not released to the care of his/her parents or other responsible adult, the juvenile shall be taken directly to the court, a detention facility or a shelter designated by the court, without unnecessary delay (CRS § 19-2-507(4)).

As an alternative to taking a juvenile offender to a detention facility or shelter, a deputy may, if authorized by policy of the court, serve a summons for juvenile proceedings upon the juvenile and the juvenile's parent, guardian or legal custodian (CRS § 19-2-507(5)).

When a juvenile is not released pending charges, the deputy shall notify the juvenille screening team for the judicial district in which the juvenile was taken into custody (CRS § 19-2-507(1)).

310.5 ADVISEMENTS

The juvenile 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 juvenile screening team is unable to make the notification, deputies may make it (CRS § 19-2-507).

310.5.1 REPORTING

The Records Supervisor 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.

(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 penalty assessment.

(d) The arrest or incident report number assigned by the El Paso County Sheriff's Office.

(e) The most serious offense for which the juvenile was arrested, issued a summons or penalty assessment, 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 Sheriff's Office.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

310.6 JUVENILE CUSTODY LOGS

Any time a juvenile is held in custody at the Office, the custody shall be promptly and properly documented, including:

(a) Identifying information about the juvenile being held.

(b) Date and time of arrival and release from the Sheriff's Office.

(c) Any charges for which the juvenile is being held and classification of the juvenile as a juvenile offender, status offender or non-offender.

(d) Any medical and other screening requested and completed.

(e) Circumstances that justify any secure custody.

310.7 NO-CONTACT REQUIREMENTS

Sight and sound separation shall be maintained between all juveniles and adults while in temporary custody at the Office (42 USC § 5633). 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, a member of the Sheriff's Office shall maintain a constant, immediate 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.

310.8 TEMPORARY CUSTODY REQUIREMENTS

Members assigned to monitor or process any juvenile at the Sheriff's Office shall ensure the following:

(a) The supervisor should be notified if it is anticipated that a juvenile may need to remain at the Sheriff's Office more than four hours. This will enable the Lieutenant to ensure no juvenile is held more than six hours.

(b) A staff member of the same sex shall supervise personal hygiene activities and care, such as changing clothing or using the restroom, without direct observation to allow for privacy.

(c) Personal visual checks and significant incidents/activities shall be noted on the log.

(d) There shall be no viewing devices, such as peep holes or mirrors, of which the juvenile is not aware. Therefore, an employee should inform a juvenile under his/her care that the juvenile will be monitored at all times, unless he/she is using the toilet. This does not apply to surreptitious and legally obtained recorded interrogations.

(e) Juveniles shall have reasonable access to toilets and wash basins.

(f) Food should be 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) Juveniles shall have reasonable access to a drinking fountain or water.

(h) Juveniles shall have reasonable opportunities to stand and stretch, particularly if handcuffed or restrained in any way.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(i) Juveniles should have privacy during family, guardian and/or lawyer visits.

(j) Juveniles should be 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) Blankets should be provided as reasonably necessary.

(l) Adequate shelter, heat, light and ventilation should be provided without compromising security or enabling escape.

(m) Juveniles shall have adequate furnishings, including suitable chairs or benches.

(n) Juveniles shall have the right to the same number of telephone calls as an adult in custody.

(o) No discipline may be administered to any juvenile, nor may juveniles be subjected to corporal or unusual punishment, humiliation or mental abuse.

310.9 USE OF RESTRAINT DEVICES

Juvenile offenders may be handcuffed in accordance with the policy. A juvenile offender may be handcuffed at the Sheriff's Office when the 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 a supervisor. Restraints shall only be used so long as it reasonably appears necessary for the juvenile's protection or the protection of others.

310.9.1 PREGNANT JUVENILES

Juveniles who are known to be pregnant should be restrained in accordance with the policy.

310.10 PERSONAL PROPERTY

The deputy taking custody of a juvenile offender or status offender at the Sheriff's Office shall ensure a thorough search of the juvenile’s property is made and all property is removed from the juvenile, especially those items that could compromise safety, such as pens, pencils and belts.

The personal property of a juvenile should be placed in a property bag. The property should be inventoried in the juvenile’s presence and sealed into the bag. The property should be kept in a monitored or secure location until the juvenile is released from the custody of the Sheriff's Office.

310.11 SECURE CUSTODY

Only juvenile offenders that have been through the juvenile screening process will be placed into secure custody as directed by the juvenile screener.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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, rather than the use of a locked enclosure. An employee must be present at all times to ensure the juvenile's safety while secured to a stationary object.

Generally, juveniles will not be secured to a stationary object. If the juvenile requires constant direct supervision, additional deputies will be required to supervise the juvenile while the arresting deputy completes his booking process.

310.12 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY OF A JUVENILE

The on duty supervisor will ensure procedures are in place to address the suicide attempt, death or serious injury of any juvenile held in temporary custody at the Sheriff's Office. The procedures will address:

(a) Immediate request for emergency medical assistance if appropriate.

(b) Immediate notification of the on-duty supervisor.

(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 if appropriate.

(g) Evidence preservation.

310.13 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.

310.14 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 a juvenile offender or status offender unless either of the following occurs:

(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 his/her parent, guardian, or legal or physical custodian are advised of the following:

1. The juvenile's right to remain silent
2. That any statements made may be used against him/her in a court of law
3. The juvenile's right to the presence of an attorney during the interrogation

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

4. The juvenile's right to have counsel appointed if he/she so requests at the time of the interrogation (CRS § 19-2-511)

310.15 RESTRICTION MUGSHOTS AND ON FINGERPRINTING

The following juvenile offenders may be photographed and fingerprinted (CRS § 19-2-503.5):

(a) A juvenile offender held for committing any of the following:

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 his/her first appearance before the court and has been ordered by the court to report for fingerprinting

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

At-Risk Adult Abuse

311.1 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 Sheriff's Office members as required by law.

311.1.1 DEFINITIONS

At-Risk Adult abuse - Any offense or attempted offense involving violence or neglect of an at-risk adult victim when committed by a person responsible for the at-risk adult's care, or any other act that would mandate reporting or notification to a social service agency or law enforcement.

311.2 POLICY

The Sheriff's Office will investigate all reported incidents of alleged at-risk adult abuse and ensure proper reporting and notification as required by law.

311.3 MANDATORY NOTIFICATION

Members of the Sheriff's Office shall notify the Department of Human Services when the member observes or has reasonable cause to believe that an at-risk adult has been abused or is at imminent risk of abuse (CRS § 26-3.1-102).

For purposes of notification, abuse includes subjecting an at-risk adult to non-accidental infliction of physical pain or injury, unreasonable confinement or restraint, or sexual conduct or contact (CRS § 26-3.1-101). The term may also include mistreatment, exploitation and caretaker neglect or self-neglect as provided in CRS § 26-3.1-101. At-risk adult means any person who is 70 years of age or older or who is age 18 or older and who is person with a disability (CRS 18-6.5-102 (11)) who is susceptible to abuse due to the person's inability to care for him/herself or due to diminished capacity (CRS § 26-3.1-101; CRS § 18-6.5-108).

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).

311.3.1 NOTIFICATION PROCEDURE

Notification should occur using the Department of Human Services intake telephone number within 24 hours and shall include when known or available (CRS § 26-3.1-102):

(a) The name, address and age of the at-risk adult victim.

(b) The name and address of the at-risk adult's caretaker, if any.

(c) The nature and extent of any injuries.

(d) The nature and extent of the condition that may reasonably result in abuse.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

311.4 QUALIFIED INVESTIGATORS

Qualified investigators should be available to investigate cases of at-risk adult abuse. These investigators should:

(a) Conduct interviews in appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to at-risk adult abuse investigations.

(c) Present all cases of alleged at-risk adult abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and facility administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the victim and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable (CRS § 26-3.1-103).

311.5 INVESTIGATIONS AND REPORTING

All reported or suspected cases of at-risk adult abuse require investigation and a report, even if the allegations appear unfounded or unsubstantiated.

Investigations and reports related to suspected cases of at-risk 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 at-risk 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):

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. 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.
2. Whether an individual knowingly or intentionally concealed or destroyed a rescission of a request for medical aid-in-dying medication.
3. Whether an individual knowingly or intentionally coerced or exerted undue influence on a person with a terminal illness to request medical aid-in-dying medication or to destroy a rescission of a request for such medication.

An ombudsman should be called to the scene if the abuse occurred in a long-term care facility (CRS § 26-11.5-101 et seq.).

Any unexplained death of an adult who was in the care of a guardian or caretaker should be considered as potential adult abuse and investigated similarly.

311.6 PROTECTIVE CUSTODY

Before taking an at-risk adult abuse victim into protective custody when facts indicate the at-risk adult may not be able to care for him/herself, the deputy should make reasonable attempts to contact the Department of Human Services. Generally, removal of an at-risk 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 at-risk 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 at-risk adult abuse victim into protective custody, the deputy should take reasonable steps to deliver the at-risk 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 at-risk adult is delivered the Department of Human Services.

Whenever practicable, the deputy should inform a supervisor of the circumstances prior to taking an at-risk adult abuse victim into protective custody. If prior notification is not practicable, deputies should contact a supervisor promptly after taking the at-risk adult into protective custody.

When at-risk adult abuse victims are under state control, 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 at-risk adult victim to either remove the at-risk adult from a dangerous environment (protective custody) or restrain a person from contact with the at-risk adult.

311.7 INTERVIEWS

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

311.7.1 PRELIMINARY INTERVIEWS
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.

311.7.2 DETAINING VICTIMS FOR INTERVIEWS
A deputy should not detain an at-risk 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:
    (a) A reasonable belief that medical issues of the at-risk adult need to be addressed immediately.
    (b) A reasonable belief that the at-risk adult is or will be in danger of harm if the interview or physical exam is not immediately completed.
    (c) The alleged offender is a family member or guardian and there is reason to believe the at-risk adult may be in continued danger.
(b) A court order or warrant has been issued.

311.8 MEDICAL EXAMINATIONS
When an at-risk adult abuse investigation requires a medical examination, the investigating deputy should obtain consent for such examination from the victim, guardian, agency or entity having legal custody of the at-risk adult. The deputy should also arrange for the at-risk adult's transportation to the appropriate medical facility.

In cases where the alleged offender is a family member, guardian, 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 at-risk adult for a medical examination, the supervisor should consider other government agencies or services that may obtain a court order for such an examination.

311.9 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 at-risk adult abuse victim who has been exposed to the manufacturing, trafficking or use of narcotics.

311.9.1 SUPERVISOR RESPONSIBILITIES
The Investigations Division supervisor should:

(a) Work with professionals from the appropriate agencies, including the Department of Human Services, other law enforcement agencies, medical service providers and local prosecutors, to develop community-specific procedures for responding to situations where there are adult abuse victims endangered by exposure to methamphetamine labs or the manufacture and trafficking of other drugs.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Activate any available interagency response when a deputy notifies the Investigations Division supervisor that he/she has responded to a drug lab or other narcotics crime scene where an at-risk adult abuse victim is present or where evidence indicates that an at-risk 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 at-risk adult.

311.9.2 DEPUTY RESPONSIBILITIES

Deputies responding to a drug lab or other narcotics crime scene where an at-risk adult abuse victim is present or where there is evidence that an at-risk adult abuse victim lives should:

(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 Investigations Division supervisor so an interagency response can begin.

311.10 STATE MANDATES AND OTHER RELEVANT LAWS

Colorado requires or permits the following:

311.10.1 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 at-risk adult abuse report to the Department of Human 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 Department of Human Services where the victim resides and to the District Attorney’s Office where the abuse or exploitation occurred.

(c) Retaining the original at-risk adult abuse report with the initial case file.

311.10.2 RELEASE OF REPORTS

Information related to incidents of at-risk adult abuse or suspected at-risk 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Discriminatory Harassment

312.1 PURPOSE AND SCOPE

This policy is intended to prevent Office members from being subjected to discrimination or sexual harassment.

312.2 POLICY

The 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.

312.3 DISCRIMINATION PROHIBITED

312.3.1 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 race, color, religion, sex, age, national origin or ancestry, genetic information, disability, military service, sexual orientation and other classifications 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, 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 the Office’s commitment to a discrimination free work environment.

312.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because he/she has engaged in protected activity, filed a charge of discrimination, participated in an investigation or opposed a discriminatory practice. Retaliation will not be tolerated.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

312.3.3 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.

312.3.4 ADDITIONAL CONSIDERATIONS

The following is intended to be a list of sexual harassment, but not intended to be all inclusive:

(a) VERBAL

  (a) Making sexual comments about a person's body

  (b) Turning work discussions into sexual topic

  (c) Making sexual comments/innuendoes or telling sexual jokes

  (d) Asking about sexual preferences, history, fantasies, or personal questions about one's sexual life

  (e) Making sexual comments about a persons clothing, anatomy or looks

  (f) Repeatedly asking a person out who is not interested

  (g) Making kissing sounds, whistling, or howling

  (h) Telling lies or spreading rumors about a person's personal sex life

  (i) Referring to an adult as "hunk", "doll", "babe", "honey" or any other sexually explicit nickname

(b) NON-VERBAL

  (a) Displaying sexually suggestive visuals

  (b) Making facial expressions such as throwing kisses or licking lips

  (c) Making sexual gestures with hands or through body movements/ languages

(c) PHYSICAL:

  (a) Giving an unwelcome/unwanted massage around the neck and shoulders

  (b) Touching a person's clothing, hair or body

  (c) Unwelcome hanging around/stalking of a person

  (d) Hugging, kissing, patting, or stroking of another

  (e) Touching or rubbing oneself sexually around another person

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(f) Standing close or brushing up against a person intentionally

312.4 RESPONSIBILITIES

This policy applies to all Office personnel. All members shall follow the intent of these guidelines in a manner that reflects Office policy, professional law enforcement standards and the best interest of the Office and its mission.

Members are encouraged to promptly report any discriminatory, retaliatory or harassing conduct or known violations of this policy to a supervisor. Any member who is not comfortable with reporting violations of this policy to his/her immediate supervisor may bypass the chain of command and make the report to a higher ranking supervisor or manager up to and including the Sheriff. Complaints may also be filed with the Employment Investigative Specialist located at the County Attorney's Office.

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

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.

312.4.1 SUPERVISOR RESPONSIBILITIES

Each supervisor and manager shall:

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

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

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

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

(e) Notify the Undersheriff or Employment Investigative Specialist in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment or retaliation no later than the next business day.

312.4.2 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 law enforcement standards.

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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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.

312.4.3 RESPONSIBILITIES UPON RECEIPT OF COMPLAINT

Upon receipt or notification of a complaint filed with the El Paso County Human Resources Department, the Sheriff or the authorized designee shall assign the complaint for action. The person assigned the complaint is responsible to ensure completion of the following (CRS § 24-34-301, et seq.):

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

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

(c) Respond to all telephone or mail inquiries from El Paso County Human Resources Department or Employment Investigative Specialist.

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

312.5 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 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.

312.5.1 SUPERVISORY RESOLUTION

Members who believe they are experiencing discrimination, harassment or retaliation should be encouraged to inform the individual that his/her behavior is unwelcome offensive, unprofessional or inappropriate. However, if the member feels uncomfortable, threatened or has difficulty expressing his/her concern, the member should be referred to the Employment Investigative Specialist assigned to the County Attorney's Office.

312.5.2 FORMAL INVESTIGATION

All formal investigations will be conducted by the Employment Investigative Specialist assigned to the County Attorney's Office.

The Employment Investigative Specialist 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

complaint and no member will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint or for offering testimony or evidence in any investigation.

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

Members who believe they have been discriminated against, harassed or retaliated against because of their protected status are encouraged to follow the chain of command but may also file a complaint directly with the Employment Investigative Specialist.

312.5.3 ALTERNATIVE COMPLAINT PROCESS

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

312.6 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.

312.7 TRAINING

All members shall receive annual training on the requirements of this policy.

312.7.1 QUESTIONS OR CLARIFICATION

Members with questions regarding what constitutes discrimination, sexual harassment or retaliation are encouraged to contact a supervisor for further information, direction or clarification.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Training

313.1 PURPOSE AND SCOPE

It is the policy of this Office to administer a training program that will meet the standards of federal, state, local and POST training requirements. It is a priority of this Office to provide continuing education and training for the professional growth and progressive development of its personnel. By doing so, the Office will ensure its personnel possess the knowledge and skills necessary to provide a professional level of service that meets the needs of the public.

313.1.1 PRE-APPOINTMENT TRAINING

This Office requires all candidates for employment as 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)).

313.2 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.

313.3 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 personnel.

(c) Provide for continued professional development of Office personnel.

(d) Assist in compliance with statutory requirements.

313.4 TRAINING PLAN

It is the responsibility of the Training Director to develop, review, update and maintain a training plan and to ensure that mandated basic, in-service and Office-required training is completed by all employees. The plan shall include a systematic and detailed method for recording and logging of all training for all personnel. While updates and revisions may be made to any portion of the training plan at any time it is deemed necessary, the Training Director shall review the entire training plan on an annual basis. The plan will include information on curriculum, training material, training facilities, course and student scheduling. The plan will address the state-required, minimum-mandated training of certified deputies or hiring of Civilian Personnel employees.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Training listed may be provided in basic training programs. The Training Director is responsible for ensuring members of the Office have been trained as required.

313.4.1 MANDATED TRAINING

(a) Federally mandated training:

1. National Incident Management System (NIMS) training (once depending upon position and rank)

(b) State-mandated training:

(a) DNA evidence collection (CRS § 24-31-311) (once)

(b) Racial profiling (CRS § 24-31-309) (once)

(c) Basic CPR/First aid

(d) Eyewitness identification training (CRS § 16-1-109)

(e) Annual completion of any additional training required by POST (CRS § 24-31-315; CRS § 30-10-501.6)

(c) Office-mandated training:

(a) CPR/First aid refresher (every two years)

(b) Pursuit driving (all certified employees yearly)

(c) Firearms training (all certified employees yearly)

(d) Arrest Control (all certified employees yearly)

(e) (CEW), impact weapon, chemical weapon or other less-lethal weapon (every two years)

(f) Use of force policies (all certified employees yearly)

(g) Search, seizure and arrest (all certified employees yearly)

(h) Ethics (all certified employees every two years)

313.4.2 RESPONSIBILITIES

Responsibilities of the Training Section shall include, but are not be limited to:

(a) Planning and developing training programs

(b) Academy administration

(c) Notifying personnel of required and available training

(d) Maintaining training records

(e) Implementing training programs

(f) Assuring program attendance

(g) Selecting instructors

(h) Coordinating internal and external/hosted training programs

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(i) Evaluating training programs

313.5 ORGANIZATIONAL STRUCTURE

The Organizational Structure of the Training Section:

(a) The Training Lieutenant: The Lieutenant is responsible for the overall management of the training program and budgeting. The Lieutenant reports to the Administrative Services Division Commander.

(b) The Training Sergeant: The Sergeant is responsible for the supervision of the section. The Sergeant is often required to assist with the specific activities as identified in policy. The Sergeant supervises the developing, scheduling, coordinating, documenting, and evaluating of training for all agency members and is the Basic Law Enforcement Academy Director and coordinates with P.O.S.T.

(c) The Training Coordinator: The Training Coordinator, at the rank of Deputy Sheriff, shall coordinate all training associated with the Basic Law Enforcement Academy and all training associated with in-service training.

(d) Range Master/Lead Firearms Instructor: The Range Master, at the rank of Deputy Sheriff, shall coordinate and schedule all firearms training. This position requires P.O.S.T. certification as a full skills firearm instructor (to include rifle/shotgun certification).

313.6 TRAINING PROCEDURES

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

1. Court appearances
2. First choice vacation
3. Sick leave
4. Physical limitations preventing the employee’s participation
5. Emergency situations

(b) When an employee is unable to attend mandatory training, that employee shall:

1. Notify his/her supervisor as soon as possible but no later than one hour prior to the start of training.
2. Make arrangements through his/her supervisor and the Training Director to attend the required training on an alternate date.

313.7 DAILY TRAINING BULLETINS

The Lexipol Daily Training Bulletins (DTBs) are contained in a web-accessed system that provides training on the Sheriff's Office Policy Manual and other important topics. Generally, one training

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

bulletin is available for each day of the month. However, the number of DTBs may be adjusted by the Training Director.

Personnel assigned to participate in DTBs shall only use login credentials assigned to them by the Training Director. Personnel should not share their password with others and should frequently change their password to protect the security of the system. After each session, employees 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.

Employees who are assigned to participate in the DTB program should complete each DTB at the beginning of their shift or as otherwise directed by their supervisor. Employees should not allow uncompleted DTBs to build up over time. Personnel 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 active computer, employees 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.

313.8 TRAINING RECORDS

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

313.9 FIELD TRAINING PROGRAM

The respective divisions shall establish a field training program for recruits that is of sufficient duration to provide for the adequate orientation and training of the deputy 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 of recruits participating in the program and the rotation of FTO personnel to provide for the objective evaluation of recruit performance.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Child Abuse

314.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the investigation of suspected child abuse. This policy also addresses when Sheriff's Office members are required to notify the county department of social services of suspected child abuse.

314.1.1 DEFINITIONS

Child - Unless otherwise specified by a cited statute, a child is any person under the age of 18.

Child abuse - Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (CRS § 19-3-304; CRS § 19-1-103).

314.2 POLICY

The Sheriff's Office will investigate all reported incidents of alleged criminal child abuse and ensure the county department of social services is notified as required by law.

314.3 MANDATORY NOTIFICATION

Members of the Sheriff's Office shall notify the county department of social services when (CRS § 19-1-103; CRS § 19-3-308):

(a) They receive a report of a known or suspected incident of interfamilial abuse or neglect.

(b) 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.

(c) 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.

For purposes of notification, abuse and neglect are acts or omissions that threaten the health or welfare of a child, including, but not limited to, suspicious injuries such as bruising, bleeding or burns; sex offenses; emotional abuse; failure to provide adequate food, clothing or care; or exposure to dangerous environments (CRS § 19-1-103).

Interfamilial abuse includes acts by a child's parent, stepparent, guardian, legal custodian or relative, by a spousal equivalent or by any other person who resides in the child's home or who is regularly in the child's home for the purpose of exercising authority over or care for the child (CRS § 19-1-103).

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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

314.3.1 NOTIFICATION PROCEDURE
Notification should occur as follows (CRS § 19-3-308):

(a) Notifications shall be made immediately to the county department of social services.

(b) A written summary of the investigation or case report shall be forwarded without delay to the county department of 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. The names and addresses of the persons responsible for the suspected abuse or neglect, if known.
4. The family composition.
5. The source of the report and the name, address and occupation of the person making the report.
6. Any action taken by the reporting source.
7. Any other information that the person making the report believes may be helpful.
8. 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 his/her 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 his/her official capacity as an employee of the school district (CRS § 19-3-308).

314.4 QUALIFIED INVESTIGATORS
Qualified investigators should be available for child abuse investigations. These investigators should:

(a) Conduct interviews in child-appropriate interview facilities.

(b) Be familiar with forensic interview techniques specific to child abuse investigations.

(c) Present all cases of alleged child abuse to the prosecutor for review.

(d) Coordinate with other enforcement agencies, social service agencies and school administrators as needed.

(e) Provide referrals to therapy services, victim advocates, guardians and support for the child and family as appropriate.

(f) Participate in or coordinate with multidisciplinary investigative teams as applicable.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

314.5 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.

(k) Unless unavailable, the county department of social services shall be the agency responsible for the coordination of all investigations of all reports of known or suspected incidents of interfamilial abuse or neglect (CRS § 19-3-308).

(l) This agency shall have the responsibility for the coordination and investigation of all reports of third-party abuse or neglect alleged to have been committed by persons 10 years of age or older (CRS § 19-3-308).

(m) When the investigation involves a suspect who was acting in his/her official capacity as an employee of a school district, the investigating deputy shall coordinate such investigation with any concurrent abuse investigation being conducted by the Department of Education or the school district to the extent that such coordination is possible and deemed appropriate (CRS § 19-3-308).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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).

314.6 PROTECTIVE CUSTODY

Before taking any child into protective custody, the deputy should make reasonable attempts to contact the county department of social services. Generally, removal of a child from his/her 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 his/her 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 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 the child is seriously endangered in his/her surroundings or seriously endangers others and immediate removal appears to be necessary for the child's protection or the protection of others.

1. A child shall be removed from his/her home and placed in protective custody if an emergency exists because the child is seriously endangered, as described above, 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 his/her home.

(c) Without a court order when 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.

(d) 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 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

314.6.1 COURT ORDERS

Unless already being addressed by the county department of social services, a deputy should apply for a court order prior to taking a child into protective custody or as soon as practical thereafter when the deputy (CRS § 19-3-405):

(a) Believes that the circumstances or conditions of the child are such that continuing in his/her place of residence or in the care and custody of the person responsible for the child's care and custody would present a danger to that child's life or health in the reasonably foreseeable future.

(b) Believes that the child is able to remain safely in his/her place of residence or in the care and custody of the person responsible for the child's care and custody only if certain emergency protection orders are entered.

314.6.2 RELATED NOTIFICATIONS

If the county department of 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.

314.6.3 SAFE HAVEN ACT PROVISIONS

Any newborn infant (72 hours old or younger) who has been surrendered by a parent to an on-duty firefighter or hospital staff member under the safe haven provisions of CRS § 19-3-304.5 shall be taken into temporary protective custody by a deputy pursuant to CRS § 19-3-401. A supervisor and the county department of social services should be notified without delay.

314.7 INTERVIEWS

314.7.1 PRELIMINARY INTERVIEWS

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

314.7.2 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.

314.8 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.

314.9 DRUG-ENDANGERED CHILDREN

A coordinated response by law enforcement and social services agencies is appropriate to meet the immediate and longer-term medical and safety needs of children exposed to the manufacturing, trafficking or use of narcotics.

314.9.1 SUPERVISOR RESPONSIBILITIES
The Investigations Division Supervisor should:

(a) Work with professionals from the appropriate agencies, including the county department of 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 Investigations Division Supervisor that the deputy has responded to a drug lab or other narcotics

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

314.9.2 DEPUTY RESPONSIBILITIES
Deputies responding to a drug lab or other narcotics crime scene where a child is present or where there is evidence that a child lives should:

(a) Document the environmental, medical, social and other conditions of the child using photography as appropriate and the checklist or form developed for this purpose.

(b) Notify the Investigations Division Supervisor so an interagency response can begin.

314.10 STATE MANDATES AND OTHER RELEVANT LAWS
Colorado requires or permits the following:

314.10.1 PROCESSING REPORTS AND RECORDS
Members documenting child abuse should make the notation “CHILD VICTIM” on the report or other record (CRS § 24-72-304).

314.10.2 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).

314.10.3 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)).

314.10.4 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).

314.11 TRAINING
The Office provides 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Missing Persons

315.1 PURPOSE AND SCOPE

This policy provides guidance for handling missing person investigations.

315.1.1 DEFINITIONS

At risk - Includes persons who either have a 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 his/her 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 his/her 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).

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 Colorado Crime Information Center (CCIC) and the Colorado Bureau of Investigation (CBI).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

315.2 POLICY

The 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 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.

315.3 REQUIRED FORMS AND BIOLOGICAL SAMPLE COLLECTION KITS

The Investigations Division supervisor shall ensure the following forms and kits are developed and available:

- 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

315.4 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.

315.5 INITIAL INVESTIGATION

Deputies or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

(a) Respond to a dispatched call as soon as practicable.

(b) Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.

(c) Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both.

(d) 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.

(e) Complete the appropriate report forms accurately and completely and initiate a search as applicable under the facts.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(f) 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) 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.

315.6 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.

315.6.1 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) 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.

315.6.2 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 Investigations Division.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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 (42 USC § 5780).

315.7 INVESTIGATIONS 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.
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 person and/or other witnesses within 30 days of the initial report and within 30 days thereafter 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 (42 USC § 5780).

(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 (42 USC § 5780).

(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 (42 USC § 5780).

(j) Should consider making appropriate entries and searches in the National Missing and Unidentified Persons System (NamUs).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(k) 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).

315.8 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 Investigations Supervisor 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.

(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.

315.8.1 UNIDENTIFIED PERSONS

Office members investigating a case of an unidentified person who is deceased or a living person who cannot assist in identifying him/herself should:

(a) Obtain a complete description of the person.

(b) Enter the unidentified person's description into the NCIC Unidentified Person File.

(c) Use available resources, such as those related to missing persons, to identify the person.

315.9 CASE CLOSURE

The Investigations 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 El Paso County or this Office is the lead agency, the case should be kept under active investigation for as long as the person may still be alive. Exhaustion of leads in the investigation should not be a reason for closing a case.

(c) If this Office is not the lead agency, the case can be made inactive if all investigative leads have been exhausted, the lead agency has been notified and entries are made in the applicable missing person networks, as appropriate.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Public Alerts

316.1 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.

316.2 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.

316.3 RESPONSIBILITIES

316.3.1 EMPLOYEE RESPONSIBILITIES

Employees of the Sheriff's Office should notify their 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.

316.3.2 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 appropriate Commander and the Manager of Public Relationswhen 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- (Contact the Media Relations Manager to update alert).

(b) Canceling alerts- (Contact the Media Relations Manager to cancel alert).

(c) Ensuring all appropriate reports are completed

316.4 AMBER ALERTS

America's Missing: Broadcast Emergency Response (AMBER Alert™) is the recruitment of public assistance to locate an abducted child via a widespread media alert using the statewide Emergency Alert System (EAS). Utilizing local radio, television and press affiliates, the public will be notified of the circumstances of a child's abduction and how it can assist law enforcement in the child's recovery.

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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

316.4.1 CRITERIA

An AMBER Alert may be activated by a law enforcement agency if (CRS § 24-33.5-415.7(2)):

(a) The child is 17 years of age or younger.

(b) The Office determines the child has been abducted.

(c) There is a credible threat to the safety and health of the child.

(d) The Office has sufficient descriptive information about the child or the person who is suspected of abducting the child, or other pertinent information, to believe a broadcast will assist in the recovery of the child.

316.4.2 PROCEDURE

In the event of a confirmed child abduction, the following procedures shall be followed:

(a) The Media Relations Manager, Lieutenant or Investigations 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, 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 Media Relations Manager or other authorized individual to handle the media.
8. Telephone number to call for further information.

(b) The Media Relations Manager, Lieutenant or Investigations 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) Email the press release to the local television and radio stations.

(d) The individual responsible for making notifications shall also consider the following resources as the circumstances dictate:

1. Colorado State Patrol
2. FBI local office
3. Prompt entry of information into the U.S. Department of Justice Missing Person System/National Crime Information Center (NCIC)
4. National Center for Missing and Exploited Children (NCMEC) (800-843-5678)
5. Office Internet sites, communications and resources

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(e) As additional information pertinent to the case becomes available, it shall be forwarded to the Colorado Bureau of Investigation.

(f) The investigation 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 supervisor shall immediately notify the Colorado Bureau of Investigation with pertinent information (CRS § 24-33.5-415.7(4)).

(h) After 24 hours the investigation supervisor investigating the abduction or other individual responsible for making notifications shall assess the need to continue the AMBER Alert.

316.5 SENIOR CITIZEN/PERSON WITH DEVELOPMENTAL DISABILITIES ALERT

To aid in the identification and location of missing senior citizens and missing persons with developmental disabilities, the Colorado legislature created the Missing Senior Citizen and Missing Person with Developmental Disabilities 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.

316.5.1 CRITERIA

These alerts apply to the following missing persons (CRS § 24-33.5-415.8):

(a) "Missing person with developmental disabilities" means a person:

1. Whose whereabouts is unknown.
2. Who was a resident of Colorado at the time he/she was reported missing.
3. Who has a verified developmental disability.
4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement agency.

(b) "Missing senior citizen" means a person:

1. Whose whereabouts is unknown.
2. Who was a resident of Colorado at the time he/she was reported missing.
3. Whose age at the time he/she was first reported missing was 60 years of age or older and who has a verified impaired mental condition.
4. Whose disappearance poses a credible threat to his/her health and safety, as determined by a local law enforcement agency.

Confirmation, in the form of a signed statement from the family member, close friend, caregiver, doctor or medical facility that verifies the missing person is a senior citizen with an impaired mental

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

condition or is a person with developmental disabilities, is required to meet the criteria for the alert (CRS § 24-33.5-415.8; 8 CCR 1507-26).

316.5.2 PROCEDURE

A supervisor, acting upon confirmation of a report of a missing senior citizen or a person with developmental disabilities, may notify the Colorado Bureau of Investigation and request a Missing Senior Citizen/Person with Developmental Disabilities Alert broadcast. Supervisors should ensure that all criteria for the alert are met prior to the request (8 CCR 1507-26).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Victim and Witness Assistance

317.1 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.

317.2 POLICY

The Sheriff's Office is committed to providing guidance and assistance to the victims and witnesses of crime. The members of the 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.

317.3 SHERIFF'S OFFICE RESPONSIBILITIES

The Sheriff’s Office has a responsibility to provide victims and/or witnesses of crimes with the following information.

(a) The rights enumerated in the Victim Rights Act.

(b) The availability of financial resources such as victim compensation benefits and how to apply for those benefits.

(c) The availability of protective court orders in order to obtain protection from the person accused of committing the crime.

(d) The availability of a free copy of the initial incident report to victim's of crime upon request. The Sheriff’s Office maintains discretion to determine when the initial incident report can be released to the victim.

In addition:

(a) Provide information about community services such as crisis intervention services, victim assistance resources, legal resources, mental health services, financial services, applicable protection services, and other support services.

(b) Provide information about interpretation services, assistance in dealing with creditors due to financial setbacks caused by the crime and childcare in order to enable a crime victim to cooperate with the prosecution.

(c) Provide the victim of crime with the business address and telephone number of the Fourth Judicial District Attorney’s Office, the file number of the case, and the name, business address and business telephone number of any law enforcement officer involved in the case.

(d) Keep the victim of the crime informed as to whether a suspect has been taken into custody and, if known, whether the suspect has been released from custody and any bond conditions imposed upon the suspect.

(e) Update the victim of the status of a case, prior to the filing of the charges.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(f) Upon the request of the victim, return the victims property within 5 working days when it is no longer needed for evidentiary reasons.

(g) Inform the victim of the existence of the criminal protection order and upon the request of the victim, the procedure for modifying the protection order if a procedure exists.

(h) Inform victims of crimes about decisions not to file charges in misdemeanor cases.

(i) Inform all victims of cold cases of any changes in the status of the case.

(j) Upon written request, provide victims of cold cases for which the crime has a statute of limitations of longer than three years with an annual update concerning the status of the case.

317.3.1 VICTIM ASSISTANCE PROGRAM RESPONSIBILITIES
The Victim Assistance Program Staff will:

(a) Be available to provide emergency assistance to victims of crimes 24-hours a day, seven days a week.

(b) Provide transportation to victims of crimes and/or witnesses in a crisis situation.

(c) Provide victims and/or witnesses with referrals to other victim services and resources.

(d) Assist in establishing contact with other resource agencies.

(e) Provide case status information and assist with the transition to the court system.

(f) If requested, accompany and support victims and/or witnesses during court hearings.

(g) Provide information about and assist victims with civil protection orders.

(h) Inform victims and/witnesses on victim compensation.

(i) Assist victims in the return of their property once it is no longer needed for evidentiary purposes.

(j) Assist victims and/or witnesses with safety planning measures.

(k) Inform victims and/or witnesses about the Address Confidentiality Program when applicable.

317.3.1 VICTIMS ASSISTANCE PROGRAMS
The Victim Assistance Program (VAP) staff and Volunteers will be available to render assistance during crisis or provide crime victim resources to victims/or witnesses 24-hours a day, seven days a week. The VAP staff will also be responsible for maintaining compliance with all legal mandates related to crime victims and/or witnesses rights in accordance with Colorado Revised Statutes 24-4.1-301 through 24-4.1-304.

317.4 CRIME VICTIMS

Deputies will 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

317.4.1 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)).

317.5 VICTIM INFORMATION

The Victim Assistance Program Coordinator 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 (42 USC § 3796gg-4; 42 USC § 10603f; 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) Notice regarding U Visa and T Visa application processes.

(h) Resources available for victims of identity theft.

(i) A place for the deputy's name, badge number and any applicable case or incident number.

(j) Information regarding available compensation for qualifying victims of crime (CRS § 24-4.1-101 et seq.).

(k) 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.

(l) Information required pursuant to the Victim Rights Act (CRS § 24-4.1-301 et seq.).

(m) Information related to the Colorado Organization for Victim Assistance (COVA).

(n) Information regarding the ability of a victim of domestic violence to terminate a landlord-tenant agreement pursuant to CRS § 38-12-402.

(o) An advisement that the victim may apply to have a substitute address designated for public records and confidential mail forwarding (CRS § 24-30-2102).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

317.6 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.

317.7 WITNESS INFORMATION

The Victim Assistance Program Coordinator and deputies 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).

317.8 NOTIFICATION OF NEXT OF KIN

In the event of a serious illness, life-threatening injury or death, the supervisor responsible for notification of the incident should ensure the victim's next of kin is notified or coordinate such notification with the Coroner, Office chaplain or another suitable person. Notification should be made in a courteous manner as soon as practicable following positive identification of the victim.

Supervisors may perform notifications at the request of other agencies for next of kin residing in the jurisdiction of the Sheriff's Office.

The identity of any person who is seriously ill, seriously injured or deceased should not be released until notification is made to the victim's next of kin.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Bias-Motivated Crimes

318.1 PURPOSE AND SCOPE

The 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.

318.1.1 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).

318.2 DEFINITIONS

Bias-motivated crime - A person commits a bias-motivated crime if, with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation, 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.

318.3 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

318.4 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, 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.

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Deputy Response to Calls

319.1 PURPOSE AND SCOPE

This policy provides for the safe and appropriate response to all emergency and non-emergency situations.

319.2 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 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.
- A suicide in progress.
- A fight, riot or other large disturbance involving or injuries.
- 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.
- A traffic collision or other event involving a serious injury or the possibility of injury that may reasonably require immediate medical aid.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

319.3 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.

Where a situation has stabilized and emergency response is not required, the requesting deputy shall promptly notify Dispatch.

319.3.1 NUMBER OF UNITS PARTICIPATING

Normally, only those units reasonably necessary should respond to a call with an emergency response. The supervisor should monitor all emergency responses and reduce or enhance the response as warranted.

319.4 INITIATING EMERGENCY CALL RESPONSE

An emergency response of more than one unit should initiate notification by Dispatch to the supervisor. The supervisor will make a determination regarding the appropriateness of the response and reduce or enhance the response as warranted.

319.5 RESPONSIBILITIES OF THE RESPONDING DEPUTY

Deputies shall exercise sound judgment and care with due regard for life and property when responding to a call with an emergency response. During a call involving an emergency response deputies may (CRS § 42-4-108(2)):

(a) Disregard regulations governing parking or standing when using a warning lamp.

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation.

(c) Exceed any speed limits provided this does not endanger life or property.

(d) Disregard regulations governing direction of movement or turning in specified directions.

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. A deputy shall also discontinue an emergency response when directed by a supervisor or as otherwise appropriate.

Upon determining that an emergency response is appropriate, a deputy shall immediately give the location from which he/she is responding.

The first deputy arriving at an emergency response scene should determine whether to increase or reduce the level of the response and notify Dispatch of their determination. Any subsequent

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

change in the appropriate response level should be communicated to Dispatch by the deputy in charge of the scene unless a supervisor assumes this responsibility.

319.5.1 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.

319.6 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 public is threatened with serious injury or death and an immediate law enforcement response is needed. The dispatcher shall:

(a) Attempt to assign the closest available unit to the location requiring assistance.

(b) Immediately notify a 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 supervisor.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

319.7 SUPERVISORY RESPONSIBILITIES

Upon being notified that an emergency response has been initiated, the 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 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.

319.8 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.

The deputy shall notify the supervisor or Dispatch of the equipment failure so that another unit may be assigned to the emergency response.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Standards of Conduct

320.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the 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.

320.2 POLICY

The continued employment or appointment of every member of the 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.

320.3 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.

320.3.1 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 the person issuing the original order, indicating the action taken and the reason.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

320.3.2 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.

320.4 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.

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.

320.5 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.

320.5.1 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 or regulations.

320.5.2 ETHICS

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Using or disclosing one’s status as a member of the Sheriff's Office in any way that could reasonably be perceived as an attempt to gain influence or authority for non-Office 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.

(h) Employees or members on duty will show appropriate respect for the National Colors and Anthem. When in uniform, with a hat, sworn personnel will render a military salute for the National Anthem, Pledge of Allegiance, or when the National Colors are passing in view.

320.5.3 DISCRIMINATION, OPPRESSION OR FAVORITISM

Discriminating against, oppressing or providing favoritism to any person because of age, race, color, creed, religion, sex, sexual orientation, gender identity or expression, national origin, ancestry, marital status, physical or mental disability, medical condition or other classification 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.

320.5.4 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(f) Employees or members will not give testimonials or permit their names or photographs to be used for advertising purposes and will not seek personal publicity.

320.5.5 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 place of assignment at time specified and fully prepared to perform duties without reasonable excuse.

(e) Employees who are placed on an on-call status are expected to answer when called upon and report for duty within a reasonable amount of time.

320.5.6 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 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 or personal matter. These resources include, but are not limited to, personnel, vehicles, equipment and non-subpoenaed records.

320.5.7 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

320.5.8 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:

1. While on Office premises.
2. At any work site, while on-duty or while in uniform, or while using any Office equipment or system.
3. 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.

(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.

(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.

320.5.9 CONDUCT

(a) Failure of any member to promptly and fully report activities on his/her part or the part of any other member where such activities resulted in contact with any other law enforcement agency or that may result in criminal prosecution or discipline under this policy.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Unreasonable and unwarranted force to a person encountered or a person under arrest.

(c) Exceeding lawful peace officer powers by unreasonable, unlawful or excessive conduct.

(d) Unauthorized or unlawful fighting, threatening or attempting to inflict unlawful bodily harm on another.

(e) Engaging in horseplay that reasonably could result in injury or property damage.

(f) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any member of this Office or the County.

(g) Use of obscene, indecent, profane or derogatory language while on-duty or in uniform.

(h) Criminal, dishonest, or disgraceful conduct, whether on or off-duty, that adversely affects the member's relationship with this Office.

(i) Unauthorized possession of, loss of, or damage to Office property or the property of others, or endangering it through carelessness or maliciousness.

(j) Attempted or actual theft of Office property; misappropriation or misuse of public funds, property, personnel or the services or property of others; unauthorized removal or possession of Office property or the property of another person.

(k) Activity that is incompatible with a member's conditions of employment or appointment as established by law.

(l) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the Sheriff of such action.

(m) Any other on or off-duty conduct which any member knows or reasonably should know is unbecoming a member of this Office, is contrary to good order, efficiency or morale, or tends to reflect unfavorably upon this Office or its members.

320.5.10 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.

(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.

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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).

320.5.11 INTOXICANTS AND TOBACCO

Employees or members will not use or possess any illegal narcotics, hypnotic, barbiturate, hallucinogenic, or somnifacient drug, unless prescribed by and under the supervision of a licensed doctor or dentist. Employees or members will not consume or possess any form of Medicinal or Recreational Marijuana.

(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) Sheriff's Office facilities and vehicles are designated as smoke free areas, which includes the use of electronic cigarettes or personal vaporizers. There is no tobacco use within 25 feet of any entrance or exit to all Sheriff's Office Buildings.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented or licensed by the 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, pagers, modems or any other tangible computer device generally understood to comprise hardware.

Information Technology Manager- Manager of Information Technology who is the staff member responsible for the Sheriff's Office technology resources.

Software - Includes, but is not limited to, all computer programs, systems and applications, including "shareware." 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 Sheriff’s Office to provide guidelines for the control and utilization of the computer resources, including software, hardware, and access levels. Employees or members will not breach, or attempt to breach confidential or secured/unsecured files or those belonging to another member. Policies and procedures relating to Office electronic records and data processing systems will be accomplished by the Information Technology Section, in conformance with all applicable laws concerning records, privacy, storage, and policy and procedure.

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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's 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.

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, logon information and other individual security data, protocols and procedures unless directed to do so by a supervisor.

The Information Technology Manager will establish a training curriculum for employees on the use of the computer and related data processing equipment.

321.4.1 SOFTWARE

Members shall not copy, duplicate, or share with other members, any copyrighted or licensed software except for a single copy for backup purposes in accordance with the software company's copyright and license agreement. The backup copy will be forwarded to the IT section for storage retrieval.

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.

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 our Office or County approved and installed programs by the original manufacturer, producer or developer of the software.

Any other introduction of software requires prior authorization from IT Management 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 with the express approval of a supervisor as a function of a member’s assignment. Exceptions will be monitored and audited no less than yearly and require a supervisors approval for continued exception.

Downloaded information shall be limited to messages, mail and data files.

Periodic review of users and the accessed files of those users will be conducted by the Information Technology Manager. Additionally, due to software compatibility and virus problems, downloading of software should only occur with approval from the Information Technology Manager or Designee.

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.

321.6 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.

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.

321.6.1 NETWORK ACCOUNTS

(a) The primary method for authentication (login) to the El Paso County network is a user account and password combination. This is the primary method for providing and maintaining security on the network. These accounts may also be utilized by the information systems used in the Sheriff's Office.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) All employees and some volunteers and contractors shall be granted a user account in the Active Directory of the El Paso County network.

(c) The Information Technology Manager is responsible for managing and administering all network accounts. This includes, but is not limited to, overseeing the creation and removal of accounts.

(d) Requests for new accounts must be sent via email to the Sheriff's Office support email address. The request should include, at a minimum, the user's name, employee identification number, start date, any network group memberships, email distribution or other security permissions that will assist in account request activations.

(e) Requests to change or modify an account due to transfer or a need for additional network privileges must be sent via email to the Sheriff's Office support email address, including details on the status change.

(f) No group or shared accounts (accounts used by more than one person) will be allowed for network access. The only exception to this will be made, at the discretion of the Information Technology Manager, for any vendor accounts that facilitate the support and/or maintenance of any information systems used by the Sheriff's Office.

PASSWORDS SECURITY:

(a) Employees should not divulge their password to any other member.

(b) Employees shall not sign onto the computer for the use of any other employee, nor should any employee sign on or use any terminal with another employee's password.

(c) Employees shall not attempt to learn the password of any other employee or member or attempt to break established password security.

(d) Employee's knowing, or having suspicion, that their password has been compromised will notify the Sheriff's Office support email and shall request a new password or make the necessary change.

PASSWORD CRITERIA IN COMPLIANCE WITH CJIS POLICY 5.6.2.11:

(a) Be a minimum length of eight (8) characters on all systems.

(b) Not be a dictionary word or proper name.

(c) Not be the same as the UserID.

(d) Expire within a maximum of 90 calendar days.

(e) Not be identical to the previous ten (10) passwords.

(f) Not be transmitted in the clear outside the secure location.

(g) Not be displayed when entered.

321.6.2 ACCESS TO INFORMATION SYSTEMS

ACCESS TO SHERIFF'S OFFICE INFORMATION SYSTEMS:

(a) The Information Technology Manager is responsible for managing and administering access to enterprise information systems used by the Sheriff's Office. This includes, but is not limited to JMS, RMS, Knowledge Point, and Fire Files.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Accounts and passwords for these systems may be managed and administered in conjunction with the network accounts.

(c) The access method utilized varies with each system and will be managed and administered according to the specifications of the system.

(d) Requests for access to any system will be included with a network account creation or change request.

ACCESS TO INFORMATION SYSTEMS NOT DIRECTLY MANAGED/ADMINISTERED BY THE SHERIFF'S OFFICE:

(a) The Information Technology Manager is responsible for coordinating access to information systems not directly managed or administered by the Sheriff's Office.

(b) Request for access to these systems must be sent via email to the Sheriff's Office support email.

(c) Requests for access to these systems will be forwarded to the appropriate manager or administrator for the system.

(d) The Information Technology Manager or designee will coordinate necessary action with the manager or administrator of the system.

321.6.3 SECURITY RULES AND GUIDELINES

(a) Members are required to login to their assigned network accounts at the beginning of their shift.

(b) Account and password information shall not be shared with others.

(c) Do not document account and password information together.

(d) Do not post account or password information where it may be seen by others.

(e) Do not allow others to use your account or password.

(f) Do not leave your computer unattended without logging off or locking the computer.

(g) Do not attempt to access the network or any information systems if you have not been authorized to do so.

(h) Do not share information or data obtained from the network or any system with anyone who does not have their own account or is not authorized to receive the information.

(i) Immediately report any suspected security compromises or violations of this policy to the Information Technology Manager.

(j) Do not create any accounts and/or passwords for any network or system without prior authorization for the Information Technology Manager or designee.

(k) Human Resources and the Professional Standards Unit must immediately notify the Information Technology Manager upon being informed of any termination or pending termination of a user. Upon such notification the Information Technology Manager will take appropriate action to block access to the network, either by disabling or deleting the account, as soon as possible.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 and Information Technology Manager or during the course of regular duties that require such information.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Electronic Mail

322.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the proper use and application of the electronic mail (email) system provided by the Office. Email is a communication tool available to employees to enhance efficiency in the performance of job duties. It is to be used in accordance with generally accepted business practices and current law. Messages transmitted over the email system must only be those that involve official business activities or that contain information essential to employees for the accomplishment of business-related tasks and/or communications directly related to the business, administration or practices of the Office. Members forfeit any expectation of privacy with regards to emails. The Information Technology Manager with the approval and concurrence of command staff may, at any time and with no notice to user, monitor or collect actual messages or information regarding messages (to include content, recipients, originators and time stamps) from the email system.

322.2 EMAIL RIGHT OF PRIVACY

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

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

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

322.3 RESTRICTIONS ON USE OF EMAIL

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

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

It is a violation of this policy to transmit a message under another user’s name or email address or to use the password of another to log into the system. Users are required to log off the network

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

322.4 EMAIL RECORD MANAGEMENT

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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Report Preparation

323.1 PURPOSE AND SCOPE

Report preparation is a major part of each employee's job. The purpose of reports is to document sufficient information to refresh the employee's memory and to provide sufficient information for follow-up investigation and successful prosecution. Report writing is the subject of substantial formal and on-the-job training.

323.1.1 REPORT PREPARATION

Employees 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 employee 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.

Employees who dictate reports shall use appropriate grammar, as content is not the responsibility of the Records Section. Employees who generate reports on Mobile Field Report (MFR) 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. Employees shall not suppress, conceal or distort the facts of any reported incident, nor shall any employee make a false report orally or in writing. The reporting employee's opinions should not be included in reports unless specifically identified as such.

323.2 REQUIRED REPORTING

Reports are required in all of the following situations in MFR unless otherwise approved by a supervisor.

323.2.1 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 case report includes:

(a) All arrests

(b) All felony crimes

(c) Non-felony incidents involving threats or stalking behavior

(d) Situations covered by separate policy. These include:

1. Use of Force Policy
2. Domestic Violence Policy

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

3. Child Abuse Policy
4. Adult Abuse Policy
5. Bias-Motivated Crimes Policy
6. Suspicious Activity Reporting Policy

(e) All misdemeanor crimes where the victim desires a report

Misdemeanor crimes where the victim does not desire a report shall be documented using the Office-approved alternative reporting method (e.g., dispatch log).

323.2.2 NON-CRIMINAL ACTIVITY

Incidents that shall be documented using the appropriate approved report include:

(a) Anytime a deputy points a firearm at any person.

(b) Any use of physical force against any person by a member of this Office

(c) Any firearm discharge except during approved range training.

(d) Anytime a person is reported missing, regardless of the jurisdiction the missing person resides or was last seen.

(e) Any found property or found evidence.

(f) Any traffic collisions above the minimum reporting level.

(g) Suspicious incidents that may indicate a potential for crimes against children, or that a child's safety is in jeopardy.

(h) All protective custody detentions.

(i) Suspicious incidents that may place the public or others at risk.

(j) Whenever the employee believes the circumstances should be documented or at the direction of a supervisor.

323.2.3 DEATH REPORTS

Death investigations require specific investigation methods depending on circumstances and should be handled in accordance with the policy. A deputy handling a death investigation should notify and apprise a supervisor of the circumstances surrounding the incident and a determination will be made on how to proceed. The following cases shall be appropriately investigated and documented using the approved report:

(a) Sudden or accidental deaths

(b) Suicides

(c) Homicide or suspected homicide

(d) Unattended deaths (no physician or qualified hospice care during the period immediately preceding death)

(e) Found dead bodies or body parts

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

323.2.4 INJURY OR DAMAGE BY COUNTY PERSONNEL

Reports shall be taken if an injury occurs that is a result of an act of a County employee. Reports also shall be taken when there is damage to County property or County equipment.

323.2.5 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 an employee to document any incident he/she deems necessary.

323.2.6 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) Thefts, 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) Criminal mischief with no suspect information and no hate crime implications.

(d) Criminal trespass auto with no suspect information or evidence.

(e) Attempted motor vehicle theft with no suspect information or evidence.

(f) Repeated telephone calls with no suspect information.

(g) Identity theft without an identifiable suspect.

(h) Online or email fraud solicitations without an identifiable suspect.

(i) Criminal Tampering with no suspect information.

(j) Littering of private property with no suspect information.

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 Communications Commission (FCC) website for identity theft, Internet Crime Complaint Center (IC3) website for computer crimes). However, if the reporting party is insistent on speaking with a deputy in person regardless of the criteria, a deputy will be dispatched in accordance with dispatching protocol.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

323.3 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable. Reports shall be processed according to established priorities or according to special priority necessary under exceptional circumstances.

323.3.1 GENERAL POLICY OF HANDWRITTEN REPORTS

In general, the narrative portion of reports where an arrest is made or when there is a long narrative should be typed or dictated.

Supervisors may require, with the foregoing general policy in mind, block printing or typing of reports under certain circumstances such as but not limited to corrective actions, performance plans and or FTO training.

323.3.2 GENERAL USE OF OTHER HANDWRITTEN FORMS

County, state and federal agency forms may be block printed as appropriate. In general, the form itself may make the requirement for typing apparent.

323.4 REPORT CORRECTIONS

Supervisors shall review reports for content and accuracy in MFR. If a correction is necessary, the reviewing supervisor will add a sticky note with corrections in MFT and reject the report back to the reporting employee for correction as soon as practicable. It shall be the responsibility of the originating employee to ensure that any report returned for correction is processed in a timely manner.

323.5 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 by the authoring employee that have not yet been submitted for review by a supervisor may be corrected or modified.

323.6 ELECTRONIC SIGNATURES

The Sheriff's Office has established an electronic signature procedure for use by all employees of the Sheriff's Office. The Patrol Commander shall be responsible for maintaining the electronic signature system and ensuring that each employee creates a unique, confidential password for his/her electronic signature.

- Employees may only use their electronic signature for official reports or other official communications.
- Each employee shall be responsible for the security and use of his/her electronic signature and shall promptly notify a supervisor if the electronic signature has or may have been compromised or misused.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Media Relations

324.1 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.

324.2 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, Commanders, Lieutenants and the designated Media Relations Manager may prepare and release information to the media in accordance with this policy and the applicable law.

324.2.1 MEDIA REQUEST

Any media request for information or access to a law enforcement situation shall be referred to the designated Office media representative, or if unavailable, to the first available supervisor. Prior to releasing any information to the media, employees shall consider the following:

(a) At no time shall any employee of this Office make any comment or release any official information to the media without prior approval from a supervisor or the designated Office media representative.

(b) In situations involving multiple law enforcement agencies or other criminal justice agencies including, but not limited to, prosecutors and coroners, every reasonable effort should be made to coordinate media releases with the authorized representative of each involved agency prior to the release of any information by this Office.

(c) Under no circumstance should any member of this Office make any comments to the media regarding any law enforcement incident not involving this Office.

324.3 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.

(b) Media representatives may be prevented from interfering with emergency operations and criminal investigations. 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 Media Relations Manager or other designated spokesperson.

(c) No member of this Office shall be required to submit to media visits or interviews without the consent of the involved employee.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(d) Media interviews with individuals who are in custody shall not be permitted unless in compliance with a jail facility policy. Exceptions are only permitted with the approval of the Detention Bureau Chief and the consent of the person in custody.

A tactical operation should be handled in the same manner as a crime scene, except the news media shall be permitted within the outer perimeter of the scene, subject to any restrictions as determined by the supervisor in charge. Office members shall not jeopardize a tactical operation in order to accommodate the news media. All comments to the media shall be coordinated through a supervisor or the Media Relations Manager.

324.3.1 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 supervisor should consider requesting a Temporary Flight Restriction (TFR). All requests for a TFR should be routed through a commander. 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).

324.3.2 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.

324.4 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, and/or social media.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Subpoenas and Court Appearances

325.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Office members who must appear in court. It will allow the Sheriff's Office to cover any related work absences and keep the Office informed about relevant legal matters.

325.2 POLICY

Sheriff's Office members will respond appropriately to all subpoenas and any other court-ordered appearances.

325.3 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).

No employee of the Office shall serve civil processes except those initiated by the courts and properly filed with the Civil Unit.

325.3.1 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 Sheriff's Office

(e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the Sheriff's Office.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

The supervisor will then notify the chain of command and the appropriate prosecuting attorney as may be indicated by the case. The chain of command should determine if additional legal support is necessary.

No member shall be retaliated against for testifying in any matter.

325.3.2 CIVIL SUBPOENA

The Office will compensate members who appear in their official capacities on civil matters arising out of their official duties. In the event an Office member appearing in their official capacity and compensated by the office receives payment for their testimony, the payment shall be submitted to the financial office.

The Office should seek reimbursement for the member's compensation through the civil attorney of record who subpoenaed the member.

325.3.3 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.

325.4 FAILURE TO APPEAR

Any member who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

325.5 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.

325.6 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.

325.6.1 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

325.7 OVERTIME APPEARANCES

When a member appears in court on his/her off-duty time, he/she will be compensated in accordance with the current Sheriff's Office Policy and Procedures. Compensation will be for the actual hours spent in court unless the actual hours are less than two (2) hours. If less than two (2) hours, the member will be compensated a minimum of two (2) hours.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Reserve Deputies

326.1 PURPOSE AND SCOPE

The Sheriff's Office Reserve Unit was established to supplement and assist regular certified sheriff's deputies in their duties. This unit provides professional and special function reserve deputies who can augment regular staffing levels (CRS § 16-2.5-110).

326.2 SELECTION AND APPOINTMENT OF SHERIFF'S RESERVE DEPUTIES

The 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 his/her duties under CRS § 16-2.5-110(1)(b).

326.2.1 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.

326.2.2 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 section 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 perform some of the duties of a peace officer and shall be acting at the express direction or under the immediate supervision of a certified peace officer (CRS § 16-2.5-110(1)(b)).

326.2.3 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.

Reserve deputies will have eligibility for an annual clothing allowance based on a performance grid up to but not to exceed the full time rate after one year of service from date of graduation.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

326.2.4 EMPLOYEES WORKING AS RESERVE DEPUTIES
Qualified employees of this Office, when authorized, may also serve as reserve deputies. However, the Office shall not utilize the services of a reserve in such a way that it would violate employment laws or labor agreements (e.g., a detention deputy working as a reserve deputy for reduced or no pay). Therefore, the reserve leadership should consult with Human Resources prior to an employee serving in a reserve capacity (29 CFR 553.30).

326.3 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.

326.3.1 POLICY COMPLIANCE
Reserve deputies shall be required to adhere to all Office policies and procedures. A copy of the policies and procedures will be made available to each reserve deputy upon appointment and he/she shall become thoroughly familiar with these policies.

Whenever a rule, regulation or guideline in the Policy Manual refers to a certified full-time deputy, it shall also apply to a reserve deputy, unless by its nature it is inapplicable.

326.3.2 RESERVE DEPUTY ASSIGNMENTS
All reserve deputies will be assigned to duties by the reserve chain of command or the authorized designee.

326.3.3 ADMINISTRATION OF THE RESERVE DEPUTY PROGRAM
The Sheriff shall delegate the responsibility for administering the Reserve Deputy Program to the reserve chain of command.

The reserve chain of command 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 programs.

(h) Ensuring training files and records are provided to the Training Section.

326.4 FIELD TRAINING

All reserve deputies shall complete the same Office specified field training program as regular deputies as described in the Field Training Officer Policy.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

At the completion of field training, the primary training officer will meet with the reserve leadership. Based upon the reserve deputy's evaluations, plus input from the primary training officer, the reserve leadership 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, a reserve supervisor 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.

326.5 SUPERVISION

Reserve deputies perform some of the duties of a peace officer and shall be acting at the express direction or under the immediate supervision of a certified peace officer (CRS § 16-2.5-110(1)(b)).

326.5.1 RESERVE DEPUTY MEETINGS

All reserve deputy meetings will be scheduled and conducted by the reserve leadership. All reserve deputies are required to attend scheduled meetings.

326.5.2 IDENTIFICATION OF DEPUTIES

All 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.

326.5.3 UNIFORM

Reserve deputies shall conform to all uniform regulation and appearance standards of this Office.

326.5.4 INVESTIGATIONS AND COMPLAINTS

If a reserve deputy has a complaint made against him/her or becomes involved in an internal investigation, that complaint or internal investigation will be investigated by Professional Standards.

Reserve deputies are considered at-will employees. Any disciplinary action that may have to be administered to a reserve deputy shall be accomplished as outlined in the Policy Manual.

326.5.5 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 all of the training phases have 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

326.6 FIREARMS REQUIREMENTS

An appointment to the Reserve Section, after completion of a Colorado POST approved basic academy or reserve academy may carry a weapon or while in the performance of law enforcement duties.

326.6.1 CONCEALED FIREARMS REQUIREMENT

No reserve deputy will be permitted to carry a concealed firearm while off-duty, 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 Rangemaster.

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.

326.6.2 RESERVE DEPUTY FIREARM TRAINING

All reserve deputies are required to maintain proficiency with firearms used in the course of their assignments. Reserve deputies who carry a firearm while on-duty shall 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)).

326.7 EMERGENCY CALL-OUT FOR RESERVE PERSONNEL

The reserve leadership shall develop a plan outlining an emergency call-out procedure for reserve personnel.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Outside Agency Assistance

327.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members when requesting or responding to a request for mutual aid or when assisting another law enforcement agency.

327.2 POLICY

It is the policy of the 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.

327.3 ASSISTING OUTSIDE AGENCIES

Generally, requests for any type of assistance from another agency should be routed to the supervisor on duty 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 supervisor on duty 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. Only in exceptional circumstances, and subject to supervisor approval, will this Office provide transportation of arrestees to other facilities on behalf of another agency.

327.3.1 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.

327.3.2 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(f) Guidelines concerning jurisdiction of prosecutors and courts.

327.3.3 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 Sheriff's Office shall notify his/her supervisor as soon as practicable. This requirement does not apply to special enforcement details or multi-agency units that regularly work in multiple jurisdictions.

327.4 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.

327.5 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.

327.6 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 Commander or the authorized designee.

The documentation should include:

(a) The conditions relative to sharing.

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Registered Offender Information

328.1 PURPOSE AND SCOPE

This policy establishes guidelines by which the 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.

328.2 POLICY

It is the policy of the 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.

328.3 REGISTRATION

The Sex Offender Registration Coordinator shall establish a process to reasonably accommodate registration of certain offenders. The process should rebut any allegation on the part of the offender that the registration process was too confusing, burdensome or difficult for compliance. If it is reasonable to do so, an investigator assigned to related investigations should conduct the registration in order to best evaluate any threat the person may pose to the community. Employees assigned to register offenders should receive appropriate training regarding the registration process.

Upon conclusion of the registration process, the Sex Offender Registration Coordinator 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).

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.

328.3.1 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).

328.4 REGISTRATION FEES

CRS 16-22-108(1)(a) states that a sex offender registrant must pay a fee imposed by any law enforcement agency that is required to register sex offenders.

328.4.1 FEES COLLECTED

The registration fee collected at the time a sex offender completes his/her initial registration shall be $25.00. The Sheriff's Office has established a registration fee of $25.00 to be paid by persons registering and re-registering annually or quarterly.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

In the event an offender cannot satisfy the $25.00 registration fee, he or she will be given a hard copy notice of failure to pay. The Office may pursue payment of the fee through a civil collection process or any other lawful means if the person is unable to pay at the time of registration. The Office will accept a timely registration in all circumstances even if the person is unable to pay the fee at the time of registration.

328.5 MONITORING OF REGISTERED OFFENDERS

An Investigations Division Supervisor should establish a system to periodically, and at least once annually, verify that a registrant remains in compliance with his/her registration requirements after the initial registration. This verification should include:

(a) Efforts to confirm residence using an unobtrusive method, such as an Internet search or drive-by of the declared residence.

(b) Review of information on the state website.

(c) Contact with a registrant’s parole or probation officer.

Any discrepancies should be reported to an Investigations Division Supervisor.

An Investigations Division Supervisor should also establish a procedure to routinely disseminate information regarding registered offenders to Sheriff's Office personnel, including timely updates regarding new or relocated registrants.

328.5.1 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).

328.6 DISSEMINATION OF PUBLIC INFORMATION

Employees will not unilaterally make a public notification advising the community of a particular registrant’s presence in the community. Employees who identify a significant risk or other public safety issue associated with a registrant should promptly advise their supervisor. 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 the CBI’s Convicted Sex Offender website or the Sheriff's Office's website.

The Records Supervisor shall release local registered offender information to residents in accordance with state law (CRS § 16-22-112; CRS § 24-72-201 et seq.) and in compliance with a Colorado Open Records Act request.

328.6.1 RELEASE NOTIFICATIONS

Sex registrant information that is released shall include the written statement: “The Colorado sex offender registry includes only those persons who have been required by law to register and who are in compliance with the sex offender registration laws. Persons should not rely solely on the

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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)).

328.6.2 MANDATORY DISSEMINATION

The Office shall release local sex offender information to residents in accordance with Colorado law and the rules set forth by the 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 a history of the convictions of unlawful sexual behavior resulting in the offender being required to register pursuant to this article (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 Sex Offender Management Board (CRS § 16-13-904; CRS § 16-13-905; CRS § 16-13-906).

328.6.3 DISCRETIONARY DISSEMINATION

The Office may also provide local sex offender information to any other person the Office determines warrants notification. 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).

328.6.4 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

328.7 NOTIFICATION PRIOR TO RELEASE OR DISCHARGE

Notification of a registrant's release on parole will be made by the sentencing court, the probation department, community corrections, the county jail or the Colorado Department of Corrections (CDOC) (CRS § 16-22-106; CRS § 16-22-107).

Prior to registrants being discharged from the CDOC, this Office shall verify that (CRS § 16-22-107(4)(a)):

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) The address provided by the person is a residence.

(b) The occupants or owners of the residence know of the person's history of unlawful sexual behavior.

(c) The occupants or owners of the residence have agreed to allow the person to reside at the address.

(d) If the registrant is being released on parole, the address complies with any conditions of the parole.

If any of the information required for verification is not true, the Office shall notify the CDOC that the person provided false information concerning the address at which he/she intends to reside (CRS § 16-22-107(4)(b)).

328.7.1 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)).

328.8 RECORDS RETENTION INFORMATION

The Sheriff's Office is required to maintain records information for Registered Sex Offenders. The retention schedule is as follows:

Information Request Forms-Sex Offenders
Forms completed by parties interested in inspecting public information regarding sex offenders. Retention: 2 years.

Sex Offender Registration and Cancellation Forms
Notification completed by convicted sex offenders regarding residence addresses and contact information. Retention: 5 years.

Sexually Violent Predators- Public Notifications
Notices give to the public regarding sexually violent predators in the community. Retention: Permanent.

Request for Release of Information
Requests for public release of information such as E-9-1-1 recordings, reports, incident histories, etc. Retention: 2 years after request is answered.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Major Incident Notification

329.1 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.

329.2 POLICY

The Sheriff's Office recognizes that certain incidents should be brought to the attention of supervisors 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.

329.3 MINIMUM CRITERIA FOR NOTIFICATION

Most situations where the media show a strong interest are also of interest to the Sheriff and the affected chain of command. 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
- Traffic collisions with fatalities or severe injuries
- Officer-involved shooting, whether on- or off-duty
- Significant injury or death to an employee, whether on- or off-duty
- Death of a prominent El Paso County official
- Arrest of Office employee or prominent El Paso County 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

329.4 LIEUTENANT RESPONSIBILITIES

The Lieutenant is responsible for making the appropriate notification. The Lieutenant shall make reasonable attempts to obtain as much information on the incident as possible before notification, and shall attempt to make the notification as soon as practicable.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

329.4.1 DETECTIVE NOTIFICATION

If the incident requires that a deputy or investigator respond from home, the immediate supervisor should be notified.

329.4.2 MEDIA RELATIONS MANAGER (PIO)

After members of the staff have been notified, the Media Relations Manager shall be called if it appears the media may have a significant interest in the incident.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Death Investigation

330.1 PURPOSE AND SCOPE

The investigation of cases involving death include those ranging from natural causes to homicide. Some causes of death may not be readily apparent and some cases differ substantially from what they appear to be initially. The importance of a thorough death investigation cannot be emphasized enough.

Death investigations shall be conducted pursuant to CRS § 30-10-606.

330.2 INVESTIGATION CONSIDERATIONS

Death investigation cases require certain actions be taken. Emergency Medical Services shall be called in all suspected death cases, unless the death is obvious (e.g., the person has been decapitated or the body is decomposed). Deputies are not authorized to pronounce death unless they are also a Coroner, a Deputy Coroner or an appointed Coroner Investigator. A supervisor shall be notified in all death investigations.

330.2.1 CORONER REQUEST

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.

1. It is due to the influence of, or is the result of, intoxication by alcohol, drugs or poison.
2. It is the result of an accident, including an accident at the workplace.
3. It involves the unexpected or unexplained death of an infant or child.

(b) There is no physician in attendance, or when the physician is at the scene but is unable to certify the cause of death.

(c) The death is the result of a criminal abortion, including any situation where such abortion may have been self-induced.

(d) It is the result of a disease that may be hazardous or contagious, or may constitute a threat to the health of the public.

(e) 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.

(f) The death was sudden, and happened to a person who was in apparent good health.

(g) The body is unidentifiable, decomposed, charred or skeletonized.

(h) 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 him/her 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.

330.2.2 SEARCHING DEAD BODIES

The Coroner or an assistant and authorized investigators are generally the only persons permitted to move, handle or search a body. 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, the investigating deputy shall first obtain verbal consent from the Coroner when practicable.

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. The name and address of this person shall be included in the narrative of the death report.

330.2.3 DEATH NOTIFICATION

If the next-of-kin lives in another jurisdiction, a law enforcement official from that jurisdiction shall be requested to make the personal notification. If 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 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.

330.2.4 DEATH INVESTIGATION REPORTING

All incidents involving a death shall be documented on the appropriate form.

330.2.5 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 Investigations Division shall be notified to determine the possible need for an investigator to respond to the scene for further immediate investigation.

If the on-scene supervisor, through consultation with the Investigations Division supervisor, is unable to determine the manner of death, the investigation shall proceed as though it is a homicide.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

The assigned investigator investigating a homicide or a death under suspicious circumstances may, with the approval of his/her supervisor, request the Coroner to conduct physical examinations and tests, and to provide a report.

330.2.6 EMPLOYMENT-RELATED DEATHS OR INJURIES

Any member of this agency 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 may ensure that the regional Occupational Safety and Health Administration (OSHA) office is notified by telephone or teletype with all pertinent information.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Identity Theft

331.1 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.

331.2 REPORTING

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:

(a) 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 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.

331.3 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

331.4 INFORMATION

The victim should be encouraged to contact the Federal Trade Commission (FTC), which is responsible for receiving and processing complaints under the Identity Theft and Assumption Deterrence Act. The victim can find FTC contact information online through its official website.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Private Persons Arrests

332.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance for handling private person's arrests and detentions made pursuant to CRS § 16-3-201, CRS § 16-3-202(2) and CRS § 16-19-115.

332.2 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.

(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.

332.3 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.

332.4 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.
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.
2. Release the individual upon a misdemeanor citation or pending formal charges.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Limited English Proficiency Services

333.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

333.1.1 DEFINITIONS

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 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).

333.2 POLICY

It is the policy of the 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.

333.3 LEP COORDINATOR

The Office shall delegate certain responsibilities to an LEP Coordinator. The LEP Coordinator shall be appointed by, and directly responsible to, their respective Commander or the authorized designee.

The responsibilities of the LEP Coordinator include, but are not limited to:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Coordinating and implementing all aspects of the 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 Lieutenant and Communications Manager. 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.

333.4 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, 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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.

333.5 TYPES OF LEP ASSISTANCE AVAILABLE

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.

333.6 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.

333.7 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.

333.8 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

333.9 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 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.

333.9.1 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:

- Qualified bilingual members of this Office or personnel from other County departments.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as state or federal court interpreters, among others.
- Interpreters from other agencies who have been qualified as interpreters, and with whom the Office has a resource-sharing or other arrangement that they will interpret according to Office guidelines.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

333.9.2 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, 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 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.

333.10 CONTACT AND REPORTING

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.

333.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The Sheriff's Office will take reasonable steps and will work with the Department of Human Resources to develop in-house language capacity by appointing qualified members proficient in languages representative of the community being served.

333.11.1 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 Dispatch, 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

333.12 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.

If available, deputies should obtain the assistance of a qualified bilingual member or an authorized interpreter before placing an LEP individual under arrest.

333.13 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.

333.14 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

or appropriate, authorized interpreters shall be used during custodial interrogations. *Miranda* warnings shall be provided to suspects in their primary language by the qualified bilingual member or an authorized interpreter.

In order to ensure that translations during custodial interrogations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

333.15 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.

333.16 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. 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 policy should be translated or otherwise communicated in a language-accessible manner.

333.17 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.

333.18 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 Director shall be responsible for ensuring new members receive LEP training. Those who may have contact with LEP individuals should receive refresher training.

333.18.1 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 or they will be removed from the authorized interpreter list.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Communications with Persons with Disabilities

334.1 PURPOSE AND SCOPE

This policy provides guidance to members when communicating with individuals with disabilities, including those who are deaf or hard of hearing, have impaired speech or vision, or are blind.

334.1.1 DEFINITIONS

Auxiliary aids -These are used to communicate with people who have a disability or impairment. They include, but are not limited to, the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system or device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); use of taped text; use of qualified readers; or use of a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the disabled person uses assistive or adaptive devices or auxiliary aids. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102). 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).

Qualified interpreter - A person who is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters and intermediary interpreters. Qualified interpreters should have a valid certification of competency accepted by the Commission for the Deaf and Hard of Hearing (CRS § 13-90-202(8)).

334.2 POLICY

It is the policy of the Sheriff's Office to reasonably ensure that people with disabilities, including victims, witnesses, suspects and arrestees have equal access to law enforcement services, programs and activities. Members must make efforts to communicate effectively with individuals with disabilities.

The Office will not discriminate against or deny any individual access to services, rights or programs based upon disabilities.

334.3 AMERICANS WITH DISABILITIES (ADA) COORDINATOR

The Sheriff shall delegate certain responsibilities to an ADA Coordinator (28 CFR 35.107) who will be assigned to County Human Resources. The ADA Coordinator shall be appointed by, and directly responsible, to the Administrative Commander or the authorized designee.

The responsibilities of the ADA Coordinator shall include, but not be limited to:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Coordinating with the County ADA coordinator regarding the Sheriff's Office's efforts to ensure equal access to services, programs and activities.

(b) Developing reports, new procedures, or recommending modifications to this policy.

(c) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to Office services, programs and activities.

(d) Ensuring that a list of qualified interpreter services is maintained and available to office personnel.

(e) Developing procedures that will enable members to access auxiliary aids or services, including qualified interpreters, and ensure the procedures are available to all members.

(f) Ensuring signage is posted in appropriate areas, indicating that auxiliary aids are available free of charge to people with disabilities.

(g) 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.

334.4 FACTORS TO CONSIDER

Because the nature of any law enforcement contact may vary substantially from one situation to the next, members of this Office should consider all information reasonably available to them when determining how to communicate with an individual with a disability. Members should carefully balance all known factors in an effort to reasonably ensure people who are disabled have equal access to services, programs and activities. These factors may include, but are not limited to:

(a) Members should not always assume that effective communication is being achieved. The fact that an individual appears to be nodding in agreement does not always mean he/she completely understands the message. When there is any doubt, members should ask the individual to communicate back or otherwise demonstrate their understanding.

(b) The nature of the disability (e.g., deafness or blindness vs. hard of hearing or low vision).

(c) The nature of the law enforcement contact (e.g., emergency vs. non-emergency, custodial vs. consensual contact).

(d) The availability of auxiliary aids. The fact that a particular aid is not available does not eliminate the obligation to reasonably ensure access. However, in an emergency, availability may factor into the type of aid used.

334.5 INITIAL AND IMMEDIATE CONSIDERATIONS

Recognizing that various law enforcement encounters may be potentially volatile and/or emotionally charged, members should remain alert to the possibility of communication problems.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Members should exercise special care in the use of all gestures, and verbal and written communication to minimize initial confusion and misunderstanding when dealing with any individual with known or suspected disabilities.

In a non-emergency situation, when a member knows or suspects an individual requires assistance to effectively communicate, the member shall identify the individual's choice of auxiliary aid or service.

The individual's preferred communication method must be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

(a) The methods of communication usually used by the individual.

(b) The nature, length and complexity of the communication involved.

(c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, members may use whatever auxiliary aids and services that reasonably appear effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate auxiliary aid or service. Once the emergency has ended, the continued method of communication should be reconsidered. The member should inquire as to the individual's preference and give primary consideration to that preference.

If an individual who is deaf, hard of hearing or has impaired speech must be handcuffed while in the custody of the Sheriff's Office, consideration should be given, safety permitting, to placing the handcuffs in the front of the body to facilitate communication using sign language or writing.

334.6 TYPES OF ASSISTANCE AVAILABLE

Sheriff's Office members shall never refuse to assist an individual with disabilities who is requesting assistance. The Office will not charge anyone to receive auxiliary aids, nor shall they require anyone to furnish their own auxiliary aid or service as a condition for receiving assistance. The Office will make every reasonable effort to provide equal access and timely assistance to individuals who are disabled through a variety of services.

A person who is disabled may choose to accept Office-provided auxiliary aids or services or they may choose to provide their own.

Office-provided auxiliary aids or services may include, but are not limited to, the assistance methods described in this policy.

334.7 AUDIO RECORDINGS AND ENLARGED PRINT

The Office may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, members

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

may read aloud from the appropriate form, for example a personnel complaint form, or provide forms with enlarged print.

334.8 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex transactions (e.g., interviewing a victim, witness, suspect or arrestee), if the individual to be interviewed normally relies on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the case or the investigation. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a court proceeding.

Qualified interpreters should be:

(a) Available within a reasonable amount of time but in no event longer than one hour if requested.

(b) Experienced in providing interpretation services related to law enforcement matters.

(c) Familiar with the use of VRS and/or video remote interpreting services.

(d) Certified in either American Sign Language (ASL) or Signed English (SE).

(e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

(f) Knowledgeable of the ethical issues involved when providing interpreter services.

Members should use Office-approved procedures to request a qualified interpreter at the earliest reasonable opportunity, and generally not more than 15 minutes after a request for an interpreter has been made or it is reasonably apparent that an interpreter is needed. No individual who is disabled shall be required to provide his/her own interpreter (28 CFR 35.160).

334.9 TTY AND RELAY SERVICES

In situations where an individual without a disability would have access to a telephone (e.g., booking or attorney contacts), members must also provide those who are deaf, hard of hearing or have impaired speech the opportunity to place calls using an available TTY (also known as a telecommunications device for deaf people, or TDD). Members shall provide additional time, as needed, for effective communication due to the slower nature of TTY and TDD communications.

The Office will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service (28 CFR 35.162).

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

334.10 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the Office to provide interpreter services.

Where qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, Office members must carefully consider the nature of the contact and the relationship between the individual with the disability and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

334.11 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, members should carefully consider the circumstances before relying on such individuals. The nature of the contact and relationship between the individual with the disability and the person offering services must be carefully considered (e.g., victim/suspect).

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

(a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

(b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

334.12 REPORTING

Whenever any member of this Office is required to complete a report or other documentation, and communication assistance has been provided, such services should be noted in the related report. Members should document the type of communication services utilized and whether the individual elected to use services provided by the Office or some other identified source. If the individual’s express preference is not honored, the member must document why another method of communication was used.

All written communications exchanged in a criminal case shall be attached to the report or placed into evidence.

334.13 FIELD ENFORCEMENT

Field enforcement will generally include such contacts as traffic stops, pedestrian stops, serving warrants and restraining orders, crowd/traffic control and other routine field contacts that may involve individuals with disabilities. The scope and nature of these activities and contacts will inevitably vary.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

The Office recognizes that it would be virtually impossible to provide immediate access to complete communication services to every member of this Office. Members and/or supervisors must assess each situation and consider the length, complexity and importance of the communication, as well as the individual's preferred method of communication, when determining the type of resources to use and whether a qualified interpreter is needed.

Although not every situation can be addressed in this policy, it is important that members are able to effectively communicate the reason for a contact, the need for information and the meaning or consequences of any enforcement action. For example, it would be meaningless to verbally request consent to search if the deputy is unable to effectively communicate with an individual who is deaf or hard of hearing and requires communications assistance.

If available, deputies should obtain the assistance of a qualified interpreter before placing an individual with a disability under arrest. Individuals who are arrested and are assisted by service animals should be permitted to make arrangements for the care of such animals prior to transport.

334.13.1 FIELD RESOURCES

Examples of methods that may be sufficient for transactions, such as checking a license or giving directions to a location or for urgent situations such as responding to a violent crime in progress, may, depending on the circumstances, include such simple things as:

(a) Hand gestures or visual aids with an individual who is deaf, hard of hearing or has impaired speech.

(b) Exchange of written notes or communications.

(c) Verbal communication with an individual who can speechread by facing the individual and speaking slowly and clearly.

(d) Use of computer, word processing, personal communication device or similar device to exchange texts or notes.

(e) Slowly and clearly speaking or reading simple terms to individuals who have a visual or mental impairment.

Members should be aware that these techniques may not provide effective communication as required by law and this policy depending on the circumstances.

334.13.2 QUALIFIED INTERPRETER REQUIRED FOR VICTIMS AND WITNESSES

A deputy shall make arrangements to provide a qualified interpreter to assist in an interview or questioning of a victim or witness who is deaf or hard of hearing and uses sign language for effective communication (CRS § 13-90-204(1)(f)).

334.14 CUSTODIAL INTERROGATIONS

In an effort to ensure that the rights of individuals who are deaf, hard of hearing or have speech impairment are protected during a custodial interrogation, this Office will provide interpreter services before beginning an interrogation, unless exigent circumstances exist or the individual

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

has made a clear indication that he/she understands the process and desires to proceed without an interpreter. The use of a video remote interpreting service should be considered, where appropriate, if a live interpreter is not available. *Miranda* warnings shall be provided to suspects who are deaf or hard of hearing by a qualified interpreter or by providing a written *Miranda* warning card.

In order to ensure that communications during custodial investigations are accurately documented and are admissible as evidence, interrogations should be recorded whenever reasonably possible.

334.14.1 WAIVER

Any waiver to a qualified interpreter or auxiliary service shall be in writing. The person may have access to counsel for advice and shall have actual, full knowledge of the right to effective communication (CRS § 13-90-208).

If there is no waiver, *Miranda* warnings shall be given by the interpreter prior to any attempt to interrogate or take a statement from the person (CRS § 13-90-204(1)(d)).

334.15 ARRESTS AND BOOKING

If an individual with speech or hearing disabilities is arrested, the arresting deputy shall use Office-approved procedures to provide a qualified interpreter at the place of arrest or booking as soon as reasonably practicable, unless the individual indicates that he/she prefers a different auxiliary aid or service or the deputy reasonably determines another effective method of communication exists under the circumstances.

When gathering information during the booking process, members should remain alert to the impediments that often exist when communicating with those who are deaf, hard of hearing, who have impaired speech or vision, are blind, or have other disabilities. 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. If necessary, members should seek the assistance of a qualified interpreter whenever there is concern that accurate information cannot be obtained or that booking instructions may not be properly understood by the individual.

Individuals who require and possess personally owned communication aids (e.g., hearing aids, cochlear processors) should be permitted to retain them while in custody.

334.16 COMPLAINTS

The Office shall ensure that individuals with disabilities who wish to file a complaint regarding members of this Office are able to do so. The Office may provide a qualified interpreter or forms in enlarged print, as appropriate. Complaints will be referred to Professional Standards.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

334.17 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.

334.18 TRAINING

To ensure that all members who may have contact with individuals who are disabled are properly trained, the Office will provide periodic training that should include:

(a) Awareness and understanding of this policy and related procedures, related forms and available resources.

(b) Procedures for accessing qualified interpreters and other available resources.

(c) Working with in-person and telephone interpreters and related equipment.

The Training Director shall be responsible for ensuring new members receive training related to interacting with individuals who have disabilities, including individuals who are deaf, hard of hearing, who have impaired speech or vision, or are blind. Those who may have contact with such individuals should receive refresher training at least once every four years thereafter. The Training Director shall maintain records of all training provided, and will retain a copy in each member's training file in accordance with established records retention schedules.

334.18.1 CALL-TAKER TRAINING

Emergency call-takers shall be trained in the use of TTY equipment protocols for communicating with individuals who are deaf, hard of hearing or who have speech impairments. 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 TTY or TDD calls, including the importance of recognizing silent TTY or TDD calls, using proper syntax, abbreviations and protocol when responding to TTY or TDD calls.

(d) Hands-on experience in TTY and TDD communications, including identification of TTY or TDD tones.

Training should be mandatory for all Dispatch members who may have contact with individuals from the public who are deaf, hard of hearing or have impaired speech.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Pupil Arrest Reporting

335.1 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.

335.2 PUPIL ARREST REPORTING

In the event a school pupil is going to be arrested on school grounds and during school hours, the arresting deputy (if not the SRO) shall include in the report the necessary information and refer the report to the assigned SRO to ensure that proper notifications are made to 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 SRO shall ensure the chemical abuse pre-assessment team of the school is notified (if there is such a team in place) regarding the arrest, as allowed by law.

335.2.1 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.

335.2.2 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.

335.2.3 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 or assigned SRO, 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Biological Samples

336.1 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.

336.2 POLICY

The 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.

336.3 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

336.4 PROCEDURE

When an individual is required to provide a biological sample, a trained employee shall attempt to obtain the sample in accordance with this policy.

336.4.1 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

336.5 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. Force will only be used in the collection of samples when authorized by court order in accordance with statutes and only with the approval of a supervisor. 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.

The supervisor shall review and approve any plan to use force and be present to document the process.

336.5.1 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.

336.6 LEGAL MANDATES AND RELEVANT LAWS

Colorado law provides for the following:

336.6.1 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.

336.6.2 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Chaplains

337.1 PURPOSE AND SCOPE

This policy establishes the guidelines for Sheriff's Office chaplains to provide counseling or emotional support to members of the Office, their families and members of the public.

337.2 POLICY

The Sheriff's Office shall ensure that Office chaplains are properly appointed, trained and supervised to carry out their responsibilities without financial compensation.

337.3 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 from excessive debt.

(b) Having a good reputation in the community.

(c) Successful completion of an appropriate-level background investigation.

(d) A minimum of five years of successful counseling experience.

(e) Possession of a valid driver’s license.

The Sheriff may apply exceptions for eligibility based on organizational needs and the qualifications of the individual.

337.4 RECRUIT, SELECTION AND APPOINTMENT

The 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.

337.4.1 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.

337.4.2 SELECTION AND APPOINTMENT

Chaplain candidates shall successfully complete the following process prior to appointment as a chaplain:

(a) Submit the appropriate written application.

(b) Include a recommendation from employers or volunteer programs.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) Interview with the the chaplain coordinator.

(d) Successfully complete an appropriate-level background investigation.

(e) Complete an appropriate probationary period.

Chaplains are volunteers and serve at the discretion of the Sheriff. Chaplains shall have no property interest in continued appointment.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Child and Dependent Adult Safety

338.1 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.

338.2 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 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.

338.3 PROCEDURES DURING AN ARREST

When encountering an arrest or prolonged detention situation, deputies should make reasonable attempts to determine if the arrestee is responsible for children or dependent adults. In some cases, this may be obvious, such as when children or dependent adults are present. However, deputies should inquire if the arrestee has caregiver responsibilities for any children or dependent adults who are without appropriate supervision. The following steps should be taken:

(a) 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.

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.

338.3.1 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.

When possible and appropriate deputies should allow the arrestee reasonable time to arrange for care of children and dependent adults. Temporary placement with family or friends may be

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 known 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.

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.

338.3.2 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.

338.3.3 REPORTING

(a) For all arrests where children are present or living in the household, the reporting member should document the following information regarding each child.

1. Name
2. Sex
3. Age

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 should document the following information regarding adults:

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

338.3.4 SUPPORT AND COUNSELING REFERRAL

If, in the judgment of the handling deputies, the child or dependent adult would benefit from additional assistance, the appropriate referral information should be provided.

338.4 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 contact 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 Office, 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Service Animals

339.1 PURPOSE AND SCOPE

Service animals play an important role in helping to overcome the limitations often faced by people with disabilities. The Sheriff's Office recognizes this need and is committed to making reasonable modifications to its policies, practices and procedures in accordance with Title II of the Americans with Disabilities Act (ADA) to permit the use of service animals that are individually trained to assist a person with a disability.

339.2 SERVICE ANIMALS

The ADA defines a service animal as any dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. The work or tasks performed by a service animal must be directly related to the owner’s disability (28 CFR 35.104).

Service animals also include assistance dogs that are in the process of being trained and are accompanied by a trainer (CRS § 24-34-803).

339.2.1 USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness or collar. Service animals are not pets and may be trained by an individual or organization to assist people with disabilities.

Service animals may be used in a number of ways to provide assistance, including:

- Guiding people who are blind or have low vision.
- Alerting people who are deaf or hard of hearing.
- Retrieving or picking up items, opening doors or flipping switches for people who have limited use of their hands, arms or legs.
- Pulling wheelchairs.
- Providing physical support and assisting with stability and balance.
- Doing work or performing tasks for persons with traumatic brain injury, intellectual disabilities or psychiatric disabilities, such as reminding a person with depression to take medication.
- Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items, or follow daily routines.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

339.3 MEMBER RESPONSIBILITIES

Service animals that are assisting individuals with disabilities are permitted in all public facilities and areas where the public is allowed. Office members are expected to treat individuals with service animals with the same courtesy and respect that the Sheriff's Office affords to all members of the public.

If an animal exhibits vicious behavior, poses a direct threat to the health of others or unreasonably disrupts or interferes with normal business operations, a deputy may direct the owner to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the animal. Each incident must be considered individually. Past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse service to an individual with disabilities. Members of this Office are expected to provide all services as are reasonably available to an individual with the disability.

If it is apparent or if a deputy is aware the animal is a service animal, the owner should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the deputy should ask the individual only the following questions:

- Is the animal required because of a disability?
- What task or service has the animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal, and no further question as to the animal's status should be asked. The person should not be questioned about his/her disabilities nor should the person be asked to provide any license, certification or identification card for the service animal.

Service animals are not pets. Office members should not interfere with the important work performed by a service animal by talking to, petting or otherwise initiating contact with a service animal.

When handling calls of a complaint regarding a service animal, members of this Office should remain neutral and should be prepared to explain the ADA requirements concerning service animals to the concerned parties. Businesses are required to allow service animals to accompany their owner in all areas that other customers or members of the public are allowed.

Absent a violation of law independent of the ADA, deputies should take no enforcement action beyond keeping the peace. Individuals who believe they have been discriminated against as a result of a disability should be referred to the Civil Rights Division of the U.S. Department of Justice.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Concealed Handgun Permit

340.1 PURPOSE AND SCOPE

Pursuant to 30-10-523, the Sheriff of each county shall issue written permits to carry concealed handguns as provided in part 2 of article 12 of title 18, CRS. 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 and CRS § 18-12-206(4)).

340.2 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) 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.

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

(g) 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

(h) Demonstrates competence with a handgun by submitting:

1. Evidence of experience with a firearm through participation in organized shooting competitions or current military service
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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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; or
6. A training certificate from a handgun training class obtained within 10 years preceding submittal of the application

340.3 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).

340.3.1 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)).

340.4 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

340.5 APPLICATION FOR RENEWAL

To renew a concealed handgun permit, the permittee must complete and submit a renewal application within 120 days of expiration to the Sheriff. The Sheriff will issue a renewal if all statutory provisions are met (CRS § 18-12-211).

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

340.6 PERMIT ISSUED IN ANOTHER STATE

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:

(a) Twenty-one years of age or older, and

(b) 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, or

(c) 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.

340.7 SUSPENDING OR REVOKING PERMITS

If the Sheriff or the authorized designee has a reasonable belief that a permittee no longer meets the criteria required under state or federal law, the Sheriff or the authorized designee 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 or authorized designee 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)).

If the Sheriff or authorized designee suspends or revokes a permit, the sheriff shall notify the permittee in writing, stating the grounds for suspension or revocation and informing the permittee of the right to seek a second review by the sheriff, to submit additional information for the record, and to seek judicial review pursuant to CRS § 18-12-207.

340.8 APPLICATION NOTIFICATION

Within 90 days after the date of receipt of the application, the Office shall approve the permit application and issue the permit; or deny the permit application pursuant to CRS § 18-12-203(1)(2). (CRS § 18-12-206). If the application for a permit is denied, the Office shall send the applicant written notification setting forth the reasons for the denial within 90 days of receipt of the application

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(CRS § 18-12-206). If an application for a permit is denied, 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)).

340.9 CARRYING CONCEALED HANDGUNS IN RESTRICTED AREAS

Concealed handgun permittees shall carry the permit together with photo identification at all times when in actual possession of a concealed handgun and shall produce both documents upon demand by a law enforcement officer (CRS § 18-12-204(2)(a)).

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) Into any improvements erected thereon, of a public elementary, middle, junior high, or high school.

(c) Any public building equipped with electronic screening devices and security personnel, or that has a sign posted at each entrance prohibiting the carrying of a concealed handgun.

340.10 ANNUAL REPORT

The Office shall annually prepare a report specifying, at a minimum, the number of permit applications received during the year for which the report was prepared, the number of permits issued during the year, the number of permits denied during the year, the reasons for denial, the number of revocations during the year, and the reasons for the revocations and submit the report before March 1 each year to the general assembly. A copy of the annual report shall be provided to the public upon request (CRS § 18-12-206(4)).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Volunteers

341.1 PURPOSE AND SCOPE

It is the policy of this Office to use qualified volunteers for specified tasks and duties in order to create efficiencies for the Office and improve services to the community. Volunteers are intended to supplement and support, rather than supplant, certified deputies and civilian personnel. Volunteers can be an important part of any organization and have proven to be a valuable asset to law enforcement agencies. Volunteers help to increase Office responsiveness, delivery of services and information input, and provide new program opportunities. In addition, volunteers bring new skills and expertise to the Office and prompt new enthusiasm.

341.1.1 DEFINITIONS

Volunteer - An individual who performs a service for the Office without promise, expectation or receipt of compensation for services rendered. This may include chaplains, reserve deputies, interns, persons providing administrative support and youth involved in a law enforcement Cadet/ Explorer Program, among others.

341.1.2 VOLUNTEER ELIGIBILITY

Requirements for participation as a Sheriff's Office volunteer include:

(a) At least 18 years of age for all positions other than Cadets.

(b) At least 14 1/2 years of age for Cadet.

(c) A valid driver's license if the position requires vehicle operation.

(d) Liability insurance for any personally owned equipment, vehicles or horses utilized during volunteer work.

(e) No conviction of a felony.

(f) No conviction of a misdemeanor crime within the past 3 years.

(g) Physical requirements reasonably appropriate to the assignment.

(h) 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.

341.2 VOLUNTEER MANAGEMENT

341.2.1 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:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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

341.2.2 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.

341.2.3 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

(d) Credit check

A truth verification exam may be required of each applicant depending on the type of assignment.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

341.2.4 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.

341.2.5 EMPLOYEES WORKING AS RESERVE DEPUTIES

Certified employees of this Office, when authorized, may also serve as reserve deputies. However, the Office must not utilize the services of a reserve or volunteer in such a way that it would violate employment laws or labor agreements (example: a detention deputy working as a reserve deputy for reduced or no pay). Therefore, the Reserve Coordinator should consult the Department of Human Resources prior to an employee serving in a reserve, auxiliary or volunteer capacity (29 CFR 553.30).

341.2.6 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

341.2.7 FITNESS FOR DUTY

No volunteer shall report to work or be on-duty when his/her judgment or physical condition has been impaired by alcohol, medication other substances, illness or injury.

Volunteers shall report to their supervisor any changes in status that may affect their ability to fulfill their duties. This includes, but is not limited to, the following:

(a) Driver's license

(b) Medical condition

(c) Arrests

(d) Criminal investigations

(e) All law enforcement contacts

All volunteers shall adhere to the guidelines set forth by this Office regarding drug and alcohol use.

341.2.8 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.

Volunteers shall be required to return any issued uniform or Office property at the termination of service.

341.3 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Functional supervision of volunteers is the responsibility of the supervisor in charge of the unit where the volunteer is assigned. Following are some considerations to keep in mind while supervising volunteers:

(a) Take the time to introduce volunteers to employees on all levels.

(b) Ensure volunteers have work space and the necessary office supplies.

(c) Make sure the work is challenging. Do not hesitate to give them an assignment or task that will tap these valuable resources.

341.4 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 information concerning the activities of the Office, or maintain that they represent the Office in such matters without permission from the proper Office personnel.

341.5 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.

341.5.1 VEHICLE USE

Volunteers assigned to duties such as vacation house checks or other assignments that require the use of an Office vehicle must first complete the following:

(a) A driving safety briefing

(b) Verification that the volunteer possesses a valid driver's license

The Volunteer Coordinator should ensure that all volunteers receive safety briefing updates and license verification at least once a year.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

When operating an Office vehicle, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate a marked patrol car unless 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 an Office vehicle for enforcement patrol operations or under emergency conditions (lights and siren).

341.5.2 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.

341.6 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.

Volunteers may resign from volunteer service with this Office at any time.

341.6.1 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.

341.7 EMERGENCY CALL-OUT FOR VOLUNTEER PERSONNEL

The Volunteer Coordinator shall maintain a plan outlining an emergency call-out procedure for specific groups of volunteer personnel.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Native American Graves Protection and Repatriation

342.1 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.).

342.1.1 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.

342.2 POLICY

It is the policy of the Sheriff's Office that the protection of Native American human remains, funerary objects, associated 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.

342.3 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, 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 10.4).

No photography or video recording may be permitted by the media or any group or individual who may wish to exhibit the remains.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Without delay, the appropriate agency or group shall be notified to respond and take control of the scene. These include the following (43 CFR 10.4; CRS § 24-80-1302):

- When appropriate, the Coroner.
- Federal land - Appropriate agency at the U.S. Department of the Interior or the U.S. Department of Agriculture
- State land - Appropriate Colorado land management agency

342.4 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 10.6).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Off-Duty Law Enforcement Actions

343.1 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 Sheriff's Office with respect to taking law enforcement action while off-duty.

343.2 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.

343.3 FIREARMS

Deputies of this Office may carry firearms while off-duty in accordance with federal regulations, state law and Office policy. All firearms and ammunition must meet guidelines as described in the Firearms Policy. When carrying firearms while off-duty, deputies shall also carry their Office-issued badge and identification.

Deputies should refrain from carrying firearms when the consumption of alcohol is likely or when the need to carry a firearm is outweighed by safety considerations. Firearms shall not be carried by any deputy who has consumed an amount of an alcoholic beverage or taken any drugs that would tend to adversely affect the deputy's senses or judgment. The carrying of firearms is prohibited while under the influence of alcohol or a controlled substance (CRS § 18-12-106(d)).

343.4 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) The lack of equipment, such as handcuffs, oleoresin capsicum (OC) spray or a baton.

(d) The potential for increased risk to bystanders if the off-duty deputy were to intervene.

(e) Unfamiliarity with the surroundings.

(f) 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.

343.4.1 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 El Paso County Sheriff's Office deputy until acknowledged. Official identification should also be displayed.

343.4.2 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.

343.4.3 RESPONSIBILITIES

Civilian Personnel 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.

343.4.4 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.

343.5 REPORTING

Deputies should cooperate fully with the agency having jurisdiction in providing statements or reports as requested or as appropriate.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Emergency Management Plan

344.1 PURPOSE AND SCOPE

The Sheriff's Office develops its own internal operational plans and is responsible for the activation and development of emergency response plans as it relates to Continuity of Operations, emergency response to specific events, and statutory obligations required by law.

The Sheriff's Office is an active participant in the County's Emergency Operations Plan, which conforms to and works in conjunction with the State of Colorado's Emergency Operations Plan (EOP). This plan provides guidance and is to be used by all work groups and employees of the county in the event of major disaster, civil disturbance, mass arrest or other emergency event. The plan provides for a strategic response by all employees and assigns specific responsibilities in the event the County's EOP is activated.

344.2 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.

344.2.1 RECALL OF PERSONNEL

In the event that the Emergency Operations Plan is activated and/or put into effect, all employees may be subject to recall as deemed necessary by the Sheriff or authorized designee.

344.3 LOCATION OF THE EMERGENCY OPERATIONS PLAN

Copies of the plan are located throughout the Office with specific plans stored at the Office of the Sheriff, Dispatch, the Criminal Justice Center and at the Emergency Services Division.

Each patrol vehicle and command staff have also received special response guidelines to be utilized during specific events and responses.

The County's EOP is stored at the Office of Emergency Management and also on the County's website. The State of Colorado's Emergency Operations Plan and additional regional information can be found on the Colorado Office of Emergency Management Website.

344.4 UPDATING THE PLAN

All plans shall be reviewed at least once every two years and updated to meet any changing standards and to make sure these plans conform to any revision as required at an agency, local, state and/or national level.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

344.5 PLAN REVIEW

Internal Sheriff's Office plans shall also have a plan review whenever there is an After Action Report (AAR) developed and these suggestions from the report will be incorporated into the plan. To include any updates to training and response criteria as suggested from the AAR.

344.6 PLAN TRAINING

The Office will periodically provide and/or attend training in the use of these plans for all supervisors and other appropriate personnel. This would include interaction with other County agencies, tabletop, full scale, and specific agency training exercise involvement.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Office Use of Social Media

345.1 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.
- Use of social media in personnel processes.
- Use of social media as part of a criminal investigation, other than disseminating information to the public on behalf of this Office.

345.1.1 DEFINITIONS

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.

345.2 POLICY

The 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.

345.3 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.

345.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the Office mission and conforms to all Office policies regarding the release of information may be posted.

Examples of appropriate content include:

(a) Announcements.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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) Press releases.

(h) Recruitment of personnel.

345.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy and frequent updates are paramount the Media Relations Manager or the authorized designee will be responsible for the compilation of information to be released, subject to the approval of the Incident Commander.

345.5 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 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.

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.

345.5.1 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

345.6 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.

345.7 RETENTION OF RECORDS

The Administrative Services Commander should work with the Custodian of Records 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.

345.8 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Community Relations

346.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for community relationship-building.

346.2 POLICY

It is the policy of the Sheriff's Office to promote positive relationships between Office members and the community by treating community members with dignity and respect; 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.

346.3 COMMUNITY PROGRAMS

The Community Relations and Outreach (CRO) unit deputies 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.

(b) Police-community get-togethers.

(c) Youth leadership and life skills mentoring.

(d) School resource deputy.

(e) Neighborhood Watch and crime prevention programs.

(f) Community Forums/ Conversations

346.4 MEMBER RESPONSIBILITIES

Deputies should, as time and circumstances reasonably permit:

(a) Make casual and consensual contacts with community members to promote positive community relationships.

(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 Dispatch of their status and location before beginning and upon completion of the foot patrol. They should also periodically inform Dispatch of their location and status during the foot patrol.

(e) Report to the CRO unit whenever a member receives information that would be considered a concern or problem from any citizen or community group and that information would have a bearing on law enforcement activities and the impact community relations.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(f) Report information concerning any event that is related to community outreach, civic, charitable, or humanitarian causes where the member(s) will be representing the Sheriff's Office either in a duty capacity or in a volunteer capacity when a uniform has been approved to wear. The member shall forward a description of the event to the CRO unit. The information will detail the type of event, date, location, approximate number of community members present at the event in any pertinent community concerns at had been or may still need to be addressed.

346.5 COMMUNITY RELATIONS AND OUTREACH UNIT

The Community Relations and Outreach (CRO) unit will be responsible for:

(a) Responding to requests from Office members and the community for assistance in identifying issues and solving problems related to community relations and public safety.

(b) Organizing surveys to measure the condition of the Office's relationship with the community.

(c) Working with community groups, Office members and other community resources to:

  (a) 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.

(d) Working with the Patrol Commander to develop patrol deployment plans that allow deputies the time to participate in community engagement and problem-solving activities.

(e) 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.

(f) Informing the Sheriff and others of developments and needs related to the furtherance of the Office's community relations goals, as appropriate.

346.6 SURVEYS

The CRO unit should arrange for a survey of community members and Office members to be conducted at least once every three years 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 Office performance

(b) Perception of Office members' attitude an behavior

(c) Level of trust in the Office

(d) Safety, security or other concerns

A written summary of the compiled results of the survey should be provided to the Sheriff through the chain of command.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

346.7 INFORMATION SHARING

The CRO unit should work with the Media Relations Manager to develop methods and procedures for the convenient sharing of information between the Office and community members. Examples of information-sharing methods include:

(a) Community meetings.

(b) Social media.

(c) Office website postings.

Information should be regularly refreshed, to inform and engage community members continuously.

346.8 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 possible.

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 Sheriff may include the committee in the evaluation and development of Office policies and procedures and may ask them to review certain personnel complaints for the purpose of providing recommendations regarding supervisory, training or other issues as appropriate.

346.8.1 LEGAL CONSIDERATIONS

The Community Impact Lieutenant or designee should work with the County 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.

346.9 LAW ENFORCEMENT OPERATIONS EDUCATION

The CRO unit 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) Presentations to individuals and community groups.

(d) Instruction in schools.

(e) Ride- along program.

(f) Scenario/Simulation exercises with community member participation.

(g) Internship Program.

(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.

346.10 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 CRO unit should work with the community advisory committee to identify information that may increase transparency regarding Office operations.

346.11 TRAINING

Subject to available resources, members should receive training related to this policy, including training on topics such as:

(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.

346.11.1 STATE-MANDATED TRAINING

The Training Director is responsible for ensuring that members attend community policing and community partnership training as required by CRS § 24-31-315.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Fiscal Management and Resource Control

347.1 PURPOSE

To provide and develop sound policies of fiscal and resource control.

347.2 POLICY

It is the policy of the Sheriff's Office to exercise authority and responsibility for the fiscal management of the Sheriff's fiscal and property resources, as delegated by the Board of County Commissioners (BoCC). In turn, the Sheriff may delegate the authority and responsibility to the Administrative Services Bureau Administrator. Annual budget requests are submitted that identify necessary resources for facility operations and programs and are submitted to the Sheriff for review and approval. Any monies received by the Sheriff's Office must be forwarded to the El Paso County Treasurer, for deposit into the El Paso County General Fund. Those monies may be accessed only with the consent/approval of the BoCC.

347.3 PROCEDURE

A. BUDGET:

1. Once approved by the BoCC, the annual budget is the primary document used to allocate resources in support of the Office's mission.
2. The County Budget Office prepares and distributes a budget preparation document for directors, managers, and elected officials annually. The Administrative Services Bureau Administrator shall coordinate the preparation of bureau budgets for presentation in preliminary form to the Sheriff. Each bureau chief is encouraged to involve as many subordinates as possible in the budget process to provide support for the programming and resource allocation of the respective bureau.
3. Administrative Services Bureau Administrator will establish a deadline for submission of all preliminary budget materials to comply with the annual budget calendar set by the County Budget Office.
4. Each bureau shall be granted an annual budget on January 1st of each year. The Finance Unit will provide the Bureau Chiefs or their designee a monthly status report, which shall include initial appropriation, expenses, encumbrances, and ending or unencumbered balances.
5. Bureau chiefs shall inform the Administrative Services Bureau Administrator, in writing, of any projected or actual over-expenditure(s) in a particular line item, which would require supplemental or emergency appropriation or funds transferred from one account into another
6. The Sheriff may coordinate the most efficient resolution with the BoCC.
7. The Administrative Services Bureau Administrator will inform the Bureau Chiefs of their annual authorized strength, as soon as that information is available

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

from the BoCC. The Administrative Services Bureau Administrator will insure that authorized positions are filled. Bureau Chiefs, in coordination with the Administrative Services Bureau Administrator, will insure that personnel expenditures in each bureau do not exceed budgeted funds.

B. INTERNAL FISCAL CONTROLS: Supplies and equipment purchased for the Sheriff's Office will be overseen by the Finance Unit and shall follow the following guidelines:

1. $.01 - $4,999 – Single quote from the respective vendor. If time allows, it is requested that competitive quotes be obtained, but is not necessary.

2. $5,000 – $24,999 – At least three qualified vendor quotes that are similar in comparison must be collected. If the lowest bidder is not chosen, a memorandum must be included in the Purchase Request package explaining the reason why and justification for the purchase to be completed through another vendor. In some cases, a single source memorandum shall apply – see below for restrictions and guidelines;

3. $25,000 and over – Must be competitively solicited through the formal bid process conducted by the El Paso County Procurement Department, by using a vendor on the State bid, or a single source memorandum – see below restrictions and guidelines. This level of procurement must also include collaboration with the Administrative Services Bureau Administrator

4. Single Source Memorandum for purchases exceeding $5,000 – A single source memorandum is permissible if a requirement is available from only a single supplier. The memorandum must include a written explanation why no other supplier will be suitable or acceptable in meeting the need. Single source memorandum for inclusion is required to be approved by the Sheriff or Administrative Services Bureau Administrator before it will be accepted.

5. Some circumstances that could necessitate Single Source Procurement are:

   (a) The purchase of technical equipment for which there is no competitive product and which is available only from one supplier.

   (b) The purchase of professional services from a vendor who is uniquely qualified to provide such services.

   (c) The purchase of a component or replacement part for which there is no commercially available product and which can be obtained only from the manufacturer.

   (d) The purchase of an item where compatibility is the overriding consideration.

   (e) The purchase of a used item which becomes immediately available and is subject to prior sale.

   (f) The purchase of a particular product for trial or testing.

   (g) The use of other than (original equipment manufacturer) parts would void a still valid warranty.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(h) The purchase of a product/service from a vendor who has been awarded a contract by another governmental entity and who allows its product/service to be purchased by other governmental agencies from that contract

6. Sole source refers to the supplier, not a product or service. Thus, the ability to meet a delivery date or to provide on-call repairs can create a sole source that is a single supplier condition. Justification for a sole source purchase depends upon a needed item or service being available from only a single supplier under the prevailing conditions. If the item may be obtained from more than one source, price competition shall be solicited.

7. Emergency Procurement: An emergency condition is a situation that creates a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, equipment failures, or other such reason that are deemed an emergency situation. An emergency procurement shall be limited only to a quantity of those supplies, equipment, materials, or services necessary to meet the emergency. There will be no delay for purposes of purchasing emergency goods and/or services.

(a) Emergency Purchases under Colorado Revised Statutes 29-1-114:

1. If the expense is $5,000 or more and the emergency occurs during normal business hours (8:00 a.m. - 5:00 p.m., Monday through Friday), contact the Finance Unit or Administrative Services Bureau Administratorfor guidance on the appropriate action needed to handle the purchasing emergency

2. The Sheriff, respective Command Staff member, or Administrative Services Bureau Administrator are the only individuals authorized to allow the emergency purchase and therefore will inform the Finance Unit of any such purchase made no later than the first working day following the purchase. If the follow-up review of an emergency purchase indicates that the purchase was not an emergency, the purchase may be disallowed for payment and a determination by the Sheriff to take the appropriate action. Proper purchase requisition procedures and approval limits remain the same for the authorization of the expenditures; however, formal IFB/RFP procedures may not apply. If the purchase was $25,000 or above, the purchase order must be placed on the next scheduled formal agenda for approval by the Board of County Commissioners and shall be completed by collaborative efforts of the Finance Unit, Administrative Services Bureau Administrator and the El Paso County Procurement Department.

3. In the event of a disaster, the office of emergency management/ coordination center procedures for the emergency operations center will become effective.

C. PROPERTY INVENTORY CONTROL :

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. The annual inventory of property and other assets valued under $5,000.00, under the control of the Sheriff's Office, will be conducted by the individual divisions where the property or assets are assigned.
2. The Administrative Services Bureau will complete a capital asset identification form for any new purchases worth $5,000.00, or more acquired during the budget cycle. The form will be sent to the County Finance and Budget Department so the acquired capital assets are added to County Capital Asset list. Annually, the El Paso County Finance and Budget Department sends the updated list of capital assets to the Sheriff's Office Finance Unit for confirmation of the accuracy of the list.
3. Operational readiness of any equipment is the responsibility of the person or unit to which the property is assigned. Operational readiness includes, but is not limited to, maintenance, cleaning, repair, safety. Equipment shall be inspected at least annually.
4. Individual sections or units, such as Special Weapons and Tactics (SWAT), Explosive Ordnance Disposal (EOD), and Emergency Services Division, shall conduct a quarterly inventory and inspection of assigned equipment for overall readiness, maintenance, availability, etc. It shall be the respective section's or unit's responsibility to file these quarterly inventories/inspections. The Special Response Team (SRT) shall conduct a monthly inventory and inspection of assigned equipment for overall readiness, maintenance, availability, etc. It shall be SRT's responsibility to file these monthly inventories/inspections.

D. POSITION ALLOCATION CONTROL:

1. The Administrative Services Bureau Administrator in a collaborative effort with the Finance Unit will insure position control, in accordance with budget restrictions. The Finance Unit will also maintain information on the number and type of positions that are filled and vacant at all times. The Finance Unit shall ensure that personnel on the payroll are legally employed and the position(s) is/ are authorized by the BoCC.

E. CASH FUND PROCEDURES: Cash funds will be maintained as follows:

1. The Administrative Services Bureau Administrator in a collaborative effort with the Finance Unit will insure position control, in accordance with budget restrictions. The Finance Unit will also maintain information on the number and type of positions that are filled and vacant at all times. The Finance Unit shall ensure that personnel on the payroll are legally employed and the position(s) is/ are authorized by the BoCC.
2. There will be receipts or documentation for cash received.
3. Documented authorization for cash disbursements in excess of established disbursement limits. Authorization to exceed established disbursement limits are approved through the Sheriff or his designated representatives as outlined in this policy.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

4. There will be records, documentation, or invoice requirements for cash expenditures.
5. There will be specific persons or positions authorized to disburse or accept cash.
6. There will be quarterly accounting of cash activities.
7. Professional Standards Unit will conduct a quarterly accounting of cash activities for the Finance Unit petty cash fund.
8. The Finance Unit will conduct a quarterly accounting of cash activities for all other cash accounts as follows:
   (a) Victim Assistance Fund
   (b) Records Section Cash Fund
   (c) Civil section Cash Fun
   (d) Sex Offender Fee Collection
   (e) DUI Fee Collection
9. Quarterly Accountings will focus on the account manager's compliance with the maintenance standards of their accounts as outlined in this policy. Quarterly accountings will be documented in memorandum format and kept on file for three years. Copies will be provided to the supervisor of each account manager and the Finance Unit.
10. The Finance Unit will maintain the petty cash fund and its records. These funds are disbursed for extraditions, meal expenses, postage, etc. They should not be used to purchase supplies. The maximum amount allowed to be disbursed from petty cash at any one time is $300.00. In case of emergency situations or extenuating circumstances, the Sheriff or Administrative Services Bureau Administrator or his/her designee, with proper justification, may approve any amount which exceeds the maximum. Any purchases out of the ordinary will be pre-approved by the Sheriff or the Administrative Services Bureau Administrator. Upon receiving approval for petty cash disbursement, the recipient will either:
    (a) Receive the amount required prior to the purchase and return any excess money and receipt(s) with a petty cash form to the Finance Unit.
    (b) Purchase the item(s) and then submit receipts with the petty cash form to the Finance unit for reimbursement.

F. SIGNATURE CONTROL: The Finance Unit will maintain an updated list of Sheriff's Office bank accounts along with the authorized signatures on each account. When authorized signatures are added or deleted, the Finance Unit will be notified within three (3) business days, whereupon the signature control sheet will be revised to reflect the change(s).

G. EMPLOYMENT REIMBURSEMENT: The Finance Unit will reimburse Sheriff's Office employees the full amount of all official pre-approved purchases. Employees must present original receipts to the Finance Unit prior to receiving reimbursement.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

H. VOUCHER ISSUANCE: Bureau Chiefs will forward their request to the Finance Unit when goods or services are required and the Finance Unit will process the purchase order. The Sheriff or the Administrative Services Bureau Administrator will review any request if the amount is over $1,000.00. If approved, the County Purchasing Office will process the request. Once the item(s) or services are received a packing slip or invoice shall be signed by the receiving bureau and forwarded to the Finance Unit. A transaction sheet will then be prepared by the Finance Unit for approval by the Sheriff or the Administrative Services Bureau Administrator, who will then forward it to the County Finance Department for a warrant to be issued for payment of the goods or services received. The transaction sheet will include the name of the vendor, budget number, amount due, invoice number, purchase order number, and the signature of the Sheriff or the Administrative Services Bureau Administrator.

I. AUDITS

1. The Finance Unit or an independent certified public accounting firm accepted by the Administrative Services Bureau Administrator, may conduct auditing of Sheriff's Office resources.

2. Bureau Chiefs may request in writing, the audit of funds under their control, at any time. The Administrative Services Bureau should coordinate these audits.

3. El Paso County Finance conducts an annual audit of all county fiscal accounts through a third party contractor.

J. CREDIT CARDS: Under certain circumstances (i.e.: travel for extraditions or pre-approved training), the Sheriff’s Office may issue credit cards to its employees. Credit cards shall be used for official business only. All receipts from credit card purchases, along with a completed purchase order, shall be turned in to the Finance Unit as soon as possible.

K. SHERIFF'S OFFICE INSURANCE COVERAGE: The Sheriff’s Office will be self-insured through the El Paso County self-insurance program. This program provides coverage for worker’s compensation and civil liability.

L. MANPOWER ALLOCATION AND DEPLOYMENT: Each Bureau Chief is responsible for reviewing and deploying personnel to adequately insure the appropriate level of services are provided. This review will be conducted once every three years to avoid over or understaffing. Commanders will conduct workload demand reviews to ensure manpower is dispersed evenly based on available resources. Needs identified during this review shall be assessed during the scheduled budget cycle.

M. BANK ACCOUNTS: All bank accounts opened, controlled and held by the Sheriff’s Office must be done in collaboration with the El Paso County Treasurer’s Office.

1. New Bank Accounts: When the need arises and the Sheriff’s Office opens a new bank account, it must be coordinated with the El Paso County Treasurer’s Office and therefore follow the policy and procedures as it would under Existing Bank Account reporting and management.

2. Existing Bank Accounts: Each existing bank account will be managed independent of any other Sheriff’s Office bank account. A collective monthly

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

report of all bank balances for all Sheriff's Office managed accounts will be provided to the Treasurer's Office and County Finance.

3. Account Access: Upon request from the County Treasurer's Office and/or County Finance, viewing account access for any or all Sheriff's Office bank accounts will be allowable and provided promptly.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Attendance Policy

348.1 PURPOSE

Provide guidance for the proper completion of attendance and time tracking records.

348.2 DEFINITIONS

ADMINISTRATIVE LEAVE: To be temporarily relieved from duty with or without pay.

ATTENDANCE RECORDS: Schedule and time tracking information of employees.

COMPENSATORY-BALANCE (COMP BAL) TIME: Compensatory Current time which is carried forward into the next work cycle and converted at a rate of one and one half (1 ½) times. This time may be used as leave time or be paid at the regular hourly rate.

COMPENSATORY-CURRENT (COMP CUR) TIME: Time worked over an employee's salaried hours for a given work cycle. Any Compensatory Current time earned and not taken during a work cycle is converted to Compensatory Balance time at the end of the work cycle.

COMPENSATORY TIME TAKEN: Time off taken by an employee whereby they utilize either Compensatory Current or Compensatory Balance hours currently accrued.

EXEMPT: Employees classified by the Sheriff as administrative or executive positions. The ranks of lieutenant and above are exempt positions. Exempt positions may also be held by lieutenant rank equivalent civilians.

EXTRA DUTY: Hours worked for an established rate of pay. These duties may be sporadic or occasional and solely at the option of the employee and are entirely outside of an employee's normal work duties and salary structure.

HOURS WORKED: All hours, including minutes rounded up or down to quarterly increments, worked in the performance of the assigned duty. This does not include Extra Duty.

LEAVE TIME: Other hours calculated in the 40 hour or 160 hour work cycle totals. Such as vacation, sick time, holiday hours, bereavement leave, and military leave.

NON-EXEMPT: Employees classified by the Fair Labor Standards Act (FLSA) as non-administrative or non-executive positions. Attendance records must be kept for all non-exempt employees.

OVERTIME: Hours worked over the regular allotted hours in the scheduled work day.

OVERTIME PAY: Pay compensation at one and one half (1 ½) times an employee's regular hourly salary rate. Overtime hours are mutually exclusive of any Compensatory Current or Compensatory Balance time.

TRAINING OFFICERS: Deputies or civilians who train individuals transferring to their specific organizational unit for the first time.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

FIELD TRAINING OFFICER (FTO): Deputies who train others transferring to the Patrol Division for the first time.

DETENTION TRAINING OFFICER (DTO): Deputies who train others transferring to the Detentions Floor Security Division from the training academy.

COMMUNICATIONS TRAINING OFFICER (CTO): Civilian dispatchers who train newly hired emergency services dispatchers.

SALARIED HOURS: Amount of normal and regular hours for an employee in a work cycle. Civilian employees have 40 salaried hours in a work cycle. Sworn employees have 160 salaried hours in a work cycle.

WORK CYCLE: Attendance record cycle of seven (7) days for civilian; attendance record cycle of 28 days for sworn employees. Sworn employees fall under the 7k exemption.

7K EXEMPTION: The Fair Labor Standards Act regulation that gives law enforcement and fire fighting officials the flexibility to schedule employees on work cycles in excess of seven (7) days, but no more than 28 days.

348.3 POLICY

It is the policy of the Sheriff's Office that each employee track and maintain their hours worked, leave time, compensatory time (current and balance), and overtime, collectively known as "attendance records," in the On Duty system. Each supervisor shall review these records in good faith and accurately in order to meet the Sheriff's Office requirements and any applicable federal documentation requirements. Leave time of exempt employees shall likewise be maintained by designated personnel within each Bureau.

348.4 EMPLOYMENT AGREEMENT

Employment with the County constitutes an agreement and understanding between the employee and the County that compensatory time off will be given in lieu of overtime pay at the discretion of the Office. This agreement to provide compensatory time off in lieu of cash overtime compensation is a condition of employment with the County. Any compensatory time earned by an employee constitutes a legal liability for the County. The Sheriff's Office has the option, within the limits of the Fair Labor Standards Act and its budget, to determine the manner of compensation for overtime worked.

348.5 PROCEDURE

348.5.1 ATTENDANCE RECORDS

(a) All attendance and leave time records shall be kept in the On Duty Public Safety Scheduling System.

(b) Attendance records shall be kept for all non-exempt, temporary, and part-time employees.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) Leave time records shall be kept for all exempt employees.

(d) The unit or section supervisor shall be primarily responsible for maintaining all attendance records for each employee in the unit/section.

(e) If the unit or section supervisor will be absent from the office for three or more days, the designated individual acting on behalf of the supervisor shall be responsible for maintaining attendance records for all employees in the unit/section. Alternatively, a supervisor may name another individual to act in this capacity. If the supervisor fails to name an individual in either of the above mentioned scenarios, the next higher ranking employee in the supervisor's chain of command shall be responsible for maintaining attendance records of all employees in the unit/section.

(f) All attendance and leave time records shall be maintained on a daily basis.

348.5.2 ON DUTY PUBLIC SAFETY SCHEDULING SYSTEM (ON DUTY)

On Duty is a software system administered by the IT Section and Fiscal and Compliance Services Section for the purpose of maintaining attendance and leave time records.

348.5.3 HOLIDAY AND PERSONAL TIME

1. El Paso County normally authorizes each employee 11 paid, eight (8) hour, holidays per year, and 3 paid personal days. This equates to 88 hours of holiday time and 24 hour of personal time per year. This is subject to change by the Board of County Commissioners (BoCC). Full-time employees will receive an additional personal day for every five (5) years of consecutive service with the County.

2. Personnel who work a 5/2 schedule should be granted their holiday on the observed holiday. This would apply to units/sections that are normally closed on observed holidays, such as Administrative Services, Records, Investigations, Training, etc. If, for some reason, an employee works the observed holiday, they must be given a day off prior to the end of the current calendar year or be granted compensatory time.

3. Personnel who are scheduled to work shifts that do not permit taking holidays on the observed holiday will be scheduled for 88 hours of holiday time during the year. A systematic method of scheduling should be used to ensure that all personnel receive their holiday time without a negative impact on operational requirements.

4. If an employee is not employed for the full year, they will be granted eight (8) hours of holiday time for each holiday they are employed during the calendar year. The employee will also be granted up to 16 hours of personal holiday time for that calendar year. The personal hours will be earned in accordance to County Leave Policy.

5. Due to the difference between the scheduling time and the actual dates of the holidays, it is possible for an employee to have more or less holiday time taken or earned at the time of leaving County employment. This will be adjusted by County Human Resources at the time of termination of employment.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

6. Holiday time not taken in the calendar year it was earned may be carried over into the new year. Holiday hours are carried at a rate of one to one and added to the employees compensatory time balance.

348.5.4 SICK AND VACATION TIME

(a) It is the responsibility of the employee to manage their sick and vacation time.

(b) Sick and Vacation time accrue on a monthly basis according to County Policy. This accrual is based on date of hire and length of service.

(c) Sick and Vacation time accruals are subject to a maximum cap as set in County Policy. Once a maximum cap has been reached for sick or vacation time, an employee will no longer accrue this leave time until the employee reduces the balance of time available below the maximum allowed cap.

(d) Sick and Vacation time shall accrue bi-weekly.

348.5.5 COMPENSATORY TIME

(a) It is the responsibility of the supervisor to manage all compensatory time for employees in his/her unit or section to the benefit of the Office.

(b) Supervisors must consider the cost of allowing an employee to incur hours in Compensatory Balance against the staffing needs of their section or unit.

(c) Excessive levels of Compensatory Balance are discouraged. Likewise, it is understood that some value of Compensatory Balance time is expected for any employee. There is no absolute requirement that forbids an employee from rolling time into Compensatory Balance at the end of a work cycle.

(d) Conversion of other leave types to Compensatory Current Time

    (a) It is generally acknowledged that a supervisor may change vacation or holiday leave to compensatory time taken in an effort to manage Compensatory Time within a single work cycle.

    (b) Such a change in leave time must occur in coordination with the subordinate.

    (c) A planned and approved block of vacation time for an employee should not be changed to another leave type. Such a change would be in direct contradiction to the employee managing their vacation time.

348.5.6 TIME CARD APPROVALS

1. Employees shall review and approve their On Duty time cards at the end of each work cycle.

2. Supervisors shall review and approve the time card following the employees approval at the end of each 28 day work cycle for each employee in hi/her section or unit.

3. The supervisor will be reviewing Time Cards for the following reasons:

    (a) Ensure accuracy of records.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Ensure compliance with policy and procedure, such as granting military reserve leave, compensatory time or holiday time as required.

(c) Identify patterns that may indicate abuse of overtime and/or sick leave.

(d) Audit entries made on the time card report with the duty schedule, in order to ensure the information is being entered into the On Duty system accurately.

(e) Identify poor management practices, such as poor scheduling by supervisors, etc.

348.5.7 BUDGET AND FINANCE UNIT PROCESS

The Budget and Finance Unit is responsible for running the following processes.

1. Compensatory Time Wizard- this is run at the end of each work cycle. For civilian employees, this occurs on a weekly basis. And for sworn employees, this occurs at the end of a 28 day work cycle.

   (a) For civilian employees, the Compensatory Time Wizard will be run every Thursday for the previous 7 day work cycle.

   (b) For sworn employees, the Compensatory Time Wizard will be run on Thursday following the end of a 28 day work cycle.

2. On Duty entry deadlines:

   (a) To facilitate the running of the Compensatory Time Wizard, the following deadlines are hereby established.

      1. All entries and adjustments to civilian employee attendance records must be completed by supervisors no later than Thursday following the end of a civilian 7 day work cycle.

      2. To enforce these established deadlines, the previous work cycle dates will be locked following the end of the work cycle in the On Duty system.

      3. All entries and adjustments to sworn employee attendance records must be completed by supervisors no later than Thursday following the end of a sworn work 28 day work cycle.

   (b) Any changes to On Duty for a date that has been locked must be made using the “Accrued Leave Correction and Late Overtime Submittal” form. The form must be signed by the employee’s Lieutenant and Commander prior to submission to the Budget and Finance Office.

3. After the entry and adjustment deadline expires for a 28 day work cycle, the Budget and Finance Unit will run the Payroll Exception report. This report will then be used for uploading sick and vacation leave hours taken for each employee into the County payroll system.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

348.5.8 EXEMPT EMPLOYEES

1. Employees in the rank of lieutenant or the equivalent are classified as Exempt employees, unless otherwise directed by the Sheriff. They are permitted to do volunteer work without compensation.
2. Exempt employees, except as authorized by the Sheriff or the Undersheriff, will not be compensated for overtime hours worked. An attendance record may be maintained for each of these personnel. Exempt employees may perform volunteer work comparable with their rank and/or authority.

348.5.9 HOURLY EMPLOYEES

1. Hourly employees are defined as part-time or temporary employees
2. Hourly employees will be paid overtime for compensable hours in excess of salaried hours for the work period.
3. Hourly employees do not receive any benefits other than Workmen's Compensation. The only compensable time they receive is actual hours worked.
4. Hourly employees do not receive and are not eligible to take leave time.
5. Hourly employee supervisors will submit hours worked to the Budget and Finance office the Monday before payday.

348.5.10 COMPENSATORY AND OVERTIME PAYMENT

1. Payment of accumulated Compensatory time shall be submitted to the Budget and Finance Unit using the Payment of Compensatory Time submittal form.
2. Biweekly overtime reports will be provided to Division Commanders for review and approval/denial of paid overtime. The Division Commander will submit the approved report to the Budget and Finance Unit by Friday prior to payday. The Budget and Finance will submit approved overtime to JD Edwards on each pay cycle.

348.6 SUPERCEDENCE OF RECORDS

Although sick and and vacation leave time are submitted to the County Payroll Database (J.D. Edwards), On Duty is the official record of time accrued and used. In the event that these two data sets conflict, an audit of the On Duty system and County Payroll Database will be completed.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Reporting and Relaying Terrorism Information/ Intelligence

349.1 PURPOSE

To establish procedures for reporting and relaying terrorism related information and intelligence to the Joint Terrorism Task Force.

349.2 DEFINITIONS

INTELLIGENCE PROCESS The act, or cycle of gathering intelligence by identifying intelligence needs, planning how to obtain the information, collecting the information, analyzing the information for possible intelligence, and disseminating the intelligence to the appropriate end user.

JOINT TERRORISM TASK FORCE (JTTF) A multi-agency task force, which is comprised of local, state, tribal, and federal agencies with law enforcement, defense, and intelligence assets. Managed by the FBI, the goal of the JTTF is to prevent or disrupt terrorist activity, and investigate acts of terrorism, by amassing the jurisdictional authority, informational databases, and knowledge and expertise of the various participating agencies.

PRE-INCIDENT INDICATORS (PII): Any set of facts, circumstances, or items that when taken separately could be meaningless and may often be legal, but when added together provide an indication that there is possibly terrorist activity pending. These facts, circumstances, or items may present themselves, or be visible long before a terrorist incident actually occurs, or they may be identified up to the moment of the terrorist attack. The indicators fall into many categories such as; human behavioral indicators, equipment indicators, document indicators, surveillance or reconnaissance indicators, weapons of mass destruction indicators (including improvised explosive device(s), vehicle borne improvised explosive devices(s), or chemical/ biological/ radiological/ or nuclear indicators), terrorist funding indicators, and criminal activity indicators.

TERRORISM: The unlawful use of force or violence against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. Terrorism is further defined as either international or domestic terrorism.

TERRORISM INTELLIGENCE: Data which has been evaluated as relevant to the identification of possible terrorist activity by an individual who, or an organization which, is reasonably suspected of involvement in terrorist activity and meets submission criteria.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

VIOLENT GANG & TERRORIST ORGANIZATION FILE (VGTOF) A national database that contains names and other identifying pieces of information about persons, both foreign and domestic, that are known or suspected to be associated with terrorist activity. The database is maintained by the Federal Bureau of Investigation's (FBI) Terrorist Screening Center (TSC) and it is accessible via the National Crime Information Computer (NCIC). The database itself is populated by information supplied by numerous government agencies involved in gathering intelligence, investigating, and combating terrorists and terrorist organizations.

349.3 POLICY

The prevention and/or disruption of potential terrorist plots and terrorists organizations should be at the forefront of every sworn and civilian member's daily law enforcement efforts. Constant vigilance and knowing what Pre-Incident Indicators (PII) to look for are keys to successful efforts against terrorism. Members should also work to facilitate the process whereby citizens add to the intelligence database by reporting suspicious activity related to terrorism and PII's. Finally, it is important all employees are aware of the constitutional issues, proper methods of reporting, and the appropriate channels for relaying terrorism related information and intelligence.

349.4 PROCEDURES

A. COLLECTING INFORMATION;

1. It is the responsibility of employees to gather information legally, and insure it meets the standard of reasonable suspicion. Information and/or intelligence collected in violation of a person's constitutional rights is unusable and will be a hindrance to any further law enforcement action. Specifically, employees should understand any activity protected by the First Amendment of the United States Constitution cannot be used to initiate a criminal or terrorism related investigation or intelligence gathering effort. Any information obtained in violation of the Fourth Amendment will be equally problematic.

2. When a PII is present, the discovering employee should document as much detail about the circumstances as possible. As no employee can be fully aware of the nature and background of all terrorism investigations active or inactive, it is not their place to decide what is important and what is not important. Every bit of information connected to the PII should be thoroughly documented in its raw state. When there are physical PII's, photographs should be taken which thoroughly document the item(s) and scene it is located in. Photography can make it easy to document chemical labels, hand drawn maps and schematics, personal phonebooks, multiple forms of identification, and much more. Civilian employees should obtain the assistance of a sworn member or the JTTF for taking photographs.

3. To facilitate the process of obtaining terrorism related information and intelligence from the public, no citizen attempting to provide such information should be turned away due to jurisdictional concerns or staleness of the information. Document the information according to procedure and forward it to

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

the JTTF. The JTTF will assume the responsibility of forwarding the information to the appropriate agency.

4. The JTTF may sometimes request employees assist in terrorism investigations and/or the intelligence cycle by looking for a specific PII. These requests may come in the form of a BOLO, intra-office memorandum, broadcast e-mail, or as an item in a supervisory briefing book. Additionally, the JTTF may facilitate the issuance of threat information related to actual terrorist activity or a perceived trend in terrorism investigations. Employees should pay particular attention to these requests and alerts and immediately contact the JTTF with related information.

5. When an employee encounters a VGTOF hit in NCIC, they should take the following steps:

   (a) Do not alert the subject to the VGTOF hit.

   (b) Civilian personnel should obtain the assistance of a sworn member whenever a VGTOF hit is received.

   (c) Contact the Terrorist Screening Center (TSC) using the number provided in the VGTOF hit screen. Provide TSC with a brief description of the circumstances in which the subject was contacted. Follow any instructions the TSC gives within the policy and procedures of Sheriff's Office and the employee's position.

   (d) Follow any instructions on the VGTOF hit screen. These may include arresting the subject, detaining the subject, or questioning the subject with open ended questions that will provide details as to their background, travel plans, or future intentions.

   (e) Contact the Sheriff's Office JTTF representative immediately and provide him/her with a brief description of the circumstances in which the subject was contacted and subjected to an NCIC/CCIC screening.

   (f) The Sheriff's Office representative to the JTTF can provide VGTOF training as necessary to any employee who requests it.

B. METHOD OF REPORTING:

1. When PII's are observed, they should be documented in whatever format is most common to the individual employee, such as incident reports for sworn personnel and memoranda for civilian personnel. However, detailed emails are also acceptable, in absence of criminal activity.

2. All terrorism related information and intelligence discovered or received by any employee should be considered law enforcement sensitive and should not be disseminated, either verbally or in written format, without the approval and coordination of the employee's chain of command and/or the Sheriff's Office JTTF representative.

3. All terrorism related information should be forwarded to the Southern Colorado JTTF, located at the Colorado Springs Resident Agency of the FBI. Consult the

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

current telephone roster or Communications for information on how to contact the current the Sheriff's Office TTF representative.

4. If the situation dictates, the JTTF may respond to the location of an employee who has discovered a PII. Employees should consult with their supervisors on a case by case basis in order to make a determination on calling out the JTTF. Supervisors should immediately contact the Sheriff's Office JTTF representative if there is any doubt or question as to the necessity of calling the JTTF to their location.

5. Unless informed otherwise, the JTTF representative from the Colorado Springs Police Department (CSPD) should always be considered the alternate contact for the Sheriff's Office representative. If it is necessary to contact this person, do so via the main CSPD Communications center.

6. If the Sheriff's Office/ JTTF representative or his/her alternate cannot be reached, contact the Denver FBI for coordination of a JTTF response.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Critical Incident Review Board

350.1 PURPOSE

The Critical Incident Review Board is responsible for examining circumstances where serious bodily injury or death occurs to any person as a result of law enforcement action and for seeking legal advice on matters such as Sheriff's Office policies and training.

350.2 DEFINITIONS

CRITICAL INCIDENT: Incident involving the use of a deadly weapon by an Office member or incidents in which any person suffers serious bodily injury or death as a result of law enforcement or detention actions.

350.3 POLICY

It is the policy of the Sheriff's Office to conduct a formal review of incidents, as directed by the Undersheriff, in which shots are fired in connection with law enforcement or detention operations, regardless of whether or not death, personal injury or property damage occurs; or in circumstances when any person suffers serious bodily injury or death as a result of law enforcement or detention actions other than by the use of a firearm. This review is at the discretion of the Undersheriff and will not apply to accidental discharges or firearms training scenarios.

350.4 PROCEDURE

At times, Office personnel are confronted with situations in which varying degrees of force are used to protect life and property, or to affect an arrest, or incidents in which firearms are discharged outside Office policy. The Sheriff's Office has an obligation to its personnel and the community to review its policies and training programs in the interest of public safety.

A. The Critical Incident Review Board shall be chaired by the Undersheriff and consist of all bureau chiefs, the Support Operations Division Commander, Investigations Division Commander, the Legal Advisor, and the division commander under whose jurisdiction the shooting or incident occurred. Subject matter experts, such as staff members from the Training or Professional Standards Units, may be directed to serve as advisors or staff resources to the board. The Legal Advisor will forward a written report of the findings to the Undersheriff. This report will contain the following:

   1. Conclusions: The report will identify the effect, if any, the existing policies, procedures, and training had on the incident in question.

   2. Recommendations: The report will offer recommendations based on the report conclusion. The recommendations may suggest additions or deletions to the existing policies, procedures or training.

B. The board shall convene as directed by the Undersheriff. The focus of each inquiry shall be to determine whether the shooting or incident was in accordance with office policy. Issues of criminal law violations or employee discipline shall not be addressed; rather they will be referred to the District Attorney or Professional Standards Unit.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

C. Board activities shall be conducted in a manner that does not interfere with any ongoing criminal or Professional Standards Unit investigation.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Incident Command System/National Incident Management System

351.1 PURPOSE

Procedures for the implementation of the Incident Command System (ICS) and National Incident Management System (NIMS) in the event of emergency operations/unusual occurrences.

351.2 DEFINITIONS

AREA COMMAND: An organization established to oversee the management of multiple incidents that are each being handled by an ICS organization. Responsibilities include: overall strategy, establishing priorities and allocation of resources according to priorities.

EMERGENCY OPERATIONS/UNUSUAL OCCURRENCES: Any situation of an emergency nature, which results from disasters, such as floods, tornadoes, wildland fires, etc. or man made disasters or civil disturbances.

INCIDENT COMMANDER: The Incident Commander is responsible for overall management of the specific incident including development of strategies and tactics and the ordering and releasing of resources.

INCIDENT COMMAND SYSTEM (ICS): The operating characteristics, management components, and structure of the incident management organizations throughout the life cycle of an incident. This is a standard, on scene, all hazard incident management system. This is used on single and multiple incidents.

JOINT INFROMATION CENTER (JIC): A physical location where public information staff are located.

NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS): A comprehensive, national approach to incident management that is applicable at all jurisdictional levels and across functional disciplines.

PUBLIC INFORMATION OFFICER (PIO): The individual responsible for the timely release of all information to the media outlets.

UNIFIED COMMAND: An application of ICS used when there is more than one agency with incident jurisdiction or when incidents cross political jurisdictions.

351.3 POLICY

It is the policy of the Sheriff’s Office to implement the National Incident Management System (NIMS) and the Incident Command System (ICS) in the event of an emergency operation or unusual occurrence. When the Sheriff’s Office is the principal or sole agency managing the emergency operation, the ICS shall be implemented but when another agency is the principal or sole agency managing the emergency operation, the Sheriff’s Office personnel shall participate in a unified command.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

351.4 PROCEDURE

351.4.1 COMMAND AND MANAGEMENT

The Incident Command System (ICS) will be implemented on all incidents and allows for the initial implementation of an integrated emergency scene management system during incidents. In addition, ICS provides for the escalation of resources and command structures, as necessary, allowing for an orderly transition of command functions:

A. IMPLEMENTATION OF THE INCIDENT COMMAND SYSTEM:

1. The ICS shall be utilized during all incidents or emergency responses
2. The incident commander shall be responsible for the overall management of the incident, including the development and implementation of strategic decisions
3. The incident commander shall identify specific areas or functions as sections or divisions. An Officer shall be appointed and remain in command of that section or division until relieved by the incident commander
4. Designated Command Structure Officers shall be identified by reflective vests denoting their position, when available.
5. The incident commander will select a strategic location for the command post; one that has easy access and identification to responding personnel.
6. The Command Control Chart shall be prepared by the incident commander. This will be used as a tracking tool to provide real-time information to the commander.

B. INCIDENT COMMAND SYSTEM OPERATIONS: As the size or needs of an incident expand, the incident commander shall create sections or divisions to address these issues. On large incidents, the incident commander may need to create additional layers of safety and management, in order to maintain a reasonable span of control. Complex, large or multiple incidents may require the incident commander to establish an area or unified command to effectively manage the incident. The optimum span of control is one (1) leader to five (5) subordinate personnel, with an effective range of three (3) to seven (7) subordinates.

C. COMMUNICATIONS: Once ICS has been established, all communications within the incident will occur within the established ICS system and through the designated communications unit / individual. Additional communications channels will be established and assigned by the incident commander or their representative.

D. TRANSFER OF COMMAND: The transfer of Incident Command from one commander to another should always be done on a face-to-face basis to ensure both commanders are clear as to what has been done and what needs to be accomplished next.

E. TERMINATION OF COMMAND: The ICS will remain in effect until all involved agencies/personnel have been released. As the incident begins to scale down, some of the incident officers may be relieved, as their duties will no longer be required. This will be determined by the current incident commander.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

F. CASUALTY INFORMATION/TEMPORARY MORGUE: Members of the Sheriff's Office will not disseminate any information regarding casualties, loss of life, or body identification, that information will be relayed through the Public Information Officer.

351.4.2 PREPAREDNESS

A. ICS training shall be coordinated between the Training Unit and the Emergency Services Division (ESD).

B. Command staff shall participate in an annual training exercise. This exercise will consist of their duties and responsibilities during emergency operations.

C. The Emergency Operations Plan (EOP) otherwise known

351.4.3 RESOURCE MANAGEMENT

Resource management will follow the guidelines of the El Paso County (EPC) Disaster Operations Plan (DOP).

351.4.4 COMMUNICATIONS AND INFORMATION MANAGEMENT

A. Communications and information management will occur in accordance with policy.

B. In the event the Emergency Operations Center (EOC) activation ANNEX 1 of the EPC DOP will apply.

351.4.5 PUBLIC INFORMATION

A. The Public Information Officer (PIO) should be located in or near the command post. He/she shall be responsible for keeping the media and public updated.

B. In the event the EPC EOC is activated, the PIO will follow the procedures outlined in the EPC DOP Annex 2.

C. The PIO is responsible for ensuring that communication is established between the EOC and local Joint Information Center (JIC).

351.4.6 DEBRIEFING/AFTER-ACTION REPORTS

The Incident Commander shall schedule a debriefing in order to critique actions and responses. This should occur within 14 days following the emergency operation. All involved agencies shall be included. A detailed after-action report shall be forwarded to the Undersheriff. The report should include any plans for correcting problem areas, along with an estimated time to correct the identified issues/problems.

351.4.7 SUPPORTING TECHNOLOGY

A. The Emergency Program Manger (EPM) will work closely with the Communications Manager and local support agencies to ensure interoperability communications.

B. The EPM will make suggestions and assist in research in coordination with the Information Technology Manager and the Communications Manager to determine technologies that would advance and support current emergency operations.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

351.4.8 ONGOING MANAGEMENT AND MAINTENANCE

A. Detention Bureau Chief:

1. Plans responses to disturbances within the Metro and CJC facilities, or other unusual occurrences, such as mass arrests.

2. Provide and coordinate sufficient training and exercises to ensure members are capable of effectively responding/controlling disturbances and to provide required support for emergency operations.

B. Law Enforcement Bureau Chief:

1. Responsible for coordinating all Office emergency response plans; to include ensuring periodic reviews are conducted.

2. Plans responses to civil disturbances and other support of emergency operations. Maintain contact with ESD, other law enforcement agencies, fire departments, and other entities to coordinate specific plans as required.

3. Provide and coordinate sufficient training and exercises to ensure members are capable of effectively responding/controlling disturbances and to provide required support for emergency operations.

C. Emergency Services Division Commander:

1. Responsible for emergency/disaster planning for El Paso County.

2. Maintain copies of Disaster Operations Plan, ICS Manual and other pertinent materials.

3. Provide and coordinate sufficient training and exercises to ensure members are capable of effectively utilizing/implementing ICS.

4. Make modifications and refinements to policy.

5. Document and analyze incidents and training effectiveness at least every three (3) years.

6. Act as the Sheriff’s Office liaison with the Emergency Operations Center during emergency operations.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Citizen's Patrol

352.1 PURPOSE

To establish a standardized procedure to select the most qualified Citizen Patrol applicants.

352.2 DEFINITIONS

CITIZEN PATROL VOLUNTEER (CPV): Volunteers who have an interest in law enforcement and who wish to assist the Sheriff's Office in providing for the safety and security of their community. They partner with the Sheriff's Office and support efforts of sworn and civilian personnel. Citizen Patrol Volunteers are not sworn deputies and do not carry firearms.

VOLUNTEERS: Unpaid citizens.

352.3 POLICY

It is the policy of the Sheriff's Office to recruit the most qualified Citizen Patrol volunteers (CPV) in accordance with established policy.

352.4 RECRUITING PROCEDURE- CITIZEN PATROL VOLUNTEERS

The Volunteer Coordinator will coordinate the Citizen Patrol recruiting effort. Citizens who are graduates from the Sheriff's Office Citizens Academy are candidates for the program. An overview of the program will be covered during all Citizens Academies to solicit participation. Once volunteers are identified, the names will be turned over to the Human Resources Section for processing. Volunteers for this program are not required to take the Deputy Written test or Oral Board.

A. APPLICATION REQUIREMENTS/CRITERIA:

1. Sheriff's Citizen Patrol applicants must meet the same individual requirements as applicants for deputy sheriff. Applicants will be screened out at this point for any of the following reasons:

   (a) Felony convictions.

   (b) Failure to meet minimum age requirements

   (c) Conviction involving crimes of moral turpitude and certain misdemeanors such as domestic violence.

   (d) No High School Diploma or GED.

   (e) No valid Drivers License.

   (f) Marijuana use within the last 12 months.

   (g) Schedule III drug use within the last three (3) years.

   (h) Schedule II drug use within the last five (5) years.

   (i) Schedule I drug use within the last 10 years.

   (j) History of drug sales.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

2. ADDITIONAL APPLICANT REQUIREMENTS: In addition to the above-mentioned requirements, prospective CPV will also comply with the following testing phases:
   (a) Complete the truth verification examination booklet and successfully pass a truth verification interview administered by a certified National Institute for Truth Verification (NITV) technician.
   (b) Successfully pass a background investigation.
   (c) Successfully pass a pre-employment drug screen.
   (d) Physical screening.
   (e) Psychological screening.

B. RESIDENCY REQUIREMENTS: Members are not required to reside within El Paso County.

C. TIME COMMITMENT REQUIREMENTS:
   1. Sheriff’s Citizen Patrol volunteers must attend and successfully complete both the Citizens Academy and a 45 hour training academy.
   2. CPV will take part in ride-along sessions with a Field Training Officer (FTO). Ride-along sessions will focus on the duties the CPV is expected to accomplish.
   3. Complete a minimum of 10 SCP volunteer hours per month.

352.5 PROGRAM ADMINISTRATION

A. The Support Operations Division will supervise the Sheriff’s Citizen Patrol Program. This includes but is not limited to:
   1. Maintain current rosters of Citizen Patrol Volunteers.
   2. Schedule CPV training academies through the Training Section.
   3. Report CPV hours volunteered at the end of each month to the Volunteer Coordinator.

B. TRAINING SECTION:
   1. Schedule the 45 hour CPV training academy.
   2. Maintains CPV training records.

C. VOLUNTEER COORDINATOR:
   1. Recruits Citizen Patrol volunteers from current and past Citizens Academies.
   2. Creates a statistical report that captures the number of hours and type of volunteer work conducted by the CPV.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Chapter 4 - Patrol Operations

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Patrol Function

400.1 PURPOSE AND SCOPE

The purpose of this policy is to define the functions of the Patrol Division to ensure intra-organizational cooperation and information sharing.

400.1.1 FUNCTION

Deputies will generally patrol in clearly marked vehicles. They will patrol assigned jurisdictional areas of the 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, in cooperation with the Community Resources and Outreach Unit.

(c) Calls for service, both routine and emergency.

(d) Investigation of both criminal acts and civil disputes.

(e) The apprehension of criminal offenders.

(f) Community Oriented Policing and problem-solving activities, such as citizen assists and individual citizen contacts of a positive nature.

(g) The sharing of information between Patrol and other divisions within the Office, as well as other relevant government agencies.

(h) The application of resources to specific problems or situations within the community that may be improved or resolved by Community Oriented Policing and problem-solving strategies.

    (a) Problem-solving strategies should be designed specifically to address and reduce crime social decay and should include the following components (SARA):

        (a) Scan and review of the situation

        (b) Analyze the identified problem or concern.

        (c) Response plan to address the problem

        (d) Assessment and evaluation of the effectiveness of the response

(i) Traffic direction and control.

(j) Response to disasters, civil unrest and natural emergencies.

(k) Assist in the service of civil papers.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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).

Depending on the relative reliability of the information and initial threat assessment, the patrol supervisor should ensure that terrorism-related reports and Field Interview Reports (FIR) are forwarded to the Strategic Information Center (STiC) in a timely fashion. If the information indicates an immediate threat, the supervisor will deploy Patrol resources and notify their chain of command immediately for an appropriate response.

The STiC commander should forward the information as soon as practicable to the OPS Colorado Information Analysis Center.

400.2 PATROL INFORMATION SHARING PROCEDURES

The following guidelines are intended to develop and maintain intraorganizational cooperation and information flow between the various divisions of the Sheriff's Office.

400.2.1 CRIME ANALYSIS UNIT

The Crime Analysis Unit operates within the Investigations Division and 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 deputy who receives criminal information. The report will be processed and forwarded to the appropriate bureau for retention or follow-up investigation as appropriate.

400.2.3 PATROL BRIEFINGS

Other Divisions and Units 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 BOARDS

Several information boards will be maintained in the briefing room and will be available for review by deputies from all divisions within the Office. Information relating to Patrol checks, wanted persons or directive updates may be posted here. All current information relating to pertinent Patrol information will be maintained in the Patrol briefing book and reviewed for accuracy at least twice a week.

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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 event organizers or responsible persons to seek voluntary compliance which 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Bias-Based Policing

401.1 PURPOSE AND SCOPE

This policy provides guidance to Office members that affirms the 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

Bias-based policing - An inappropriate reliance on characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, disability or affiliation with any non-criminal group (protected characteristics) as the basis for providing differing law enforcement service or enforcement (CRS § 24-31-309).

401.2 POLICY

The 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 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)).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

To the extent that written documentation would otherwise be completed (e.g., arrest report, Field Interview 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 policy. Supervisors should ensure that the identity of a person filing a bias-based profiling complaint is kept confidential to the extent permitted by law or unless necessary for further processing of the complaint (CRS § 24-31-309).

(a) Supervisors should discuss any issues with the involved deputy and his/her supervisor in a timely manner.

    1. Supervisors should document these discussions, in the prescribed manner.

(b) Supervisors should periodically review Body Worn Camera recordings, portable audio/video recordings, Mobile Data Computer, Mobile Data Computer 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 of profiling that are received due to the distribution of business cards as provided in this policy. The information shall be made available to the public, upon request, but shall not include the names of deputies or the names of persons alleging profiling (CRS § 24-31-309).

401.7 ADMINISTRATION

Each year, the Patrol Commander 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 annual report should not contain any identifying information about any specific

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

complaint, citizen or deputies. 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 the information compiled from complaints, as provided in 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 should be conducted as directed by the Training Section.

All certified members will attend regular training on the subject of bias-based policing (CRS § 24-31-309). All newly employed deputies should receive a copy of this policy and initial training on the subject of bias-based policing.

401.9 PUBLIC INFORMATION

The Patrol Commander will ensure that this policy is made available to the public for inspection during business hours (CRS § 24-31-309).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 employees 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 activity, with particular attention given to unusual situations and changes in the status of inmates, wanted persons, stolen vehicles and major investigations/incidents.

(b) Notifying deputies of changes in schedules and assignments.

(c) Notifying deputies of new Interim Directives or changes in Interim Directives.

(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 of the deputy's assigned shift, 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) Reviewing recent incidents for training purposes.

(d) Officer safety updates and/or information regarding trends that may have increased hazards.

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 maintained for inclusion in training records or accreditation files as appropriate.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Vehicle Pursuits

403.1 PURPOSE AND SCOPE

This policy provides guidelines for vehicle pursuits in order to protect the safety of involved deputies, the public and fleeing suspects.

403.1.1 DEFINITIONS

Blocking or vehicle intercept - A slow-speed coordinated maneuver where two or more pursuing vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit. Blocking is not a moving or stationary road block.

Boxing-in - A tactic designed to stop a suspect's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Pursuit Intervention Technique (PIT) - A low-speed maneuver designed to cause the suspect vehicle to spin out, stall and come to a stop.

Ramming - The deliberate act of contacting a suspect's vehicle with another law enforcement vehicle to functionally damage or otherwise force the suspect's vehicle to stop.

Roadblocks - A tactic designed to stop a suspect's vehicle by intentionally placing a law enforcement vehicle or other immovable object in the path of the suspect's vehicle.

Terminate - To discontinue a pursuit or stop chasing fleeing vehicles.

Tire deflation device - A device designed to puncture the tires of the pursued vehicle.

Trail - Following the path of the pursuit at a safe speed while obeying all traffic laws and without activating emergency equipment. If the pursuit is at a slow rate of speed, the trailing vehicle will maintain sufficient distance from the pursuit vehicles so as to clearly indicate an absence of participation in the pursuit.

Vehicle pursuit - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to a deputy's emergency signal to stop.

403.2 POLICY

It is the policy of this Office to weigh the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits.

403.3 DEPUTY RESPONSIBILITIES

Vehicle pursuits shall only be conducted using authorized Sheriff's Office emergency vehicles that are equipped with and displaying emergency lighting and sirens as required by law (CRS § 42-4-213).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Deputies shall drive with due regard for the safety of all persons and property. However, deputies may, when in pursuit of a suspect and provided there is no unreasonable risk to persons and property:

(a) Proceed past a red or stop signal or stop sign but only after slowing down as may be necessary for safe operation.

(b) Exceed the speed limit (CRS § 42-4-108(2)(c)).

(c) Disregard regulations governing direction of movement or turning in specified directions.

403.3.1 WHEN TO INITIATE A PURSUIT

Deputies are authorized to initiate a pursuit when it is reasonable to believe that a suspect, who has been given an appropriate signal to stop by a law enforcement officer, is attempting to evade arrest or detention by fleeing in a vehicle.

Factors that shall be considered, both individually and collectively, when deciding to initiate or continue a pursuit include, but are not limited to:

(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 (CRS § 42-4-108).

(c) 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.

(d) The pursuing deputies' familiarity with the area of the pursuit, the quality of radio communications between the pursuing vehicles and the dispatcher/supervisor, and the driving capabilities of the pursuing deputies under the conditions of the pursuit.

(e) Whether weather, traffic and road conditions unreasonably increase the danger of the pursuit when weighed against the risks resulting from the suspect's escape.

(f) Whether the identity of the suspect has been verified and whether there is comparatively minimal risk in allowing the suspect to be apprehended at a later time.

(g) The performance capabilities of the vehicles used in the pursuit in relation to the speed and other conditions of the pursuit.

(h) Emergency lighting and siren limitations on unmarked sheriff's Office vehicles that may reduce visibility of the vehicle, such as visor or dash-mounted lights, concealable or temporary emergency lighting equipment and concealed or obstructed siren positioning.

(i) Vehicle speeds.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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) Whether the pursuing vehicle is carrying passengers other than on-duty sheriff's deputies. Pursuits should not be undertaken with an arrestee in the pursuit vehicle unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the arrestee in transport. A vehicle containing more than a single arrestee should not be involved in a pursuit.

403.3.2 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.

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.

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

403.4 PURSUIT UNITS

When involved in a pursuit, unmarked Sheriff's Office emergency vehicles should be replaced by marked emergency vehicles whenever practicable.

Vehicle pursuits should be limited to three sheriff's Office vehicles (two units and a supervisor). 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.

403.4.1 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.

403.4.2 PRIMARY PURSUIT VEHICLE RESPONSIBILITIES

The initial pursuing deputy will be designated as the primary pursuit vehicle and will be responsible for the conduct of the pursuit unless he/she is unable to remain reasonably close enough to the suspect'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.

The primary unit should notify the dispatcher, 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 location, direction of travel and estimated speed of the suspect’s vehicle.

(b) The description of the suspect’s vehicle including the license plate number, if known.

(c) The reason for the pursuit.

(d) The number of occupants and identity or description.

(e) The weather, road and traffic conditions.

(f) The need for any additional resources or equipment.

(g) The identity of other law enforcement agencies involved in the pursuit.

Until relieved by a supervisor or secondary pursuing deputy, the deputy in the primary pursuit vehicle shall be responsible for broadcasting the progress of the pursuit. Unless circumstances reasonably indicate otherwise, the primary pursuing deputy should, as soon as practicable, relinquish the responsibility of broadcasting the progress of the pursuit to a deputy in a secondary

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

pursuit vehicle joining the pursuit to minimize distractions and allow the primary pursuing deputy to concentrate foremost on safe pursuit tactics.

403.4.3 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.

403.5 PURSUIT DRIVING
The decision to use specific driving tactics requires the same assessment of the factors the deputy considered when determining whether to initiate and/or terminate a pursuit. The following are tactics for deputies who are involved in the pursuit:

(a) Deputies, considering their driving skills and vehicle performance capabilities, will space themselves from other involved vehicles such that they are able to see and avoid hazards or react safely to unusual maneuvers by the fleeing vehicle.

(b) Because intersections can present increased risks, the following tactics should be considered:

1. Available deputies not directly involved in the pursuit may proceed safely to controlled intersections ahead of the pursuit in an effort to warn cross traffic.

2. Pursuing deputies should exercise due caution and slow down as may be necessary when proceeding through controlled intersections.

(c) As a general rule, deputies should not pursue a vehicle driving the wrong direction on a roadway, highway or freeway. In the event the pursued vehicle does so, the following tactics should be considered:

(a) Maintain visual contact with the pursued vehicle by paralleling the vehicle while driving on the correct side of the roadway.

(b) Request other deputies to observe exits available to the suspect.

(d) Notify the Colorado State Patrol or other law enforcement agency if it appears that the pursuit may enter its jurisdiction.

(e) Deputies involved in a pursuit should not attempt to pass other pursuing vehicles unless the situation indicates otherwise or they are requested to do so by the pursuing

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

deputy and with a clear understanding of the maneuver process between the involved deputies.

403.5.1 PURSUIT TRAILING

In the event that initial pursuing deputies relinquish control of the pursuit to another agency, the initial deputies may, with the permission of a supervisor, trail the pursuit to the termination point in order to provide information and assistance for the arrest of the suspect and reporting the incident.

403.5.2 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.

403.6 SUPERVISORY CONTROL AND RESPONSIBILITIES

Available supervisory and management control will be exercised over all vehicle pursuits involving deputies from this Office.

The field supervisor of the deputy initiating the pursuit, or if unavailable, the nearest field supervisor, will be responsible for:

(a) Immediately notifying involved deputies and the dispatcher of supervisory presence and ascertaining all reasonably available information to continuously assess the situation and risk factors associated with the pursuit. This is 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 required law enforcement vehicles 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 assistance from canines or additional resources is requested, if available and appropriate.

(g) Ensuring that the proper radio channel is being used.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(h) Ensuring that the Lieutenant is notified of the pursuit, as soon as practicable.

(i) Ensuring the notification and/or coordination of outside agencies if the pursuit either leaves or is likely to leave the jurisdiction of this Office.

(j) Controlling and managing Sheriff's Office personnel when a pursuit enters another jurisdiction.

(k) Preparing a post-pursuit review and documentation of the pursuit as required.

403.6.1 LIEUTENANT RESPONSIBILITIES

Upon becoming aware that a pursuit has been initiated, the Lieutenant should monitor and continually assess the situation and ensure the pursuit is conducted within the guidelines and requirements of this policy. The Lieutenant has the final responsibility for the coordination, control and termination of a vehicle pursuit and shall be in overall command.

The Lieutenant shall review all pertinent reports for content and forward them to the Commander.

403.7 DISPATCH

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 dispatcher. If the pursuit leaves the jurisdiction of this Office or such is imminent, involved deputies should, whenever available, switch radio communications to a tactical or emergency channel most accessible by participating agencies.

403.7.1 RESPONSIBILITIES

Upon notification or becoming aware that a pursuit has been initiated, the dispatcher is responsible for:

(a) Clearing the radio channel of nonemergency 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 pursuit.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Notifying the Lieutenant as soon as practicable.

(g) Assigning an incident number and logging all pursuit activities.

403.8 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

403.9 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.

403.9.1 ASSUMPTION OF PURSUIT BY ANOTHER AGENCY

Deputies will relinquish control of the pursuit when another agency has assumed the pursuit, unless the continued assistance of the Sheriff's Office is requested by the agency assuming the pursuit. Upon relinquishing control of the pursuit, the involved deputies may proceed, with supervisory approval, to the termination point of the pursuit to assist in the investigation. The supervisor should coordinate such assistance with the assuming agency and obtain any information that is necessary for any reports.

The roles and responsibilities of deputies at the termination point of a pursuit initiated by this Office shall be coordinated with appropriate consideration of the needs of 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.

403.9.2 PURSUITS EXTENDING INTO THIS JURISDICTION

The agency that initiates a pursuit shall be responsible for conducting the pursuit. Deputies from this Office should not join a pursuit unless specifically requested to do so by the pursuing agency and with approval from a supervisor. The exception to this is when a single vehicle from the initiating agency is in pursuit. Under this circumstance, a deputy from this Office may, with supervisor approval, immediately join the pursuit until sufficient vehicles from the initiating agency join the pursuit or until additional information is provided allowing withdrawal from the pursuit.

When a request is made for this Office to assist or take over a pursuit that has entered the jurisdiction of the Sheriff's Office, the supervisor should consider:

(a) The public’s safety within this jurisdiction.

(b) The safety of the pursuing deputies.

(c) Whether the circumstances are serious enough to continue the pursuit.

(d) Whether there is adequate staffing to continue the pursuit.

(e) The ability to maintain the pursuit.

As soon as practicable, a supervisor should review a request for assistance from another agency. The supervisor, after considering the above factors, may decline to assist in or assume the other agency’s pursuit.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Assistance to a pursuing agency by deputies of this Office will conclude at the County limits.

In the event that the termination point of a pursuit from another agency is within this jurisdiction, deputies shall provide appropriate assistance including, but not limited to, scene control, coordination and completion of supplemental reports and any other assistance requested or needed.

403.9.3 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.

403.10 PURSUIT INTERVENTION
Pursuit intervention is an attempt to stop the suspect's ability to continue to flee in a vehicle through tactical application of technology, tire deflation devices, blocking or vehicle intercept, boxing-in, the PIT, ramming or roadblock procedures.

403.10.1 WHEN USE IS AUTHORIZED
Whenever practicable, a deputy shall seek approval from a supervisor before employing any intervention to stop the pursued vehicle. In deciding whether to use intervention tactics, deputies/ supervisors should balance the risk of allowing the pursuit to continue with the potential hazards arising from the use of each tactic to the public, the deputies and persons in or on the pursued vehicle. With this in mind, the decision to use any intervention tactic should be reasonable in light of the circumstances apparent to the deputy at the time of the decision.

403.10.2 USE OF FIREARMS
The use of firearms to disable a pursued vehicle is not generally an effective tactic and involves all the dangers associated with discharging firearms. Deputies should not utilize firearms during an ongoing pursuit unless the conditions and circumstances meet the requirements authorizing the use of deadly force. Nothing in this section shall be construed to prohibit any deputy from using a firearm to stop a suspect from using a vehicle as a deadly weapon.

403.10.3 INTERVENTION STANDARDS
Any intervention tactic, depending upon the conditions and circumstances under which it is used, may present dangers to the deputies, the public or anyone in or on the vehicle being pursued. Certain applications of intervention tactics may be construed to be a use of force, including deadly force, and are subject to policies guiding such use. Deputies shall consider these facts and requirements prior to deciding how, when, where and if an intervention tactic should be employed.

(a) Blocking or vehicle intercept should only be considered in cases involving felony suspects or impaired drivers who pose a threat to the public's safety, and when deputies reasonably believe that attempting a conventional enforcement stop will likely result in the driver attempting to flee in the vehicle. Because of the potential risks involved, this intervention tactic should only be employed by properly trained deputies and after giving consideration to the following:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. The need to immediately stop the suspect vehicle or prevent it from leaving substantially outweighs the risk of injury or death to occupants of the suspect vehicle, deputies or others.
2. All other reasonable intervention tactics have failed or reasonably appear ineffective.
3. Employing the blocking or vehicle intercept maneuver does not unreasonably increase the risk of danger to those involved or the public.
4. The suspect vehicle is stopped or traveling at a low speed.
5. Only law enforcement vehicles should be used in this tactic.

(b) The PIT is limited to use by properly trained deputies with the approval of a supervisor and upon assessment of the circumstances and conditions presented at the time, including the potential for risk of injury to deputies, the public and occupants of the pursued vehicle.

(c) Ramming a fleeing vehicle should be done only after other reasonable tactical means at the deputy's disposal have been exhausted or would not be effective, and immediate control is necessary. Ramming should be reserved for situations where there does not appear to be another reasonable alternative method. If there does not reasonably appear to be a present or immediately foreseeable serious threat to the public, the use of ramming is not authorized. When ramming is used as a means to stop a fleeing vehicle, the following factors should be present:

1. The suspect is an actual or suspected felon, who reasonably appears to represent a serious threat to the public if not apprehended.
2. The suspect is driving with willful or wanton disregard for the safety of other persons or is driving in a reckless and life-endangering manner or using the vehicle as a weapon.

(d) Boxing-in a suspect vehicle should only be attempted upon approval by a supervisor. The use of such a tactic must be carefully coordinated with all involved vehicles, taking into consideration the circumstances and conditions apparent at the time, as well as the potential risk of injury to deputies, the public and occupants of the pursued vehicle. Deputies and supervisors should weigh the potential consequences against the need to immediately stop the vehicle.

(e) Tire deflation devices should be deployed only after notification of pursuing deputies and the supervisor of the intent and location of the intended deployment, and in a manner that:

1. Should reasonably only affect the pursued vehicle.
2. Provides the deploying deputy adequate cover and escape from intentional or unintentional exposure to the approaching vehicle.
3. Takes into account the limitations of such devices as well as the potential risk to deputies, the public and occupants of the pursued vehicle.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

4. Takes into account whether the pursued vehicle is a motorcycle, a vehicle transporting hazardous materials or a school bus transporting children.

(f) Because roadblocks involve a potential for serious injury or death to occupants of the pursued vehicle if the suspect does not stop, the intentional placement of roadblocks in the direct path of a pursued vehicle is generally discouraged and should not be deployed without prior approval of a supervisor. If roadblocks are deployed, it should only be done under extraordinary conditions when all other reasonable intervention tactics have failed or reasonably appear ineffective and the need to immediately stop the pursued vehicle substantially outweighs the risks of injury or death to occupants of the pursued vehicle, deputies or the public.

403.11 CAPTURE OF SUSPECTS

Proper self-discipline and sound professional judgment are the keys to a successful conclusion of a pursuit and apprehension of evading suspects. Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

Unless relieved by a supervisor, the primary pursuing deputy should coordinate efforts to apprehend the suspect following the pursuit. Deputies should consider the safety of the public and the involved deputies when formulating plans for setting up perimeters or for containing and capturing the suspect.

403.12 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. This log or memorandum should include, at a minimum:

(a) Date and time of the pursuit.

(b) Initial reason and circumstances surrounding the pursuit.

(c) Length of pursuit in distance and time, including the starting and termination points.

(d) Involved vehicles and deputies.

(e) Alleged offenses.

(f) 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(g) Arrestee information, if applicable.

(h) Any injuries and/or medical treatment.

(i) Any property or equipment damage.

(d) After receiving copies of reports, logs and other pertinent information, the Sheriff or the authorized designee 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.

403.13 REGULAR AND PERIODIC PURSUIT TRAINING

In addition to initial and supplementary training on pursuits, all deputies will participate, no less than annually, in regular and periodic training addressing this policy and the importance of vehicle safety and protecting the public. Training will include recognition of the need to balance the known offense and the need for immediate capture against the risks to deputies and others.

403.14 POLICY REVIEW

Deputies of this Office shall certify in writing that they have received, read and understand this policy initially, upon any amendments and whenever training on the policy is provided.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Crime and Disaster Scene Integrity

404.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance in handling a major crime or disaster.

404.2 POLICY

It is the policy of the 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.

404.3 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.

404.4 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

404.5 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.

404.5.1 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 also obtain a search warrant. Consent as an additional authorization may be sought, even in cases where a search warrant has been granted.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Special Weapons and Tactics Team and Crisis Negotiations Unit

405.1 PURPOSE AND SCOPE

The Special Weapons and Tactics Team (SWAT) 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.

405.1.1 OPERATIONAL AND ADMINISTRATIVE POLICY

The Policy Manual sections pertaining to the Special Weapons and Tactics 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.

405.1.2 SWAT TEAM DEFINED

SWAT 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 team may or may not work together on a daily basis, but are intended to respond to incidents as a team. 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.

405.2 POLICY

It is the policy of this Office to maintain a SWAT team and to provide the equipment, manpower and training necessary to maintain a SWAT team. The SWAT team should develop sufficient resources to perform these basic operational functions:

(a) Command and control

(b) Containment

(c) Entry/apprehension/rescue

(d) Sniper/Counter Sniper

(e) Vehicle Assaults

(f) High Risk Apprehensions

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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

405.2.1 POLICY CONSIDERATIONS

A needs assessment should be conducted to determine the type and extent of SWAT missions and operations that are appropriate to this Office. The assessment should consider the team's capabilities and limitations and should be reviewed annually by the SWAT commander or the authorized designee.

405.2.2 ORGANIZATIONAL PROCEDURES

This Office shall develop a separate written set of organizational procedures that should address, at minimum, the following:

(a) Personnel selection and retention criteria

(b) Training and required competencies

(c) Procedures for activation and deployment

(d) Command and control issues, including a clearly defined command structure

(e) Extrajurisdictional response

(f) Specialized functions and supporting resources

405.2.3 OPERATIONAL PROCEDURES

This Office shall develop a separate written set of operational procedures using sound risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association's suggested SWAT Best Practices. Because such procedures are specific to SWAT members and will outline tactical and officer safety issues, they are classified as confidential security data and are not included within this policy. The operational procedures should include, at minimum, the following elements:

(a) Personnel responsible for developing an operational or tactical plan should be designated prior to, and/or during SWAT operations.

    1. All SWAT team members should have an understanding of operational planning.

    2. SWAT team training should consider planning for both spontaneous and planned events.

    3. SWAT teams should incorporate medical emergency contingency planning as part of the SWAT operational plan.

(b) Plans for mission briefings should be conducted prior to an operation, unless circumstances require immediate deployment.

    1. When reasonably possible, briefings should include the specialized units and supporting resources.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) Protocols for a sustained operation should be developed. These may include relief, rotation of personnel and augmentation of resources.

(d) A generic checklist to be worked through prior to initiating a tactical action should be developed. This will provide a means of conducting a threat assessment to determine the appropriate response and resources necessary.

(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) Debriefing after every deployment of the SWAT team.

1. When appropriate, debriefing should include specialized units and resources.
2. To maintain candor and a meaningful exchange, debriefing will generally not be recorded.
3. Debriefing should not be conducted until involved deputies have had the opportunity to individually complete the necessary reports or provide formal statements.
4. 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.

405.3 TRAINING NEEDS ASSESSMENT

The SWAT/SWAT commander shall conduct an annual SWAT training needs assessment to ensure that training is conducted within team capabilities and Office policy.

405.3.1 INITIAL TRAINING

SWAT team operators and SWAT supervisors/team leaders should not be deployed in a role absent direct supervision of an experienced members until successful completion of an approved basic SWAT course or its equivalent.

405.3.2 UPDATED/REFRESHER TRAINING

Appropriate team training for the specialized SWAT functions and other supporting resources should be completed prior to full deployment of the team.

SWAT team operators and SWAT supervisors/team leaders should complete update or refresher training every 24 months or in accordance with the recommendation of the specialized equipment, e.g. less-lethal, breaching tools.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

405.3.3 SUPERVISION AND MANAGEMENT TRAINING
Command and executive personnel are encouraged to attend training for managing the SWAT function at the organizational level. This is to ensure that personnel who provide active oversight at the scene of SWAT operations understand the purpose and capabilities of the team.

405.3.4 SWAT ONGOING TRAINING
Training shall be coordinated by the SWAT commander. The SWAT commander may conduct monthly training exercises that include a review and critique of personnel and their performance in the exercise, in addition to specialized training. Training shall consist of the following:

(a) Each SWAT member shall perform a physical fitness test once each year. A minimum qualifying score must be attained by each team member.

(b) Any SWAT team member failing to attain the minimum physical fitness qualification score will be notified of the requirement to retest. Within 60 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 will result in non-deployable status. The member will be retested 60 days later. A third failed attempt will 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.

(d) Quarterly each SWAT team member shall perform qualifications on each assigned weapon. All qualifications and rules governing disqualification will be in accordance with the firearms policy.

405.3.5 TRAINING SAFETY
Use of a designated safety officer should be considered for all tactical training.

405.3.6 SCENARIO BASED TRAINING
SWAT teams should participate in scenario based training that simulates the tactical operational environment. Such training is an established method of improving performance during an actual deployment.

405.3.7 TRAINING DOCUMENTATION
Individual and team training shall be documented and records maintained by the SWAT Commander. Such documentation shall be maintained electronically.

405.4 UNIFORMS, EQUIPMENT AND FIREARMS

405.4.1 UNIFORMS
SWAT teams 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

405.4.2 EQUIPMENT
SWAT teams should be adequately equipped to meet the specific mission identified by the Office.

405.4.3 FIREARMS
Weapons and equipment used by SWAT, the specialized units and the supporting resources should be Office issued or approved, including any modifications, additions or attachments.

405.4.4 OPERATIONAL READINESS INSPECTION
The commander of the SWAT shall appoint a SWAT supervisor to perform an operational readiness inspection of all unit equipment at least quarterly. The result of the inspection will be forwarded to the SWAT commander. The inspection will include personal equipment issued to members of the unit as well as special use equipment maintained for periodic or occasional use in the SWAT vehicles.

405.5 MANAGEMENT/SUPERVISION OF SPECIAL WEAPONS AND TACTICS TEAM
The commander of SWAT shall be selected based upon supervisory capabilities and experience in tactical related incidents.

405.5.1 PRIMARY UNIT MANAGER
Under the direction of the Special Operations Division Commander, the Special Weapons and Tactics Team shall be managed by the appointed SWAT commander.

405.5.2 TEAM SUPERVISORS
The SWAT team will be supervised by team leaders who have been appointed by the SWAT commander.

The team supervisors shall be selected by the Special Operations Division Commander upon specific recommendation by the SWAT commander.

405.6 CRISIS NEGOTIATION UNIT (CNU) ADMINISTRATIVE PROCEDURES
The CNU 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 unit does not deploy without the SWAT Team.

405.6.1 SELECTION OF PERSONNEL
Interested personnel shall submit a memorandum and other required documents when a vacancy memo is posted. A copy will be forwarded to the SWAT commander. Qualified applicants will then be invited to an oral board interview. The oral board will consist of the SWAT commander, the CNU sergeant and a third person to be selected. Interested personnel shall be evaluated on the following criteria:

(a) Recognized competence and ability as evidenced by performance

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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

(e) Commitment to the unit, realizing that the assignment may necessitate unusual working hours, conditions and training obligations

405.6.2 TRAINING OF NEGOTIATORS

Those deputies selected as members of the CNU should attend an Officeapproved basic negotiator's course prior to deployment as the lead negotiator in an actual crisis situation. Untrained deputies may be used in a support or training capacity. Additional training will be coordinated by the team supervisor.

A minimum of one training day every other month 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 of the CNU who performs or functions at a level less than satisfactory shall be subject to dismissal from the CNU.

405.7 SWAT TEAM ADMINISTRATIVE PROCEDURES

The SWAT team was established to provide a skilled and trained team that may be deployed during events requiring specialized tactics, in situations where suspects have taken hostages and/or barricaded themselves, as well as prolonged or predictable situations in which persons who are armed or suspected of being armed pose a danger to themselves or others.

405.7.1 SELECTION OF PERSONNEL

Interested personnel shall submit a memorandum and other required documentation when a memo announcing vacancies has been posted. A copy will then be forwarded to the SWAT 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 SWAT commander. The testing process will consist of an oral board, physical fitness test and weapons qualifications..

(a) Oral board: The oral board will consist of personnel selected by the SWAT commander. Applicants will be evaluated by the following criteria as well as recommendation on their chain of command and personnel file review:

1. Recognized competence and ability as evidenced by performance

2. Demonstrated good judgment and an understanding of the critical role of a SWAT team member

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 Fitness: The physical fitness test is designed to determine the physical capabilities of the applicant as they relate to performance of SWAT related duties. The test and scoring procedure will be established by the SWAT commander in collaboration with the National Strength and Conditioning Association (NSCA). A minimum qualifying score shall be attained by the applicant to be considered for the position.

(c) SWAT weapons qualifications: Candidates will be required to shoot the Sheriff's Office basic qualification for all assigned weapons. A passing score must be obtained on each weapon system.

405.7.2 TEAM EVALUATION

Continual evaluation of a team member's performance and efficiency as it relates to the positive operation of the team shall be conducted by the SWAT commander. The performance and efficiency level, as established by the team supervisor, will be met and maintained by all SWAT team members. Any member of the SWAT team who performs or functions at a level less than satisfactory shall be subject to dismissal from the SWAT team.

405.8 OPERATIONAL GUIDELINES FOR SWAT

The following procedures serve as guidelines for the operational deployment of SWAT. Generally, the SWAT team and the CNU 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 CNU, such as warrant service operations.

405.8.1 ON-SCENE DETERMINATION

The supervisor in charge at the scene of a particular event will assess whether SWAT should respond. If it is determined SWAT is needed, the SWAT commander will be notified.

405.8.2 APPROPRIATE SITUATIONS FOR USE OF A SPECIAL WEAPONS AND TACTICS TEAM

The following are examples of incidents that may result in the activation of the SWAT Team:

(a) Barricaded suspects who refuse an order to surrender

(b) Incidents where hostages have been taken

(c) Arrests of persons reasonably believed to be dangerous

(d) Any situation in which SWAT or CNU deployment could enhance the ability to preserve life, maintain social order and ensure the protection of property

405.8.3 OUTSIDE AGENCY REQUESTS

Deployment of the SWAT Team in response to requests by other agencies must be authorized by the Sheriff, Undersheriff or Law Enforcement Bureau Chief.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

405.8.4 MULTIJURISDICTIONAL SWAT OPERATIONS

The SWAT team, including specialized units and supporting resources, should develop protocols, agreements, memorandums of understanding, or working relationships to support multijurisdictional or regional responses.

(a) If it is anticipated that multijurisdictional SWAT operations will regularly be conducted, SWAT multi-agency and multidisciplinary joint training exercises are encouraged.

(b) Members of the SWAT team shall operate under the policies, procedures and command of the Sheriff's Office when working in a multi-agency situation.

405.8.5 MOBILIZATION OF SWAT TEAM

The on-scene supervisor shall make a request for the SWAT Team to respond. The supervisor shall then notify the SWAT commander. If unavailable, a team supervisor shall be notified. The supervisor will then notify the Patrol Commander as soon as practicable.

The supervisor should brief the SWAT commander with the following information if available:

(a) The number of suspects, known weapons and resources

(b) If the suspect is in control of hostages

(c) If the suspect is barricaded

(d) The type of crime involved

(e) If the suspect has threatened or attempted suicide

(f) The location and safe approach to the command post

(g) The extent of any perimeter and the number of deputies involved

(h) Any other important facts critical to the immediate situation, and whether the suspect has refused an order to surrender

The SWAT commander shall then notify the team and other supporting resources.

405.8.6 FIELD UNIT RESPONSIBILITIES

While waiting for the SWAT Team, field personnel should, if safe, practicable and if sufficient resources exist:

(a) Establish an inner and outer perimeter.

(b) Establish a command post outside of the inner perimeter.

(c) Establish a patrol emergency arrest/response team prior to SWAT arrival. The team actions may include:

1. Securing any subject or suspect who may surrender.
2. Taking action to mitigate a lethal threat or behavior.

(d) Evacuate any injured persons or citizens in the zone of danger.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(e) Attempt to establish preliminary communications with the suspect. Once SWAT has arrived, all negotiations should generally be halted to allow the negotiators and SWAT Team time to set up.

(f) Be prepared to brief the SWAT commander on the situation.

405.8.7 ON-SCENE COMMAND RESPONSIBILITIES

Upon arrival, the Incident Commander shall brief the SWAT commander and team supervisors. Once the team deploys, the SWAT commander will be responsible for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, perimeter security and support for the SWAT Team. The Incident Commander and the SWAT commander or the authorized designee shall maintain communications at all times.

405.8.8 COMMUNICATION WITH SWAT TEAM PERSONNEL

All persons who are non-Swat personnel should refrain from any non-emergency contact or from interference with any member of the team during active negotiations. Operations require the utmost in concentration by involved personnel. No one should interrupt or communicate with SWAT personnel directly. All non-emergency communications shall be channeled through the SWAT Commander or the authorized designee.

405.8.9 COMMUNICATION WITHIN THE SPECIAL WEAPONS AND TACTICS TEAM

The SWAT Team commander or the authorized designee shall be responsible for establishing and maintaining dedicated lines of communication between SWAT members and CNU members during operations.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Ride-Along

406.1 PURPOSE AND SCOPE

The ride-along program provides an opportunity for citizens to experience the law enforcement function firsthand. This policy provides the requirements, approval process and hours of operation for the ride-along program.

406.1.1 ELIGIBILITY

The Sheriff's Office ride-along program is offered to citizens, residents, students and those employed within the County. Reasonable efforts should be made to accommodate interested persons. Any applicant may be disqualified without cause from participating in the program.

The following factors may be considered in disqualifying an applicant and are not limited to:

- Being under 16 years of age.
- Prior criminal history.
- Pending criminal action.
- Pending lawsuit against the Office.
- Denial by any supervisor.

406.1.2 AVAILABILITY

The ride-along program is available on most days of the week. The ride-along times include shifts or partial shifts between 6:00 a.m. to 3:00 a.m. Exceptions to this schedule may be made as approved by a lieutenant or above.

406.2 PROCEDURE TO REQUEST A RIDE-ALONG

Generally, ride-along requests will be scheduled by the sergeant in charge of the ride-along program. The participant will complete and sign a ride-along waiver form. Information requested will include a valid driver's license, address and telephone number. If the participant is under 18 years of age, a parent/guardian must be present to complete the ride-along form.

The sergeant will schedule a date, based on availability, at least one week after the date of application. If approved, a copy of the ride-along waiver form will be forwarded to the respective sergeant as soon as possible for his/her scheduling considerations.

If the ride-along is denied after the request has been made, the ride-a-long sergeant will ensure the applicant is contacted and advise him/her of the denial.

406.2.1 PROGRAM REQUIREMENTS

Once approved, civilian ride-alongs will be allowed to ride no more than once every six months. An exception would apply to the following: cadets, qualified volunteers, chaplains, reserves, auxiliary and sheriff's applicants with approval of the Lieutenant. Any ride-a-long can be terminated at any time if the deputy articulates that the rider is disruptive or in any way interferes with the deputy's ability to safely do his/her job.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

An effort will be made to ensure that no more than one citizen will participate in a ride-along during any given time period. No more than one ride-along will be allowed in the deputy's vehicle at a given time. When practicable, ride-alongs who request multiple opportunities to participate in the ride-along program should be rotated among deputies.

406.2.2 SUITABLE ATTIRE

Any person approved to 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 blue jeans are not permitted. Hats and ball caps will not be worn. The supervisor may refuse a ride-along to anyone not properly dressed.

406.2.3 PEACE OFFICER RIDE-ALONGS

Off-duty members of this Office or any other law enforcement agency will not be permitted to ride-along with on-duty deputies without the express consent of the Lieutenant.

406.2.4 RIDE-ALONG 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 (CCIC) and National Crime Information Center (NCIC) criminal history check prior to approval as a ride-along with a deputy (provided that the ride-along is not an employee of the Sheriff's Office).

406.3 DEPUTY'S RESPONSIBILITIES

The deputy shall advise the dispatcher that a ride-along is present in the vehicle before going into service. Deputies shall consider the safety of the ride-along at all times.

Deputies should use sound discretion when encountering a potentially dangerous situation, such as a high-speed pursuit. If practicable, the participant should be let out of the vehicle in a safe, well-lighted place. The dispatcher will be advised of the situation and as soon as practicable have another sheriff's unit 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 supervisor.

Upon completion of the ride-along, a copy of the ride-along waiver form shall be returned to the sergeant in charge of the ride-along program with any comments that may be offered by the deputy.

406.4 CONTROL OF RIDE-ALONG

The assigned employee shall maintain control over the ride-along at all times and instruct him/her in the conditions that necessarily limit participation. These instructions should include the following:

(a) The ride-along will follow the directions of the deputy.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) The ride-along will not become involved in any investigation, handling of evidence, discussions with victims or suspects or handling any sheriff's equipment.

(c) The ride-along may terminate the ride at any time and the deputy may return the observer to his/her home, the place of the ride origin or to the station if the ride-along interferes with the performance of the deputy's duties.

(d) Ride-alongs may be allowed to continue riding during the transportation and booking process, provided this does not jeopardize their safety.

(e) Deputies will not allow any ride-alongs to be present in any residence or situation that would jeopardize their safety or cause undue stress or embarrassment to a victim or any other person.

(f) Under no circumstance shall a civilian ride-along be permitted to enter a private residence with a deputy without the express consent of the resident or other authorized person.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Hazardous Material Response

407.1 PURPOSE AND SCOPE

Hazardous materials present a potential harm to employees and others as a result of their exposure. To comply with applicable law, the following represents the policy of this Office.

407.1.1 HAZARDOUS MATERIAL DEFINED

Hazardous material - A substance which by its nature, containment and reactivity, has the capability of inflicting harm to people, other living organisms, property or the environment during exposure. Hazardous materials are characterized as being toxic, corrosive, flammable, explosive, oxidizing, asphyxiating, pathogenic, allergenic, biohazardous, or radioactive and pose a threat to health when improperly managed.

407.2 HAZARDOUS MATERIAL RESPONSE (REFER TO EPSO EMERGENCY RESPONSE GUIDE (ERG))

Employees may encounter situations involving suspected hazardous materials, such as at the scene of a traffic collision, chemical spill or fire. When employees come into contact with a suspected hazardous material, they should take certain steps to protect themselves and other persons.

The fire department is the agency trained and equipped to properly respond and mitigate most hazardous materials and biohazards.

Responders should not perform tasks or use equipment without proper training.

A responder entering the area may require decontamination before he/she is allowed to depart the scene and should be evaluated by appropriate technicians and medical professionals for signs of exposure.

The following steps should be considered at any scene involving suspected hazardous materials:

(a) Make the initial assessment of a potential hazardous material from a safe distance.

(b) Remain upwind, uphill and at a safe distance, maintaining awareness of weather and environmental conditions, until the material is identified and a process for handling has been determined.

(c) Wear personal protective gear, being cognizant that some hazardous material may quickly volatilize into a form which is readily inhaled.

(d) Attempt to identify the type of hazardous material from a safe distance using optical aids (binoculars/spotting scopes) if they are available. Identification can be determined by:

1. Placards and use of the Emergency Response Guidebook.
2. Driver’s statements or shipping documents from the person transporting the material.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

3. Information obtained from any involved person with knowledge regarding the hazardous material.

(e) Obtain information from any involved party who has knowledge regarding the hazardous material. Information should include:

1. The identity of the material.
2. How to secure and contain the material.
3. Any other information to protect the safety of those present, the community and the environment.

(f) Notify the appropriate fire department. Provide weather conditions, wind direction, a suggested safe approach route and any other information pertinent to responder safety.

(g) Provide first aid to injured parties if it can be done safely and without contamination.

(h) Begin evacuation of the immediate and surrounding areas, dependent on the material. Voluntary evacuation should be considered. Depending on the material, mandatory evacuation may be necessary.

(i) Make reasonable efforts to secure the scene to prevent access from unauthorized personnel.

(j) Establish a decontamination area when needed.

(k) Contact the local Colorado State Patrol Dispatch to request assistance from the Colorado State Patrol Hazardous Materials Unit.

(l) If available, activate reverse 9-1-1 calling to the affected area.

407.3 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 employee in an employee memorandum, which shall be forwarded via chain of command to the Commander as soon as practicable. Should the affected employee be unable to document the exposure for any reason, it shall be the responsibility of the notified supervisor to complete the 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.

407.3.1 SUPERVISOR RESPONSIBILITIES

When a supervisor has been informed that an employee has been exposed to a hazardous material, he/she shall ensure that immediate medical treatment is obtained and appropriate action is taken to treat the exposure.

To ensure the safety of employees, safety equipment is available through supervisory personnel. Safety items not maintained by the Office will be obtained through the appropriate fire department.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Hostage and Barricade Incidents

408.1 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.

408.1.1 DEFINITIONS

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.

408.2 POLICY

It is the policy of the 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.

408.3 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, the Crisis Negotiations Unit (CNU) 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. CNU deploys under the authority of the SWAT Commander and should report all relevant information gained during negotiations to the SWAT Commander.

408.3.1 EMERGENCY COMMUNICATIONS

Any Office member supervising a hostage or barricade situation may order a security employee of a communications or internet access provider to cut, reroute or divert telephone lines or a cellular

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

or digital communications signal to prevent the suspect from communicating with any person other than a law enforcement officer (CRS § 18-9-312).

Any Office member supervising a hostage or barricade situation may also order a telecommunication provider to disclose location information of any hostage's or other named person's telecommunications device if the supervising member reasonably believes that the time required to obtain a court order would increase the risk of death or serious bodily injury to the hostage or any person with the named person (CRS § 18-9-312). The supervising member shall ensure that a court order is obtained within 48 hours of the initial request for the location information (CRS § 18-9-312).

408.4 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.

408.4.1 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(f) Attempt or obtain a line of communication and gather as much information on the subject as possible, including weapons, other involved parties, additional hazards or injuries.

(g) Establish an inner and outer perimeter as circumstances require and resources permit to prevent unauthorized access and to keep the event contained to the smallest possible area.

(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 Media Relations Manager.

(j) If necessary and available, establish a tactical or exclusive radio frequency for the incident; an encrypted talk group is preferred.

(k) Establish a command post.

408.4.2 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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 and to contain the situation to the smallest possible area.

(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 Media Relations Manager.

(m) If necessary and available, establish a tactical or exclusive radio frequency for the incident; an encrypted talk group is preferred.

(n) Make every effort to ensure the hostage situation cannot go mobile.

408.5 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 (IC) until properly relieved.This includes requesting a SWAT response if appropriate and apprising the SWAT 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 Dispatch.

(i) Identify a media staging area outside the outer perimeter and have the Office Media Relations Manager or a designated temporary media representative provide media.

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

408.6 CRISIS RESPONSE UNIT RESPONSIBILITIES

It will be the Incident Commander's decision to notify the SWAT Commander. Once the Incident Commander notifies the SWAT Commander or the authorized designee and the team deploys, it will be responsibility of the SWAT Commander for the tactical portion of the operation. The Incident Commander shall continue supervision of the command post operation, outer perimeter security and evacuation, media access and support for the SWAT. The Incident Commander and the SWAT Commander or the authorized designee shall maintain communications at all times.

408.6.1 REPORTING

Unless otherwise relieved by a supervisor or Incident Commander, the handling deputy at the scene is responsible for completion and/or coordination of incident reports.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Response to Bomb Calls

409.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to assist members of the 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.

409.2 POLICY

It is the policy of the 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.

409.3 RECEIPT OF BOMB THREAT

Office members receiving a bomb threat should obtain as much information from the individual a 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 tha the recording is preserved in accordance with established Office evidence procedures. The member receiving the bomb threat should ensure that the supervisor is immediately advise and informed of the details. This will enable the supervisor to ensure that the appropriate personnel are dispatched and, as appropriate, the threatened location is given an advance warning.

409.4 GOVERNMENT FACILITY OR PROPERTY

A bomb threat targeting a government facility may require a different response based on the government agency.

409.4.1 SHERIFF'S OFFICE FACILITY

If the bomb threat is against the Sheriff's Office facility, the supervisor 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.

409.4.2 OTHER COUNTY OR MUNICIPAL FACILITY OR PROPERTY

If the bomb threat is against a county or municipal facility within the jurisdiction of the 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 supervisor deems appropriate.

409.4.3 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

Bomb threats against a military installation should be reported to the military police or other military security responsible for the installation.

409.5 PRIVATE FACILITY OR PROPERTY

When a member of this Office receives notification of a bomb threat at a location in the County, 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 there are any internal facility procedures regarding bomb threats:

The member receiving the bomb threat information should ensure that the supervisor is immediately notified so that he/she can communicate with the person in charge of the threatened facility.

409.5.1 ASSISTANCE

The supervisor should be notified when Sheriff's Office assistance is requested. 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 Office control over the facility.

Should the supervisor 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.

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Even though a facility may not request Sheriff's Office 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.

409.6 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.

(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 supervisor 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).
4. The anticipated danger zone and perimeter.
5. The areas to be evacuated or cleared.

409.7 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.

409.7.1 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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.

409.7.2 NOTIFICATIONS

When an explosion has occurred, the following people should be notified as appropriate:

- Fire Department
- Bomb Squad
- Additional Office personnel, such as investigators and forensic services
- Supervisors
- 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

409.7.3 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.

409.7.4 PRESERVATION OF EVIDENCE

As in any other crime scene, steps should immediately be taken to preserve the scene. The supervisor in charge 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.

409.8 BOMB SQUAD

The bomb disposal unit supervisor should develop procedures and guidelines for, at a minimum:

- Team member selection, retention and termination criteria.
- Response protocols and capabilities.
- Equipment procurement, use and maintenance.
- Equipment storage, security and availability.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

- Training, required competencies and documentation processes.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Civil Commitments

410.1 PURPOSE AND SCOPE

This policy provides guidelines for when deputies may place an individual under protective custody for civil commitment (CRS § 27-65-105).

410.2 POLICY

It is the policy of the Sheriff's Office to protect the public and individuals through legal and appropriate use of the civil commitment process.

410.3 AUTHORITY

A deputy who has probable cause to believe that a person is either gravely disabled or an imminent danger to him/herself or others may take the person into custody and transport him/her to a facility designated by the local mental health authority for a 72-hour treatment and evaluation (CRS § 27-65-105).

410.3.1 DETENTION

Detention of a person under this policy does not constitute an arrest. When a person is taken into custody, that person shall not be detained in the jail.

While Colorado Revised Statutes have provisions for placing a gravely disabled or someone who is an imminent danger to him/herself in a jail, the Sheriff's Office will not accept or house these individuals in the jail. In the rare event an exception is made, The person shall be detained separately from all other inmates for a period not to exceed 24 hours, excluding Saturdays, Sundays and holidays, after which time he/she shall be transferred to the appropriate facility (CRS § 27-65-105(2)(a)).

If the person being temporarily detained for a mental health disorder evaluation is a juvenile, the juvenile shall be placed in a setting that is non-secure and physically segregated by sight and sound from the adult offenders and inmates (CRS § 27-65-105(2)(a)).

If there is no nurse or physician present to monitor and examine an adult or juvenile detained while awaiting transfer to a mental health facility, a deputy who is trained to conduct these examinations shall check on such adult or juvenile at least every 12 hours and seek appropriate medical care as reasonably appears necessary (CRS § 27-65-105(2)(a)).

410.3.2 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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.

410.4 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.

410.5 TRANSPORTATION

When transporting any individual for a civil commitment, the transporting deputy should have Dispatch notify the receiving facility of the estimated time of arrival, the level of cooperation of the individual and whether any special medical care is needed.

Deputies may transport individuals in a patrol unit and shall secure them in accordance with the policy. Should the detainee require transport in a medical transport vehicle and the safety of any person, including the detainee, requires the presence of a deputy during the transport, supervisor approval is required before transport commences.

410.6 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 should 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

410.7 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 § 27-65-105).

The deputy should also provide a verbal summary to any evaluating staff member regarding the circumstances leading to the involuntary detention.

410.8 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 civil commitment.

(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 arrested or booked and 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.

410.9 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).

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

410.10 TRAINING

This Office will endeavor to provide Office-approved training on interaction with persons with mental health disorders and on civil commitments and crisis intervention.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Summons Releases

411.1 PURPOSE AND SCOPE

The purpose of this policy is to provide members of the 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.

411.2 POLICY

The 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.

411.3 RELEASE

A suspected offender may be released on issuance of a summons as follows:

(a) For a misdemeanor or petty offense when the deputy is satisfied that the person will comply with the requirements of the summons (CRS § 16-3-105).

(b) For certain traffic violations punishable as misdemeanor, petty offense or misdemeanor traffic offense in accordance with CRS § 42-4-1707.

(c) For the crimes described in CRS § 24-4.1-302(1) and for certain felonies when the local district attorney has approved criteria for the issuance of a summons unless any of the following apply (CRS § 16-5-206):

  (a) There is a reasonable likelihood that the person will not appear.

  (b) The person has had a felony arrest in the preceding five years.

  (c) There is an allegation that the person used a deadly weapon (e.g., firearm, knife, bludgeon or 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.

In addition, for class 2 petty offenses and certain parking violations, the deputy may give the offender a penalty assessment notice and release the offender upon its terms. The penalty assessment notice must be a summons and complaint that contains the information required by CRS § 16-2-201.

411.4 PROHIBITIONS

The release of a suspected offender on a summons is not permitted for felony offenses, except when local district attorney has approved criteria for the issuance of a summons for non-violent offenses pursuant to CRS § 16-5-206 (CRS § 16-3-105).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

411.5 CONSIDERATIONS

In determining whether to cite and release a person when discretion is permitted, deputies should consider:

(a) The type of offense committed.

(b) The known criminal history of the suspected offender.

(c) The ability to identify the suspected offender with reasonable certainty.

(d) Whether there is any record of the individual failing to appear in previous cases or other articulable indications that the individual may not appear in court for this offense (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.

411.5.1 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Foreign Diplomatic and Consular Representatives

412.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that members of the Sheriff's Office extend appropriate privileges and immunities to foreign diplomatic and consular representatives in accordance with international law.

412.2 POLICY

The 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.

412.3 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.

412.4 ENFORCEMENT ACTION

If the DOS is not immediately available for consultation regarding law enforcement action, members shall be aware of the following:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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:

1. Diplomatic-level staff of missions to international organizations and recognized family members
2. Diplomatic agents and recognized family members
3. Members of administrative and technical staff of a diplomatic mission and recognized family members
4. Career consular officers, unless the person is the subject of a felony warrant

(e) The following persons may generally be detained and arrested:

1. International organization staff; however, some senior officers are entitled to the same treatment as diplomatic agents.
2. Support staff of missions to international organizations
3. Diplomatic service staff and consular employees; however, special bilateral agreements may exclude employees of certain foreign countries.
4. Honorary consular officers

412.5 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.

412.6 DIPLOMATIC IMMUNITY TABLE

Category	Arrested or Detained	Enter Residence Subject to Ordinary Procedures	Issued Traffic Citation	Subpoenaed as Witness	Prosecuted	Recognized Family Members

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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) The employees of certain foreign countries may enjoy higher levels of privileges and immunities on the basis of special bilateral agreements.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or in the prevention of serious criminal acts.

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Rapid Response and Deployment

413.1 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.

413.2 POLICY

The 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 Office in protecting themselves or others from death or serious injury.

413.3 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.

413.4 PLANNING

The Special Operations Commanders 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) Response coordination and resources of emergency medical and fire services.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(g) Equipment needs.

(h) Mutual aid agreements with other agencies.

(i) Coordination with private security providers in critical incident target sites.

413.5 FIRST RESPONSE

If there is a reasonable belief that acts or threats by a suspect are placing lives in imminent danger, first responding deputies should consider reasonable options to reduce, prevent or eliminate the threat.

If a suspect is actively engaged in the infliction of serious bodily harm or other life-threatening activity toward others, deputies should take immediate action, if reasonably practicable, while requesting additional assistance.

Deputies should remain aware of the possibility that an incident may be part of a coordinated multi-location attack that may require some capacity to respond to other incidents at other locations.

When deciding on a course of action deputies should consider:

(a) Whether to advance on or engage a suspect who is still a possible or perceived threat to others. Any advance or engagement should be based on information known or received at the time.

(b) Whether to wait for additional resources or personnel. This does not preclude an individual deputy from taking immediate action.

(c) Whether individuals who are under imminent threat can be moved or evacuated with reasonable safety.

(d) Whether the suspect can be contained or denied access to victims.

(e) Whether the deputies have the ability to effectively communicate with other personnel or resources.

(f) Whether planned tactics can be effectively deployed.

(g) The availability of rifles, shotguns, shields, breaching tools, control devices and any other appropriate tools, and whether the deployment of these tools will provide a tactical advantage.

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.

413.6 TRAINING

The Training Director should include rapid response to critical incidents in the training plan. This training should address:

(a) Orientation to likely critical incident target sites, such as schools, shopping centers, entertainment and sporting event venues.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Immigration Violations

414.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines to members of the Sheriff's Office for investigating and enforcing immigration laws.

414.2 POLICY

It is the policy of the 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 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, color or national origin in any way that would violate the United States or Colorado Constitutions.

414.4 ENFORCEMENT

A deputy may detain an individual when there are facts supporting a reasonable suspicion that the individual entered into the United States in violation of a federal criminal law. Federal authorities shall be notified as soon as possible and the detained individual shall be immediately released if the federal authorities do not want the person held. A deputy should not detain any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant.

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, an alien 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.

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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 IMMIGRATION CHECKS

Immigration status may be determined through any of the following sources:

(a) A law enforcement officer who is authorized by the federal government under 8 USC § 1357 to verify or ascertain an alien's immigration status (sometimes referred to as a 287(g) certified officer)

(b) Immigration and Customs Enforcement (ICE)

(c) U.S. Customs and Border Protection (CBP)

A deputy shall verify from a 287(g) certified officer, ICE or CBP whether a person’s presence in the United States relates to a federal civil violation or a criminal violation.

If the deputy has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person. In addition, the deputy should notify a supervisor as soon as practicable. No individual who is otherwise ready to be released should continue to be detained only because questions about the individual’s status are unresolved.

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.

414.4.3 SUPERVISOR RESPONSIBILITIES

When notified that a deputy has detained a person and established probable cause to believe the person has violated a criminal immigration offense, the supervisor should:

(a) Confirm that the detained person’s immigration status was properly verified.

(b) Ensure that the detained person is taken into custody when appropriate. Take any additional steps necessary that may include, but are not limited to:

1. Transfer to federal authorities.

2. Lawful arrest for a criminal offense or warrant.

414.5 ARREST NOTIFICATION TO IMMIGRATION AND CUSTOMS ENFORCEMENT

Generally, a deputy will not need to notify ICE when booking arrestees. Immigration officials routinely interview suspected undocumented aliens who are booked into the jail on criminal

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 ICE REQUEST FOR ASSISTANCE

Requests by ICE, or any other federal agency, 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, to ICE or other federal agencies.

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 ICE

(b) Maintaining such information in Office records

(c) Exchanging such information with any other federal, state or local government entity

414.7.1 IMMIGRATION HOLDS

No individual should be held based solely on a federal immigration detainer under 8 CFR 287.7 unless the person has been charged with a federal crime or the detainer is accompanied by a warrant, affidavit of probable cause, or removal order. Notification to the federal authority issuing the detainer should be made prior to the release.

414.8 U VISA

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)). A law enforcement certification for a U visa may be completed by a deputy in order for a U visa to be issued.

Similar immigration protection, known as a T visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T visa may be completed by a deputy in order for a T visa to be issued.

Any request for assistance in applying for U visa or T visa status should be forwarded in a timely manner to the Investigations Division supervisor assigned to oversee the handling of any related case. The Investigations 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.

(c) Address the request and complete the certification or declaration, if appropriate, in a timely manner.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. The instructions for completing certification and declaration forms can be found on the U.S. Department of Homeland Security (DHS) website.

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 PROCESSING OF FORM I-918B

1. An individual who seeks to have the Sheriff's Office consider a Form I-918B, shall complete the form and submit it, with a cover letter, to the Victim Assistance Unit.

2. Upon receipt, the Victim Assistance Unit will obtain any applicable reports to the crime stated in the form and attach it to the documents. The form, cover letter and applicable reports shall be saved electronically by the Victim Assistance Unit. These three items shall constitute the review packet.

3. The Victim Assistance Unit shall also verify the crime named in Form I-918B is a qualifying crime. Qualifying crimes include abduction, abusive sexual contact, blackmail, domestic violence, extortion, false imprisonment, felonious assault, female genital mutilation, felonious assault, being held hostage, incest, involuntary servitude, kidnapping, manslaughter, murder, obstruction of justice, peonage, perjury, prostitution, rape, sexual assault, sexual exploitation, slave trade, torture, trafficking, witness tampering, unlawful criminal restraint or any similar activity where the elements of the crime are substantially similar to a crime in the list. A qualifying crime also includes attempt, conspiracy, or solicitation to any crime or similar crime in the list.

4. If the crime is a qualifying crime, and the review packet is complete, the packet shall be forwarded to the Sheriff's Office Legal Advisor. The packet shall be reviewed and the legal advisor will determine if additional information is needed and if the contents of the application are true and accurate. The legal advisor shall then forward the completed packet, together with any additional information to the Sheriff, or designee, who will review the completed packet and determine if the information provided supports a finding that the victim was helpful, is being helpful, or is likely to be helpful in the investigation or prosecution of criminal activity. This is a discretionary decision by the Sheriff, or his designee.

5. A signature from the Sheriff, or designee, attests the information in Form I-18B is true and correct to the best of the certifying official's knowledge. The certification indicates;

1. Petitioner was a victim of a qualifying crime
2. Petitioner has specific knowledge and details of a crime
3. The petitioner has been, is being, or is likely to be helpful to law enforcement in the detection, investigation or prosecution of the qualifying crime.

6. The Sheriff's Office may choose to submit additional documents to support the signing of Form I-918B. If this occurs, the form shall be annotated as "see attachment(s)." The Sheriff's Office may

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

choose to complete Question 5, of Part 4, and document the cooperation or lack of cooperation. Question 5, of Part 4, does not require an answer.

7. If the Sheriff, or designee, declines to sign Form I-918B, the legal advisor will send a letter to the applicant stating this decision. A copy of this letter will also be sent to the Victim Assistance Unit to add to the electronic file and be kept as a record. No appeal is available to the applicant.

8. If the Sheriff, or designee, chooses to sign Form I-918B, the form will be signed and returned to the Sheriff's Legal Advisor. A copy of the signed form, together with a letter from the legal advisor, will be forwarded to the Victim Assistance Unit to add to the electronic file and be kept as a record. The applicant shall receive Form I-918B, with an original signature and signed in a color other than black for verification purposes.

414.9 T VISA

Similar immigration protection, known as a T Visa, is available for certain qualifying victims of human trafficking (8 USC § 1101(a)(15)(T)). A law enforcement declaration for a T Visa may be signed by the Sheriff or designee. Essentially, the procedure for handling T Visas is the same as for U Visas, except the form required is I-914.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Emergency Utility Service

415.1 PURPOSE AND SCOPE

The County Public Works Department has personnel available to handle emergency calls 24 hours a day, seven days a week. Calls for service during non-business hours are frequently directed to the Sheriff's Office. Requests for such service received by this Office should be handled in the following manner.

415.1.1 BROKEN WATER LINES

The County has no responsibility to repair or maintain broken water lines. Any break or malfunction in the water system should be reported to the appropriate public utility or private entity responsible for the delivery and maintenance of the system.

415.1.2 ELECTRICAL LINES

The County does not maintain electrical lines to street light poles. When a power line poses a hazard, a deputy should be dispatched to protect against personal injury or property damage that might be caused by power lines. The electric company or appropriate utility suppplier should be promptly notified, as appropriate.

415.1.3 EMERGENCY NUMBERS

A current list of emergency personnel who are to be called for utility emergencies will be maintained by Dispatch.

415.2 TRAFFIC SIGNAL MAINTENANCE

The County contracts with a private company to provide maintenance for all traffic signals within the County, other than those maintained by the Colorado Department of Transportation (CDOT). All traffic signs damaged or missing are maintained by Public Works.

415.2.1 DEPUTY'S RESPONSIBILITIES

Upon observing a damaged or malfunctioning signal or sign, the deputy will advise Dispatch of the location and problem with the signal or device. The dispatcher should make the necessary notification to the proper maintenance agency.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Aircraft Accidents

416.1 PURPOSE AND SCOPE

The purpose of this policy is to provide Office members with guidelines for handling aircraft accidents.

416.1.1 DEFINITIONS

Aircraft - Any fixed wing aircraft, rotorcraft, balloon, blimp/dirigible or glider that is capable of carrying a person or any unmanned aerial vehicle other than those intended for non-commercial recreational use.

416.2 POLICY

It is the policy of the Sheriff's Office to provide an appropriate emergency response to aircraft accidents. This includes emergency medical care and scene management.

416.3 ARRIVAL AT SCENE

Deputies or other authorized members tasked with initial scene management should establish an inner and outer perimeter to:

(a) Protect persons and property.

(b) Prevent any disturbance or further damage to the wreckage or debris, except to preserve life or rescue the injured.

(c) Preserve ground scars and marks made by the aircraft.

(d) Manage the admission and access of public safety and medical personnel to the extent necessary to preserve life or to stabilize hazardous materials.

(e) Maintain a record of persons who enter the accident site.

(f) Consider implementation of an Incident Command System (ICS).

(g) Utilize theSheriff's Office Emergency Response Guidebook (ERG)

416.4 INJURIES AND CASUALTIES

Members should address emergency medical issues and provide care as a first priority.

Those tasked with the supervision of the scene should coordinate with the National Transportation Safety Board (NTSB) before the removal of bodies. If that is not possible, the scene supervisor should ensure documentation of what was disturbed, including switch/control positions and instrument/gauge readings.

416.5 NOTIFICATIONS

When an aircraft accident is reported to this Office, the responding supervisor shall ensure notification is or has been made to NTSB, the Federal Aviation Administration (FAA), and when applicable, the appropriate branch of the military.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Supervisors shall ensure other notifications are made once an aircraft accident has been reported. The notifications will vary depending on the type of accident, extent of injuries or damage, and the type of aircraft involved. When an aircraft accident has occurred, it is generally necessary to notify the following:

(a) Fire department

(b) Appropriate airport tower

(c) Emergency medical services (EMS)

416.6 CONTROLLING ACCESS AND SCENE AUTHORITY

Prior to NTSB arrival, scene access should be limited to authorized personnel from the:

(a) FAA.

(b) Fire department, EMS or other assisting law enforcement agencies.

(c) Coroner.

(d) Air Carrier/Operators investigative teams with NTSB approval.

(e) Appropriate branch of the military, when applicable.

(f) Other emergency services agencies (e.g., hazardous materials teams, biohazard decontamination teams, fuel recovery specialists, explosive ordnance disposal specialists).

The NTSB has primary responsibility for investigating accidents involving civil aircraft. In the case of a military aircraft accident, the appropriate branch of the military will have primary investigation responsibility.

After the NTSB or military representative arrives on-scene, the efforts of this Office will shift to a support role for those agencies.

If NTSB or a military representative determines that an aircraft or accident does not qualify under its jurisdiction, the on-scene Office supervisor should ensure the accident is still appropriately investigated and documented.

416.7 DANGEROUS MATERIALS

Members should be aware of potentially dangerous materials that might be present. These may include, but are not limited to:

(a) Fuel, chemicals, explosives, biological or radioactive materials and bombs or other ordnance.

(b) Pressure vessels, compressed gas bottles, accumulators and tires.

(c) Fluids, batteries, flares and igniters.

(d) Evacuation chutes, ballistic parachute systems and composite materials.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

416.8 DOCUMENTATION

All aircraft accidents occurring within El Paso County shall be documented. At a minimum the documentation should include the date, time and location of the incident; any witness statements, if taken, other County resources that were utilized; and cross reference information to other investigating agencies. Suspected criminal activity should be documented on the appropriate crime report.

416.8.1 WRECKAGE

When reasonably safe, members should:

(a) Obtain the aircraft registration number (N number) and note the type of aircraft.

(b) Attempt to ascertain the number of casualties.

(c) Obtain photographs or video of the overall wreckage, including the cockpit and damage, starting at the initial point of impact, if possible, and any ground scars or marks made by the aircraft.

1. Military aircraft may contain classified equipment and therefore shall not be photographed unless authorized by a military commanding officer (18 USC § 795).

(d) Secure, if requested by the lead authority, any electronic data or video recorders from the aircraft that became dislodged or cell phones or other recording devices that are part of the wreckage.

(e) Acquire copies of any recordings from security cameras that may have captured the incident.

416.8.2 WITNESSES

Members tasked with contacting witnesses should obtain:

(a) The location of the witness at the time of his/her observation relative to the accident site.

(b) A detailed description of what was observed or heard.

(c) Any photographs or recordings of the accident witnesses may be willing to voluntarily surrender.

(d) The names of all persons reporting the accident, even if not yet interviewed.

(e) Any audio recordings of reports to 9-1-1 regarding the accident and dispatch records.

416.9 MEDIA RELATIONS

The Media Relations Manager should coordinate a response to the media, including access issues, road closures, detours and any safety information that is pertinent to the surrounding community. Any release of information regarding details of the accident itself should be coordinated with the NTSB or other authority who may have assumed responsibility for the investigation.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Depending on the type of aircraft, the airline or the military may be responsible for family notifications and the release of victims' names. The Media Relations Manager should coordinate with other involved entities before the release of information.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Field/Detention Training Officer Program

417.1 PURPOSE AND SCOPE

The Field/Detention Training Officer (FTO/DTO) 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.

It is the policy of this Office to assign all new sheriff's deputies to a structured FTO/DTO Program that is designed to prepare the new deputy to perform in a patrol or detention assignment and to acquire all of the skills needed to operate in a safe, productive and professional manner.

417.2 FIELD/DETENTION TRAINING OFFICER

The FTO/DTO is an experienced deputy trained in the art of supervising, training and evaluating entry level and lateral sheriff's deputies in the application of their previously acquired knowledge and skills.

417.2.1 PROCESS

FTOs/DTOs will be selected based on the following requirements:

(a) Must be a Deputy 1 or Senior Deputy, unless approved by the Commander

(b) Demonstrated ability as a positive role model

(c) Participate and pass an internal oral interview selection process

(d) Evaluation by supervisors and current FTOs/DTOs

(e) Recommendation from their chain of command

417.2.2 TRAINING

A deputy selected as an FTO/DTO shall successfully complete an FTO/DTO course approved by the Office.

417.3 FIELD/DETENTION TRAINING OFFICER PROGRAM SUPERVISOR

The FTO/DTO Program supervisor will be selected from the rank of sergeant or above by the FTO/DTO Program Administrator and approved by the Commander. He or she shall complete a Field Training Supervisor's Course approved by the Office.

The responsibilities of the FTO/DTO Program Supervisor includes the following:

(a) Assign trainees to FTO's/DTOs.

(b) Review and approve the Daily Trainee Performance Evaluations and forward them to the FTO/DTO Program Administrator.

(c) Maintain, update and issue the Field Training Manual to each trainee.

(d) Monitor individual FTO/DTO performance.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(e) Approve trainee's reports for final submission to the Records Section.

(f) Assist the FTO/DTO Program Administrator identifying ways to improve the FTO/DTO Program.

(g) Assist the FTO/DTO Program Administrator with the trainee testing process.

(h) The patrol FTO/DTO Program Supervisor shall conduct check rides with each trainee assigned to his or her shift.

417.4 TRAINEE DEFINED

Trainee - Any entry level or lateral sheriff's deputy newly appointed to the Sheriff's Office, who has successfully completed a POST-approved basic academy and possesses a Colorado POST Basic Certificate within one year of commencing employment as a peace officer.

417.5 REQUIRED TRAINING

Entry level deputies shall be required to successfully complete the Field Training Program.

The training period for lateral deputies may be modified depending on the trainee's demonstrated performance and level of experience, but shall consist of a minimum of six weeks.

The required training will take place on at least two different shifts and with at least two different FTOs/DTOs if reasonably possible.

417.5.1 FIELD/DETENTION TRAINING MANUAL

Each new deputy will be issued a Field/Detention 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 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 Sheriff's Office.

417.6 EVALUATIONS

Evaluations are an important component of the training process and shall be completed as outlined below.

417.6.1 FIELD/DETENTION TRAINING OFFICER

(a) FTOs/DTOs shall complete and submit a written evaluation on the performance of their assigned trainee to their immediate supervisor on a daily basis.

(b) FTOs/DTOs shall review the Daily Trainee Performance Evaluations with the trainee each day.

(c) A detailed end-of-phase performance evaluation on the assigned trainee shall be completed by the FTO/DTO at the end of each phase of training.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(d) FTOs/DTOs shall be responsible for signing off on all completed topics contained in the Field/Detention Training Manual, noting the method of learning and evaluating the performance of the assigned trainee.

417.6.2 FIELD TRAINING OFFICER PROGRAM ADMINISTRATOR
The FTO/DTO Program Administrator will be selected from the rank of lieutenant by the Commander.

The responsibilities of the FTO/DTO Administrator includes the following:

(a) Organize and facilitate the FTO/DTO Program testing process.

(b) Select FTO's/DTO's

(c) Select FTO/DTO Program Supervisors and monitor their performance.

(d) Organize and schedule FTO/DTO Trainee introduction classroom training.

(e) Conduct FTO/DTO meetings.

(f) Monitor the overall FTO/DTO Program.

(g) Maintain liaison with FTO/DTO coordinators of other agencies.

(h) Maintain liaison with academy staff on recruit performance during the academy.

(i) Develop ongoing training for FTO's/DTO's.

417.6.3 TRAINEE EVALUATION OF FIELD/DETENTION TRAINING OFFICER
At the completion of the Field/Detention Training Program, the trainee shall submit a performance evaluation of each on his/her FTO's/DTO's and on the Field/Detention Training Program.

417.7 DOCUMENTATION

All documentation of the Field/Detention 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 Memorandum of Completion, certifying that the trainee has successfully completed the required number of hours of field training

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Detentions, Contacts and Photographing Detainees

418.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for conducting field interviews (FI) and pat-down searches, and the taking and retention of photographs of persons detained in the field but not arrested. Due to a variety of situations confronting the deputy, the decision to FI or photograph a field detainee shall be left to the discretion of the involved deputy based on the totality of the circumstances available at the time of the detention.

418.2 DEFINITIONS

Detention - Occurs when a deputy intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detention also occur when a deputy actually restrains a person's freedom of movement.

Consensual encounter - Occurs when a deputy contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonable individual would believe that his/her contact with the deputy is voluntary.

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, detention or arrest in the field. Undercover surveillance photographs of an individual are not considered field photographs.

Pat-down search - This type of search is used by deputies in the field to check an individual for 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 - Occurs when, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

418.3 FIELD INTERVIEWS

Deputies may stop individuals for the purpose of conducting a FI where reasonable suspicion is present. In justifying the stop, the deputy should be able to point to specific facts which, when taken together with rational inferences, reasonably warrant the stop. Such facts include, but are not limited to:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) The appearance or demeanor of an individual that suggests he/she is part of a criminal enterprise or is engaged in a criminal act.

(b) The actions of the suspect that suggest he/she is engaged in a criminal activity.

(c) Whether the hour of day or night is inappropriate for the suspect's presence in the area.

(d) The suspect's presence in the particular area is suspicious.

(e) The suspect is carrying a suspicious object.

(f) The suspect's clothing bulges in a manner that suggests he/she is carrying a weapon.

(g) The suspect is located in proximate time and place to an alleged crime.

(h) The deputy has knowledge of the suspect's prior criminal record or involvement in criminal activity.

418.3.1 INITIATING A FIELD INTERVIEW

Based on observance of suspicious circumstances or upon information from investigation, a deputy may initiate the stop of a person when there is articulable, reasonable suspicion to do so. A person, however, should not be detained longer than is reasonably necessary to resolve the deputy's suspicions.

Nothing in this policy is intended to discourage consensual contacts. Frequent and random casual contacts with consenting individuals is encouraged by the Sheriff's Office to strengthen community involvement, community awareness and problem identification.

418.3.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an incident may be lost 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 personnel for the following:

(a) Identifying all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement should be obtained from 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, 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 personnel.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness in a Office vehicle. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transport.

418.3.3 DURATION OF DETENTION

A subject may be detained to conduct a FI only for the period reasonably necessary to determine the individual's identity and resolve the deputy's suspicions. The interview should not extend beyond the immediate vicinity of the place of detention unless the detainee is arrested.

418.4 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.

418.5 PAT-DOWN SEARCHES

A pat-down search of a detained subject may be conducted whenever a deputy reasonably believes the person may possess an object that can be utilized as an offensive weapon or whenever the deputy has a reasonable fear for his/her own safety or the safety of others. Circumstances that may establish justification for performing a pat-down search include, but are not limited to, the following (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 appearance and demeanor of the suspect.

(f) Visual indications that suggest the suspect is carrying a firearm or other weapon.

(g) The age and gender of the suspect.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

When reasonably possible, pat-down searches should be performed by deputies of the same gender as the suspect.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Criminal Organizations

419.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that the Sheriff's Office appropriately utilizes criminal intelligence systems and temporary information files to support investigations of criminal organizations and enterprises.

419.1.1 DEFINITIONS

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 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. The authorized criminal intelligence systems include, but is not limited to, intelligence files maintained by Metro Vice & Narcotics, GangNet files maintained at the Criminal Justice Center or intelligence files maintained by the FBI Safe Streets Task Force.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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) 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.

(c) 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.

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(d) Information related to an illegal gambling operation.

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.

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 respective section or unit supervisor 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Mobile Data Computer Use

420.1 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 Dispatch.

420.2 POLICY

Sheriff's Office members using the MDC shall comply with all appropriate federal and state rules and regulations and shall use the MDC in a professional manner, in accordance with this policy.

420.3 PRIVACY EXPECTATION

Members forfeit any expectation of privacy with regard to messages accessed, transmitted, received or reviewed on any Office technology system.

420.4 RESTRICTED ACCESS AND USE

MDC use is subject to the Information Technology Use and Protected Information 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 supervisor.

Use of the MDC system to access law enforcement databases or transmit messages is restricted to official activities, business-related tasks and 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 his/her 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.

420.4.1 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

420.5 DOCUMENTATION OF ACTIVITY

Except as otherwise directed by other Office-established protocol, all calls for service assigned by a dispatcher should be communicated by voice over the 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.

420.5.1 STATUS CHANGES

All changes in status (e.g., arrival at scene, meal periods, in service) will be transmitted over the 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.

420.5.2 EMERGENCY ACTIVATION

If there is an emergency activation and the member does not respond to a request for confirmation of the need for emergency assistance or confirms the need, available resources will be sent to assist in locating the member. If the location is known, the nearest available deputy should respond in accordance with policy.

Members should ensure a supervisor is notified of the incident without delay.

Deputies not responding to the emergency shall refrain from transmitting on the radio until a no-further-assistance broadcast is made or if they are also handling an emergency.

420.6 EQUIPMENT CONSIDERATIONS

420.6.1 MALFUNCTIONING MDC

Whenever possible, members will not use vehicles with malfunctioning MDCs. Whenever members must drive a vehicle in which the MDC is not working, they shall notify Dispatch. It shall be the responsibility of the dispatcher to document all information that will then be transmitted verbally over the radio.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

420.6.2 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Portable Audio/Video Recorders

421.1 PURPOSE AND SCOPE

This policy provides guidelines for the use and management of portable audio/video recorders and recorded data by members of this Office while in the performance of their duties. Portable audio/video recording devices include all recording systems whether body-worn, hand held or integrated into portable equipment.

The purpose of this program is to enhance the mission of the Office by providing a method of recording contacts between members of the Office and the public. Portable recorders/body worn cameras increase the accountability of members and citizens, improve community relations, and provide transparency for the Office.

The Sheriff's Office adopts this policy with the awareness that a recording from a portable recorder/body worn camera does not capture the full context of a police-citizen contact, nor does it have the capability of capturing an entire scene of an incident. The body worn camera selected by this Office has a field of vision of approximately 90 degrees. The recording is incidental to the contact and the focus of the member must remain on fulfilling the law enforcement duty, not on the efficacy of the video. Because of the limitations of the camera, and the placement of the camera, a recording may capture different information and stimuli than is perceived by a member, and may record more information than a Member retains or observes under the stress of a law enforcement contact. members must make decisions with respect to any incident based on the totality of the circumstances at the moment the decision is made, using information that is perceived and available to the member.

No member shall jeopardize his/her safety, or the safety of others, in order to activate a portable recorder/body worn camera, or to allow the camera to have a better "view" of the incident.

This policy does not apply to the interception of communications for authorized investigative purposes or to mobile audio/video recordings.

421.1.1 DEFINITIONS

MEMBER: An employee or volunteer of the Office, sworn or civilian, irrespective of rank.

BODY WORN CAMERA (BWC): An electronic device, provided by the Office, capable of capturing audio, video, or both in a self contained, rechargeable unit.

CITIZEN: A person who is not a member. This definition does not encompass citizenship, either nationally or locally. It is the policy of the the Sheriff's Office that all persons are treated with respect, and receive the full protection of the law. The Sheriff's Office does not discriminate or

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

make decisions based on race, color, religion, gender, age, national origin or ancestry, genetic information, disability, or sexual orientation.

DIGITAL AUDIO RECORDER: An electronic device used to capture audio recordings electronically and capable of storing the recording on the device. The manufacturers and models of these devices are not currently restricted by the Office and can be purchased by members for use.

DIGITAL EVIDENCE MANAGEMENT SYSTEM: A CJIS-certified software package (such as AVAILWEB) for the management and access of recordings.

LAW ENFORCEMENT CONTACT: Contact, or the actions resulting from contact, that involves the member's duty as a law enforcement officer with respect to response and investigation of a criminal matter.

PORTABLE RECORDER: An electronic device, provided by the Office, capable of capturing audio, video, or both in a self contained, rechargeable unit.

421.2 POLICY

The Sheriff's Office may provide members with access to portable recorders/body worn cameras, either audio or video, or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Office by providing a visual or audio recording of contacts between members of the Office and the public. Portable recorders/body worn cameras will be used primarily in contacts deemed to be law enforcement encounters. However, the member may apply discretion and may record contacts with citizens regarding non-law enforcement issues. In applying discretion, members will balance the need for the recording against the privacy concerns of the citizen(s) and other sensitive matters. At no time is a member expected to jeopardize his/her safety, or the safety of others, in order to activate a portable recorder/body worn camera.

The BWC program and the associated policy will be reviewed at least annually to ensure they meet the needs of the public, the Office, and associated criminal justice partners, agencies, and organizations.

421.3 NO EXPECTATION OF PRIVACY FOR MEMBER

All recordings made by members acting in an official capacity shall remain the property of the Office. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

Members may request deletion of accidental recordings of personal business or personal conversations through the submission of a memorandum through their chain of command. Only

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

the division commander may delete an accidental recording. Recordings related to law enforcement contact and performance of the member's official duty shall not be deleted.

421.4 MEMBER RESPONSIBILITIES

Body worn cameras will be assigned to uniformed deputies who have routine contact with the public in their duty assignment. All BWCs will be assigned by the Office. No personally owned BWCs will be permitted for use. Prior to beginning each shift, each member assigned a BWC will be responsible for ensuring the recorder is in good working order, to include video, audio, and power functionality.

Uniformed members, unless necessary to the investigation and approved by a supervisor, will wear the recorder in a conspicuous manner on the front of their shirt, tactical vest, or jacket. Members will never intentionally obscure or cover the BWC's view of events.

Any member assigned to a non-uniformed position may carry an approved portable recorder/ body worn camera when they believe such a device may be useful. Unless conducting a lawful recording in an authorized undercover capacity or for approved investigative reasons, non-uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons they are being recorded, whenever possible. If asked, and safety is not compromised, members shall inform those inquiring that a portable recorder/body worn camera is in use.

Members are responsible for their assigned portable recorder/body worn camera and will treat it with care. If a portable recorder/body worn camera is not in working order or malfunctions at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as practicable.

When using a portable recorder/body worn camera, the assigned member shall record his/her name, Sheriff's Office identification number, the date, time, location, and type of incident. This shall be done at the beginning and end of an incident, where practical. This procedure is not required when the recording device and related software captures the user's unique identification and the date and time of each recording.

Members will document the existence of a recording in any report, citation, FIR card, or other official record of the contact. Documentation will include instances where the recorder malfunctioned or the member deactivated the recording. Members will also include in their report, or citation notes, the names of other members present with activated portable recorder/body worn cameras. If other members at the scene write a supplemental report, they will document in a written supplement whether they were wearing a portable recorder/body worn camera and whether it was activated. Reasons the recorder was not activated or was deactivated must be documented in a supplement.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Recordings from portable recorder/body worn camera must only be transferred/saved to the secure digital evidence management system authorized by the Sheriff's Office. Uploading of a BWC shall be done in accordance with manufacturer specifications and Office training. The product used by the Office employs a secure, cloud-based storage platform. The system has an internal audit system that shows when BWC recordings have been viewed, shared, or redacted. Other recordings shall be preserved as evidence in accordance with Office policy.

Members shall follow all procedures with respect to transfer, and documentation of recordings designated for retention. Location, date and time of incident will be documented by the member as part of the digital evidence management system. Members must use their best judgment when activating/deactivating the portable recorder/body worn camera and should provide required documentation at the completion of the incident, if time permits.

Members shall not edit or redact recordings in any fashion. Recordings are of evidentiary value and shall be maintained without interference, change, or alteration by any member of the Sheriff's Office. Alteration of a recording will result in disciplinary action. A criminal investigation regarding the alteration of evidence may also be initiated.

Members will be trained in the use, management, and maintenance of portable recorder/body worn cameras and will maintain familiarity with this policy. Additional training may be required when equipment or policies are updated, changed, or revised, and to ensure the effective operation of portable recorder/body worn cameras. Portable recorders/body worn cameras will not be issued to members who have not received the required training.

421.5 ACTIVATION OF THE PORTABLE RECORDER/BODY WORN CAMERA

This policy is not intended to describe every possible situation in which the portable recorder/ body worn camera should be used. Members shall activate the recorder any time they believe it would be appropriate or valuable to record an incident, i.e. for evidentiary purposes, for mutual accountability of the member and citizen, or to preserve visual/audio information. If a member is unsure whether or not the portable recording device should be activated, the device will be activated.

Recordings do not replace written reports or evidence photographs, which will be generated in accordance with policy and in the same manner as they were before the implementation of the BWC program. Members shall not use the existence of a recording as a reason to write a less detailed report.

At no time is a member expected to jeopardize his/her safety, or the safety of others, in order to activate a portable recorder/body worn camera. However, the recorder will be activated prior to arrival on scene, or as soon as practicable, in the following situations:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) All law enforcement and investigative contacts including stops, calls for service, disturbances and fights, mental health calls, field interview (FI) situations, the giving of Miranda advisement and questioning of suspects, and the interviewing of witnesses and victims. However;

1. Members will use discretion when interviewing victims of violent crimes or confidential informants, or when in contact with undercover officers. If a request is made to deactivate the recorder, members will consider the potential evidentiary value of a recorded interview against the reasons for the request before making a decision.
2. Discretion will also be used when recording in the patient areas of medical/ mental health facilities or ambulances, in schools, or in locker rooms, dressing rooms, or restrooms.
3. In certain circumstances, such as when an interviewee or juvenile is uncomfortable with videotaped recording, members may direct the camera away from the individual and record audio only. This request should be clearly explained on the recording and in the associated report.
4. The recording of security procedures and security measures of citizens, residences, or organizations should be avoided, where possible.
5. When inside private residences, and exigent circumstances do not exist (i.e. an invite or permission was needed to enter the residence), members should advise those present that the portable recorder/body worn camera is activated. In these situations, the recorder may be deactivated upon request.

(b) Traffic contacts including, but not limited to, traffic violations, pursuits, motorist assists, traffic accidents, DUIs (including field sobriety maneuvers), and crime interdiction contacts.

(c) Officer-initiated activity for which a member would normally notify Dispatch, such as suspicious incidents, suspicious vehicles, or citizen contacts.

(d) The execution of search or arrest warrants, consensual searches of persons or vehicles, K9 searches, and searches performed as the result of exigent circumstances. When possible and practical, conversations regarding consent should be captured.

(e) Any contact that becomes adversarial.

(f) During the transport of detainees and arrestees who are combative, volatile, or non-compliant. The camera will be deactivated upon arrival in the booking area of the Criminal Justice Center (CJC). The member will note on the recording that the arrestee/detainee has been transferred into the custody of CJC personnel.

(g) Members have full discretion to activate the portable recorder/body worn camera any time they believe it would be appropriate or valuable to record an incident.

(h) Members will activate their portable recorder/body worn cameras when ordered to do so by a supervisor.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Members who repeatedly or continuously fail to activate and/or prematurely deactivate their portable recording device in situations such as those listed above may be subject to further training and/or disciplinary action.

The Sheriff's Office is aware that some incidents may not begin as ones which would normally be recorded (for example, a business check may become a citizen contact or report of a crime). It is also understood that recordings may not always have a clear starting point.The lack of a clear starting point does not indicate that the recording was purposefully or negligently delayed.

The Sheriff's Office is also aware that a pursuit of a vehicle or person is likely to happen very quickly, and may not be predictable. Further, it is unlikely a body worn camera will provide evidentiary value as it will be blocked by the dashboard/steering wheel of the vehicle. Members are advised that the safety of the public, and safety of members is paramount. Members shall not compromise safety, or the necessity of a pursuit, in order to activate a BWC.

Colorado Revised Statute § 18-9-303 permits either a sender or a receiver to record any conversation, provided that one party to the conversation gives consent. Therefore, a citizen need not consent to the recording. Members should remain sensitive, however, to the dignity of individuals being recorded. Members will exercise sound discretion with respect to privacy by discontinuing recording whenever it reasonably appears that privacy concerns outweigh the legitimate law enforcement interest in recording. Recording should resume when privacy is no longer an issue unless the circumstances no longer fit the criteria for recording.

421.5.1 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Colorado law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (CRS § 18-9-303). Members may surreptitiously record any conversation during the course of a criminal investigation when the recording is lawful and the member reasonably believes such a recording will be beneficial to the investigation.

It should be noted that the purpose of this program is to collect evidence and to protect the safety and property of members and the citizens of El Paso County. Accordingly, unless there is a beneficial investigative reason, BWCs should not be concealed or hidden, but should be worn in an obvious position on the front of the member’s shirt, tactical vest, or jacket, when required by this policy.

421.5.2 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

421.6 DEACTIVATION OF THE PORTABLE RECORDER/BODY WORN CAMERA

Once activated, the portable recorder/body worn camera should remain on continuously until the member's participation in the incident is complete or the situation no longer fits the criteria for activation. Prior to deactivation, members should announce the reason for termination of the recording. Recording may be stopped during significant periods of inactivity, such as report writing, extended driving time, or other breaks from direct participation in the incident (traffic control, etc.). The portable recorder/body worn camera will also be deactivated when members are in briefings or they are discussing investigative matters, tactics, or strategy with supervisors, other members, or with a training officer or trainee.

If a citizen requests that a recorder be deactivated, the member should consider the potential evidentiary value of the recording against the request before making a decision. Members will refrain from terminating recordings of confrontational or adversarial interactions, unless continued recording could potentially jeopardize the safety of the member or others present. Requests for termination of a recording should, where possible, be recorded. Members should announce the request and the termination of the recording prior to deactivation.

421.7 PROHIBITED USE OF PORTABLE RECORDERS/BODY WORN CAMERAS

Members are prohibited from conducting any re-enactment or staging for the purpose of recording events that may or may not have been captured during the initial investigation.

Members are prohibited from using Office-issued portable recorder/body worn cameras for personal use and are prohibited from making personal copies of recordings created while on duty or while acting in their official capacity. Members shall not duplicate or distribute recordings, except for authorized and legitimate purposes. All recordings shall be retained by the Office. Intentional misuse of equipment or copying of recordings may result in disciplinary action.

Members shall not use portable recorders/body worn cameras while employed in an off-duty capacity or during operations where the recording will likely capture security procedures, unless ordered by a supervisor or with prior approval from their division commander.

Members shall not surreptitiously record another office member without a court order or unless lawfully authorized by the Sheriff or the authorized designee.

Portable recorder/body worn cameras should not be activated in situations where citizens are peacefully picketing or protesting in exercise of First Amendment rights. An exception would be a situation where a violation of criminal law is occurring or members have legitimate law enforcement reasons to be recording in the vicinity of the protestors.

421.8 RETENTION OF RECORDINGS

Any time a member records any portion of a contact the member reasonably believes constitutes evidence in a criminal case, the member shall label the recording with the related case number.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

The file shall be uploaded and stored in accordance with the digital evidence management system, applicable manufacturer specifications, Office policy and procedures.

If a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (for example, a hostile contact), the member should promptly notify a supervisor of the existence of the recording. A member may retain a recording without supervisor approval if the member believes it is in the best interest of the Office or the member. Recordings will be labeled according to appropriate categories with case number when available (e.g. Misdemeanor Citation, Felony Case Report, Use of Force, etc.). Labels will be used to ensure appropriate retention of recordings according to the retention requirements.

421.8.1 RETENTION REQUIREMENTS

All recordings shall be maintained according to the Sheriff's Office video retention schedule. Retention periods are determined based on the type of law enforcement contact, and with consideration of criminal/ civil statute of limitations, and possibility of administrative review. Any member, supervisor, professional standards representative, or citizen may request that a recording be retained. Recordings will be deleted or destroyed as soon as practical pursuant to this section.

Evidentiary recordings relating to criminal incident: Recordings that are kept as evidence in a law enforcement encounter shall be retained pursuant to the retention schedule approved by the District Attorney's Office, and utilized by the evidence unit of the Sheriff's Office. Destruction of evidence shall be done in accordance with policy and procedures of the evidence unit. Any recording relating to an incident where an individual or member incurs serious bodily injury or death shall be preserved as evidence, regardless of whether criminal charges are filed. These recordings will be made available to the District Attorney's Office for discovery purposes.

Recordings relating to Adverse Citizen Contact: Recording that does not relate to an incident involving serious bodily injury or use of force and is a non-criminal event will be retained for a period of 90 days. The member, a supervisor, professional standards representative, or the citizen may request the recording be held as evidence and not destroyed for a period of two years.

Recordings relating to use of force, where the Sheriff's Office policy requires documentation and tracking: Recordings shall be held for three years. If a criminal charge is filed related to the use of force, either against the member or the citizen, the recording shall be uploaded and made available for discovery and retained according to the retention schedule approved by the District Attorney's Office. This retention schedule, depending on the crime alleged, may require the retention of the item for a period longer than three years.

Recordings related to vehicle pursuit, where the Sheriff's Office policy requires documentation and tracking: Recordings shall be held for a minimum of two years. If a criminal charge is filed related to a use of force, either against the member or the citizen, the recording shall

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

be uploaded and retained according to the retention schedule approved by the Office of the District Attorney (see retention schedule).This retention schedule, depending on the crime alleged, may require the retention of the item for a period longer than two years.

Recordings related to citizen complaint: When a citizen makes a complaint (to include verbal or written), the supervisor receiving the complaint shall mark the recording relating to the complaint, if available at the time of the complaint, for retention. The supervisor shall document the retention of the recording. Recordings retained pursuant to a citizen complaint shall be retained for a minimum of 180 days.

Other Recordings:
All other recordings will be maintained according to the Sheriff's Office video retention schedule unless member, supervisor, professional standards representative, or citizen requests that recording be retained. Policy or form regarding citizen request for retention of recording shall be located on the website of the Sheriff's Office. Officers are encouraged to notify citizens a request to retain a recording must be made within 45 days and to refer to the website for more information.

421.8.2 PROCEDURE FOR CITIZENS TO REQUEST RETENTION OF A RECORDING
A citizen may request retention of recording either via the website or by filling out a form and mailing/bringing the form into the Sheriff's Office. The body camera administrator is responsible for maintaining a database of all requests, and the documentation that the request was able to be filled or not filled.

If the request is made via the web, the following procedure will occur:

A form will open that will allow the citizen to fill in the relevant information. Once the citizen fills out the form, and the form is sent, the form will be received by the body camera administrator. Upon receipt, the form will be assigned an individual request number and the citizen will receive an email back confirming receipt and giving the request number and the name and number of the body camera administrator. The body camera administrator shall then mark the video for a two year retention period, and send communication back to the citizen that this was completed. If it is unable to be completed, a communication shall be sent to the citizen stating why the request was unable to be completed.

If the request is made via a paper form, the following procedure will occur:

The citizen may print a form from the website or obtain one from the lobby at the Office of the Sheriff. When the completed form is received by the Office, it will be date stamped and initialed by the employee receiving the request. The completed form will be given to the body camera administrator who will log the request, assign it a request number, and mark the video for a two year retention period. A communication will be sent to the requestor that the video was marked

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

for a two year retention period. If the request is unable to be completed, a communication shall be sent to the citizen stating why the request was unable to be completed.

421.9 REVIEW OF RECORDINGS

All recordings collected using portable recorder/body worn cameras are considered criminal justice records pursuant to C.R.S. 24-72-301 et seq. Access and review of recordings will be allowed by authorized users and for official purposes only. Access or review of recordings for purposes other than official purposes is strictly prohibited. People not employed by the Office will not be allowed to view recordings, except when review of a recording is permitted by a supervisor, as part of a Professional Standards investigation, pursuant to court order or as required for litigation purposes.

Recordings shall not be used by any member for the purpose of embarrassment, intimidation, or ridicule. Recordings shall never be placed on social media by a member. Should a recording be used for training purposes, focus shall remain on the actions of the member. Disparaging or disrespectful comments shall not be allowed or tolerated.

Members may review their own recordings when creating reports, preparing for court, or for other law enforcement purposes. However, members shall not create or retain copies of recordings, nor shall they attach portable recorder/body worn cameras to any device not approved by the Office for that specific use. Members shall not save any recording to any system/device/cloud that is not approved by the Office. There are no circumstances that allow tampering, editing, or deletion of any part of a recording relating to a member's official duty.

Members may choose to alert a supervisor if they believe a recording may be useful for training, a tactical debrief, or for administrative purposes. Recordings identified as potential training tools will be reviewed and approved for use by the member(s) present in the recording and the respective bureau chief(s) before being made available to the training unit.

If a member(s) is involved in a critical incident, necessitating the response of the Deadly Force Incident Team (DFIT), the member will not review the recording unless authorized by the DFIT team. Best practice indicates that the BWC will be immediately provided to a member of the DFIT team, or a Sheriff's Office supervisor, while on scene, if safe. The BWC and the recording will be placed into evidence by the DFIT team. This procedure allows for the member to be interviewed based on his/her perceptions and observations at the time of the action. This allows the Graham v. Connor use of force standards to be consistently applied.

421.9.1 SUPERVISOR AND COMMAND AUTHORITY REVIEW

Supervisors are authorized to review relevant recordings under the following circumstances. Reviews outside the scope of these categories are not permitted.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

ADMINISTRATIVE REVIEW: A supervisor/member may review specific BWC media or data for the purpose of investigating a personnel complaint, administrative investigation, or criminal investigation. These reviews may also to be used to identify useful training videos and identification of videos for recognition of meritorious service. Videos for training will not be used without the consent of the member recording the video.

PERFORMANCE REVIEW: Supervisors may conduct random monthly reviews of recordings pertaining to his/her area of responsibility in order to assess a member's. These reviews will be used to enhance the annual performance review of members and allow for the additional monitoring of members on a probationary status.

COMPLIANCE REVIEW: Supervisors will randomly review recordings pertaining to his/her area of responsibility to ensure that the equipment is operating properly and that members are using the cameras appropriately and in accordance with this policy and training.

COMMAND REVIEW: Lieutenants will randomly conduct quarterly reviews of reports and video which have been previously reviewed as a result of Administrative, Compliance and Performance reviews.

Recordings may also be reviewed:

(a) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(b) In compliance with a criminal justice record request, after consultation with a member of the Office of the County Attorney. Recordings with respect to active investigations shall not be released. Should a recording be released pursuant to CRS 24-72-301 et seq, a copy of the recording may be redacted or edited pursuant to the Criminal Justice Records Act (CRS 24-72-301 et seq)

(c) Any request for BWC media made from outside the Office will comply with both the records disclosure and records management policies of the Office, as well as the Colorado Open Records Act (CORA) and the Colorado Criminal Justice Records Act (CCJRA). Criminal justice system partners, such as the District Attorney's Office, will have limited access to the BWC system to download and view recorded evidence pertaining to a specific case.

Accessing of recordings will be tracked to ensure policy compliance and accountability. AVAILWEB software has audit trails for all transactions and will be monitored to ensure compliance with this policy.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Public Recording of Law Enforcement Activity

422.1 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.

422.2 POLICY

The 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.

422.3 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.

422.4 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

behavior to be unlawful. Accompanying the warnings should be clear directions on what an 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.

422.5 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.

422.6 SEIZING RECORDINGS AS EVIDENCE

Deputies should not seize recording devices or media unless (42 USC § 2000aa; CRS § 16-3-311):

(a) 1. 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.

    (a) 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.

    2. There is reason to believe that the immediate seizure of such recordings is necessary to prevent serious bodily injury or death of any person.

    3. The person consents.

    (a) To ensure that the consent is voluntary, the request should not be made in a threatening or coercive manner.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. Before obtaining consent, the member shall provide the person with his/her identification, agency name and the reason the information is requested.
2. 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.

(b) 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.

(c) Recording devices and media that are seized will be submitted within the guidelines of policy.

422.6.1 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Medical Marijuana

423.1 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.

423.1.1 DEFINITIONS

Allowed amount of marijuana - No more marijuana than is medically necessary to address a debilitating or disabling medical condition. Though the amount may be greater, anything at or below the following amount qualifies as an allowed amount (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106):

(a) No more than 2 ounces of a usable form of marijuana

(b) No more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana

Medical use - The acquisition, possession, production, use or transportation of marijuana or paraphernalia related to the administration of such marijuana to address the symptoms or effects of a patient's debilitating or disabling medical condition, which may be authorized only after a diagnosis of the patient's debilitating or disabling medical condition by a physician (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106).

Patient - A person who has a debilitating or disabling medical condition (Colo. Const. art. XVIII, § 14; CRS § 25-1.5-106).

Primary caregiver - A person, other than the patient and the patient's physician, who is 18 years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating or disabling medical condition (Colo. Const. art. XVIII, § 14). A primary caregiver may have one or more relationships with a patient, including as (CRS § 25-1.5-106):

(a) A parent of a child and anyone who assists that parent with caregiver responsibilities, including cultivation and transportation.

(b) An advising caregiver who advises a patient on which medical marijuana products to use and how to dose them, and does not possess, provide, cultivate or transport marijuana on behalf of the patient.

(c) A transporting caregiver who purchases and transports marijuana to a patient who is homebound.

(d) A cultivating caregiver who grows marijuana for a patient.

Registry Identification Card (RIC) - That document, issued by the Colorado Department of Public Health and Environment, that identifies a patient authorized to engage in the medical use of marijuana and such patient's primary caregiver, if one has been designated (Colo. Const. art. XVIII, § 14).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

423.2 POLICY

It is the policy of the 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 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.

423.3 INVESTIGATION

Investigations involving the acquisition, possession, manufacture, production, use, sale, distribution, dispensing or transportation of marijuana generally fall into one of the following categories:

(a) Investigations when no person makes a medicinal claim

(b) Investigations when a medical-use claim is made by an adult who has not been issued a RIC

(c) Investigations when a medical-use claim is made by an adult who has been issued a RIC

(d) Investigations when a medical-use claim is made by a juvenile

423.3.1 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.

423.3.2 INVESTIGATIONS INVOLVING A MEDICAL-USE CLAIM BY AN ADULT WHO HAS NOT BEEN ISSUED A RIC

An adult making a medical-use claim, either as a patient or primary caregiver, should not be arrested for a marijuana-related offense when:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) The patient (Colo. Const. art. XVIII, § 14(2); CRS § 25-1.5-106):

1. Was previously diagnosed by a physician as having a debilitating or disabling medical condition.
2. Was advised by his/her physician, in the context of a bona fide physician-patient relationship, that the patient might benefit from the medical use of marijuana in connection with a debilitating or disabling medical condition.
3. Was collectively in possession of an allowed amount of marijuana.

(b) The amount is permitted for personal use of marijuana under the Colorado Constitution (Colo. Const. art. XVIII, § 16).

A copy of an application submitted to the Colorado Department of Public Health and Environment, including the written documentation and proof of the date of mailing or other transmission of the written documentation, shall be accorded the same legal effect as a RIC until such time as the patient receives notice that the application has been denied (Colo. Const. art. XVIII, § 14(3)(d)).

423.3.3 INVESTIGATIONS INVOLVING A MEDICAL-USE CLAIM BY AN ADULT WHO HAS BEEN ISSUED A RIC

An adult making a medical-use claim, either as a patient or primary caregiver, shall not be arrested for a marijuana-related offense when all of the following exist (Colo. Const. art. XVIII, § 14(2); CRS § 25-1.5-106):

(a) The patient or primary caregiver is in lawful possession of a RIC.

(b) The marijuana in question is for medical use.

(c) The patient or primary caregiver is in possession of no more than 2 ounces of a usable form of marijuana and no more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

A patient or primary caregiver in lawful possession of a RIC should not be arrested for any quantity of marijuana above the specified amounts of marijuana (2 ounces, six plants) if the amount is no more than is medically necessary to address a debilitating or disabling medical condition.

Evidence that an extended amount is medically necessary may include a voluntary disclosure by the patient in his/her registration information that he/she intends to cultivate more than six plants for his/her own medical use (CRS § 25-1.5-106).

423.3.4 INVESTIGATIONS RELATED TO A MEDICAL-USE CLAIM BY A JUVENILE

A juvenile under the age of 18 shall not be arrested for a marijuana-related offense if all of the following conditions exist (Colo. Const. art. XVIII, § 14(6); CRS § 25-1.5-106):

(a) The juvenile is in lawful possession of a RIC.

(b) The juvenile and parental primary caregiver collectively possess no more than an allowed amount of marijuana.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) The parental primary caregiver controls the acquisition, dosage and frequency of use of the marijuana.

423.3.5 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 a 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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).

423.3.6 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) Engages in the medical use of marijuana in plain view of, or in a place open to, the general public.

(c) Undertakes any task while under the influence of medical marijuana, when doing so would constitute negligence or professional malpractice.

(d) Possesses medical marijuana or otherwise engages in using medical marijuana on school grounds or in a school bus.

(e) Engages in the use of medical marijuana in a correctional facility, community corrections facility or in a vehicle, aircraft or motorboat.

(f) Engages in the use of medical marijuana while sentenced to jail/prison.

(g) Operates, navigates or is in actual physical control of any vehicle, aircraft or motorboat while under the influence of medical marijuana.

(h) Manufactures marijuana concentrate in an unregulated environment using an inherently hazardous substance (CRS § 18-18-406.6).

423.4 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.

423.5 EVIDENCE

423.5.1 MEMBER RESPONSIBILITIES
The investigating member should advise the receiving Evidence unit member when marijuana may be the subject of a medical claim.

423.5.2 EVIDENCE SUPERVISOR RESPONSIBILITIES
The Evidence Supervisor shall ensure that marijuana, drug paraphernalia or other related property seized from a person engaged or assisting in the use of medical marijuana is not harmed, neglected, injured or destroyed (Colo. Const. art. XVIII, § 14(2)(e)).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Upon the prosecutor’s decision to forgo prosecution, or the dismissal of charges or an acquittal, the Evidence Unit Supervisor should follow the policy and related procedures.

The Evidence Unit Supervisor may release marijuana to federal law enforcement authorities upon presentation of a valid court order or by a written order of the Investigations Division Supervisor.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Foot Pursuits

424.1 PURPOSE AND SCOPE

This policy provides guidelines to assist deputies in making the decision to initiate or continue the pursuit of suspects on foot.

424.2 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.

424.3 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(e) Air support.

(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.

424.4 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

no immediate threat to Office members or the public if the suspect is not immediately apprehended.

(o) The deputy's ability to safely continue the foot pursuit is impaired by inclement weather, darkness or other environmental conditions.

424.5 RESPONSIBILITIES IN FOOT PURSUITS

424.5.1 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

(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.

424.5.2 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

424.5.3 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 to 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.

424.5.4 DISPATCH 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.

(e) Notifying and coordinating with other involved or affected agencies as practicable.

(f) Assigning an incident number and logging all pursuit activities.

424.6 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.

  (a) 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Automated License Plate Readers (ALPR)

425.1 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 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.

425.2 ADMINISTRATION OF ALPR DATA

All installation and maintenance of ALPR equipment, as well as ALPR data retention and access shall be managed by Investigations. The Administrative Services Commander will assign personnel under his/her command to administer the day-to-day operation of the ALPR equipment and data.

425.3 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.

425.4 ALPR DATA COLLECTION AND RETENTION

All data and images gathered by the ALPR are for the official use of the Sheriff's Office and because such data may contain confidential information, it is not open to public review. ALPR

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

information gathered and retained by this Office may be used and shared with prosecutors or others only as permitted by law.

The Auto Theft Task Force representative is responsible to ensure proper collection and retention of ALPR data and for transferring ALPR data stored in Office vehicles to the server hosted by the Colorado Springs Police Department on a regular basis, not to exceed 30 days between transfers.

All ALPR data downloaded to the server should be stored for the minimum period established by Office records retention 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.

425.5 ACCOUNTABILITY AND SAFEGUARDS

All saved data will be closely safeguarded and protected by both procedural and technological means. The 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 Supervisor 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Homeless Persons

426.1 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 Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The 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.

426.1.1 POLICY

It is the policy of the 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.

426.2 HOMELESS COMMUNITY LIAISON

The Sheriff will designate the Community Impact Lieutenant to act as the homeless liaison deputy. The responsibilities of the homeless liaison deputy include:

(a) Maintaining and making available to all Office employees a list of assistance programs and other resources that are available to the homeless.

(b) Meeting with social services and representatives of other organizations that render assistance to the homeless.

(c) Maintaining a list of the areas within and near this jurisdiction that are used as frequent homeless encampments.

(d) Remaining abreast of laws dealing with the removal and/or destruction of the personal property of the homeless. This will include:

1. Proper posting of notices of trespass and cleanup operations.
2. Proper retention of property after cleanup, to include procedures for owners to reclaim their property in accordance with the policy and other established procedures.

(e) Be present during any cleanup operation conducted by this Office involving the removal of personal property of the homeless to ensure the rights of the homeless are not violated.

(f) Develop training to assist deputies in understanding current legal and social issues relating to the homeless.

426.3 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

426.3.1 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.

(e) Consider whether the person may be a dependent adult or elder and if so, proceed in accordance with 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.

426.4 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. 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 or the Office

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

homeless liaison deputy. When practicable, requests by the public for cleanup operations of a homeless encampment should be referred to the homeless liaison deputy.

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 and should inform the Office homeless liaison deputy if such property appears to involve a trespass, is blight to the community or is the subject of a complaint. It will be the responsibility of the homeless liaison deputy to address the matter in a timely fashion.

426.5 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.

426.6 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Reporting of Suspicious Activity of Terrorist Information

427.1 PURPOSE AND SCOPE

To establish procedures for the handling of information related to suspicious activity, organized crime, terrorism and other threats to public safety.

427.1.1 DEFINITIONS

Suspicious Activity: Suspicious activity is any event or act that would lead a reasonable person to believe that the circumstance in question may be associated with criminal activity or behavior.

Intelligence Cycle: The Intelligence Cycle is the process of developing raw information into finished intelligence to use in decision making and action. There are six steps which constitute the Intelligence Cycle; Planning, Direction, Collection, Processing, Analysis, and Dissemination.

427.2 POLICY

It is the policy of the Sheriff's Office to accurately and appropriately gather, analyze, and record information of a criminal or non-criminal nature that indicates activity or intentions associated with foreign or domestic terrorism and any other threat to public safety and homeland security. This investigative/administrative process shall be carried out in a manner that protects the information and privacy rights of American citizens and in compliance with existing federal, state and Office guidelines, rules and regulations.

427.3 RESPONSIBILITIES

The Investigation Commander and authorized designees will manage Suspicious Activity Reporting. Authorized designees should include supervisors who are responsible for Office participation in criminal intelligence systems.

The responsibilities of the Investigation Commander include, but are not limited to:

(a) Remaining familiar with those databases available to the Office that would facilitate the purpose of this policy.

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's 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).

427.4 REPORTING SUSPICIOUS ACTIVITY

Members of the Sheriff's Office will document observed or reported instances of suspicious activity and/or persons, utilizing the Sheriff's Office "Information Report." If completed electronically, the report goes directly to the Investigations Division via the appropriate email account. If a member chooses to complete a paper report, the report is sent via the inter-office mail system to the Investigations Division to the attention of an Investigations Sergeant. This method should only be used when timeliness of the information being received is not critical.

Members completing a criminal case or incident report that they believe contain information or activity that should be reviewed by the Investigations Division will contact the on-call supervisor and communicate the case number so the case information can be reviewed. The notification shall be made through the reporting member's supervisor. Members may also provide a synopsis of a case report on an Information Report.

Members of the Sheriff's Office shall not put sensitive information in a standard case report that is unrelated to the criminal investigation being investigated. Deputies will refrain from referencing any intelligence report or source within any publicly accessible document, or make a reference to "intelligence information" within the narrative portion of such documents.

427.5 NOTIFICATIONS

Some reported instances of suspicious activity will require immediate notification to the Investigations Division. Investigations personnel are to be notified under the following reported or observed circumstances:

- All threats or suspicious activity concerning national defense or national security.
- All threats involving public officials
- All threats or suspicious activity associated with the disruption of local, county, state or federal government services.
- All threats, security breaches or other suspicious activity involving local, county, state, or federal infrastructure and/or facilities.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

- All threats associated against any political or religious group
- Any surveillance, photography, filming, sketching, measuring or note taking in or around local, county, state, or federal infrastructure or facility.
- Any attempt to breach or enter secured/sensitive areas of any local, county, state, or federal infrastructure or any other facility associated with the Department of Defense.
- Theft, purchases, attempted purchases or being in the possession of large amounts of fuel, fertilizer or any other potential explosive materials when no authorization can be determined.
- Thefts of, or being in the possession of (when not so employed) any official or service related uniforms, equipment or vehicles (e.g., police, EMT, delivery, military, etc.)
- Impersonation of any government, service or delivery person.
- Instances of Organized Gambling
- All information regarding visiting dignitaries (public and military).
- All contacts with visiting dignitaries (public and military).
- Information on upcoming events or actions that may cause a public safety concern (e.g., planned protest, controversial speakers, groups or musical bands, large sporting events).
- All contacts with members from any extremist organizations or groups (e.g., Sovereigns, Militia or anti-government, Hate, Environmental or Animal activist groups).
- Investigations involving graffiti associated with any extremist, anarchist, hate, environmental or animal activist groups.
- Contacts with identified Outlaw motorcycle gang members involved in criminal activity.
- Contacts with Habitual Criminals who pose a community threat.
- Contacts with suspicious foreign persons.
- Investigations associated with the manufacture and/or selling of illegal firearms or explosives.
- Investigations involving the placement or use of any explosive device designed to cause structural damage, physical harm, or test the explosive yield of the device.
- Suspicious documents, notes, blueprints, diagrams, photos, film or other materials are discovered that may not be attributable to the employment, social status, security clearance or hobby of the holder.

Detectives are available after hours. After hours contact must have the approval of a supervisor. Also, circumstances will determine whether the response of a Metro, Vice Narcotics and Intelligence detective is necessary.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

427.6 ROUTING AND DISTRIBUTION

Information Reports are routed directly to the Investigations Division. Upon receipt, the supervisor reviews the report and makes a determination whether further investigation is warranted. Investigations Sergeants either assign the report for an investigation, close the report with no further action, or redirect it to another responsible agency, internal unit or person for action.

427.7 RESULTS AND RETURN

All information received by the Investigations Division will be reviewed for its content and applicability in the interest of public safety. When appropriate, the submitting source will be notified of the outcome of any investigated information. Often, initiating information is developed into other documents that are distributed to staff members for internal distribution, posted on a Blue Sheet, the Colorado Information and Analysis Center, Colorado Gangs (CoG), or within the Rocky Mountain Information Network.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Crisis Intervention Incidents

428.1 PURPOSE AND SCOPE

This policy provides guidelines for interacting with those who may be experiencing a mental health or emotional crisis. Interaction with such individuals has the potential for miscommunication and violence. It often requires a deputy to make difficult judgments about a person's mental state and intent in order to effectively and legally interact with the individual.

428.1.1 DEFINITIONS

Person in crisis - A person whose level of distress or mental health symptoms have exceeded the person's internal ability to manage his/her behavior or emotions. A crisis can be precipitated by any number of things, including an increase in the symptoms of mental health disorder despite treatment compliance; non-compliance with treatment, including a failure to take prescribed medications appropriately; or any other circumstance or event that causes the person to engage in erratic, disruptive or dangerous behavior that may be accompanied by impaired judgment.

428.2 POLICY

The Sheriff's Office is committed to providing a consistently high level of service to all members of the community and recognizes that persons in crisis may benefit from intervention. The Office will collaborate, where feasible, with mental health professionals to develop an overall intervention strategy to guide its members' interactions with those experiencing a mental health crisis. This is to ensure equitable and safe treatment of all involved.

428.3 SIGNS

Members should be alert to any of the following possible signs of mental health issues or crises:

(a) A known history of mental health disorder

(b) Threats of or attempted suicide

(c) Loss of memory

(d) Incoherence, disorientation or slow response

(e) Delusions, hallucinations, perceptions unrelated to reality or grandiose ideas

(f) Depression, pronounced feelings of hopelessness or uselessness, extreme sadness or guilt

(g) Social withdrawal

(h) Manic or impulsive behavior, extreme agitation, lack of control

(i) Lack of fear

(j) Anxiety, aggression, rigidity, inflexibility or paranoia

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Members should be aware that this list is not exhaustive. The presence or absence of any of these should not be treated as proof of the presence or absence of a mental health issue or crisis.

428.4 COORDINATION WITH MENTAL HEALTH PROFESSIONALS

The Sheriff should designate an appropriate Commander to collaborate with mental health professionals to develop an education and response protocol. It should include a list of community resources to guide Office interaction with those who may be suffering from a mental health disorder or who appear to be in a mental health crisis (CRS § 30-10-527; CRS § 31-30-109).

428.5 FIRST RESPONDERS

Safety is a priority for first responders. It is important to recognize that individuals under the influence of alcohol, drugs or both may exhibit symptoms that are similar to those of a person in a mental health crisis. These individuals may still present a serious threat to deputies; such a threat should be addressed with reasonable tactics. Nothing in this policy shall be construed to limit a deputy's authority to use reasonable force when interacting with a person in crisis.

Deputies are reminded that mental health issues, mental health crises and unusual behavior alone are not criminal offenses. Individuals may benefit from treatment as opposed to incarceration.

A deputy responding to a call involving a person in crisis should:

(a) Promptly assess the situation independent of reported information and make a preliminary determination regarding whether a mental health crisis may be a factor.

(b) Request available backup and specialized resources as deemed necessary and, if it is reasonably believed that the person is in a crisis situation, use conflict resolution and de-escalation techniques to stabilize the incident as appropriate.

(c) If feasible, and without compromising safety, turn off flashing lights, bright lights or sirens.

(d) Attempt to determine if weapons are present or available.

(e) Take into account the person's mental and emotional state and potential inability to understand commands or to appreciate the consequences of his/her action or inaction.

(f) Secure the scene and clear the immediate area as necessary.

(g) Employ tactics to preserve the safety of all participants.

(h) Determine the nature of any crime.

(i) Request a supervisor, as warranted.

(j) Evaluate any available information that might assist in determining cause or motivation for the person's actions or stated intentions.

(k) If circumstances reasonably permit, consider and employ alternatives to force.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

428.6 DE-ESCALATION

Deputies should consider that taking no action or passively monitoring the situation may be the most reasonable response to a mental health crisis.

Once it is determined that a situation is a mental health crisis and immediate safety concerns have been addressed, responding members should be aware of the following considerations and should generally:

- Evaluate safety conditions.
- Introduce themselves and attempt to obtain the person's name.
- Be patient, polite, calm, courteous and avoid overreacting.
- Speak and move slowly and in a non-threatening manner.
- Moderate the level of direct eye contact.
- Remove distractions or disruptive people from the area.
- Demonstrate active listening skills (e.g., summarize the person's verbal communication).
- Provide for sufficient avenues of retreat or escape should the situation become volatile.

Responding deputies generally should not:

- Use stances or tactics that can be interpreted as aggressive.
- Allow others to interrupt or engage the person.
- Corner a person who is not believed to be armed, violent or suicidal.
- Argue, speak with a raised voice or use threats to obtain compliance.

428.7 INCIDENT ORIENTATION

When responding to an incident that may involve a mental health disorder or a mental health crisis, the deputy should request that the dispatcher provide critical information as it becomes available. This includes:

(a) Whether the person relies on drugs or medication, or may have failed to take his/her medication.

(b) Whether there have been prior incidents, suicide threats/attempts, and whether there has been previous response.

(c) Contact information for a treating physician or mental health professional.

Additional resources and a supervisor should be requested as warranted.

428.8 SUPERVISOR RESPONSIBILITIES

A supervisor should closely monitor calls for service with a person in crisis. If a supervisor response is warranted, responding supervisors should:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Attempt to secure appropriate and sufficient resources.

(b) Closely monitor any use of force, including the use of restraints, and ensure that those subjected to the use of force are provided with timely access to medical care.

(c) Consider strategic disengagement. Absent an imminent threat to the public and, as circumstances dictate, this may include removing or reducing law enforcement resources or engaging in passive monitoring.

(d) Ensure that all reports are completed and that incident documentation uses appropriate terminology and language.

(e) If warranted, conduct an after-action tactical and operational debriefing, and prepare an after-action evaluation of the incident to be forwarded to the Commander.

(f) Evaluate whether a critical incident stress management debriefing for involved members is warranted.

428.9 INCIDENT REPORTING

Members engaging in any oral or written communication associated with a mental health crisis should be mindful of the sensitive nature of such communications and should exercise appropriate discretion when referring to or describing persons and circumstances.

Members having contact with a person in crisis should keep related information confidential, except to the extent that revealing information is necessary to conform to Office reporting procedures or other official mental health or medical proceedings.

428.9.1 DIVERSION

Individuals who are not being arrested should be processed in accordance with the policy.

428.10 CIVILIAN PERSONNEL INTERACTION WITH PEOPLE IN CRISIS

Civilian Personnel may be required to interact with persons in crisis in an administrative capacity, such as dispatching, records request, and walk-in inquiries.

(a) Members should treat all individuals equally and with dignity and respect.

(b) If a member believes that he/she is interacting with a person in crisis, he/she should proceed patiently and in a calm manner.

(c) Members should be aware and understand that the person may make unusual or bizarre claims or requests.

If a person’s behavior makes the member feel unsafe, if the person is or becomes disruptive or violent, or if the person acts in such a manner as to cause the member to believe that the person may be harmful to him/herself or others, a deputy should be promptly summoned to provide assistance.

428.11 EVALUATION

The Commander designated to coordinate the crisis intervention strategy for this Office should ensure that a thorough review and analysis of the Office response to these incidents is conducted

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

annually. The report will not include identifying information pertaining to any involved individuals, deputies or incidents.

428.12 TRAINING

In coordination with the mental health community and appropriate stakeholders, the Office will develop and provide comprehensive education and training to all Office members to enable them to effectively interact with persons in crisis.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

First Amendment Assemblies

429.1 PURPOSE AND SCOPE

This policy provides guidance for responding to public assemblies or demonstrations.

429.2 POLICY

The Sheriff's Office respects the rights of people to peaceably assemble. It is the policy of this Office not to unreasonably interfere with, harass, intimidate or discriminate against persons engaged in the lawful exercise of their rights, while also preserving the peace, protecting life and preventing the destruction of property.

429.3 GENERAL CONSIDERATIONS

Individuals or groups present on the public way, such as public facilities, streets or walkways, generally have the right to assemble, rally, demonstrate, protest or otherwise express their views and opinions through varying forms of communication, including the distribution of printed matter. These rights may be limited by laws or ordinances regulating such matters as the obstruction of individual or vehicle access or egress, trespass, noise, picketing, distribution of handbills and leafleting, loitering and disrupting lawful assembly. However, deputies shall not take action or fail to take action based on the opinions being expressed.

Participant behavior during a demonstration or other public assembly can vary. This may include, but is not limited to:

- Lawful, constitutionally protected actions and speech.
- Civil disobedience (typically involving minor criminal acts).
- Rioting.

All of these behaviors may be present during the same event. Therefore, it is imperative that law enforcement actions are measured and appropriate for the behaviors deputies may encounter. This is particularly critical if force is being used. Adaptable strategies and tactics are essential. The purpose of a law enforcement presence at the scene of public assemblies and demonstrations should be to preserve the peace, to protect life and prevent the destruction of property.

Deputies should not:

(a) Engage in assembly or demonstration-related discussion with participants.

(b) Harass, confront or intimidate participants.

(c) Seize the cameras, cell phones or materials of participants or observers unless a deputy is placing a person under lawful arrest.

Supervisors should continually observe Office members under their commands to ensure that members' interaction with participants and their response to crowd dynamics is appropriate.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

429.3.1 PHOTOGRAPHS AND VIDEO RECORDINGS

Photographs and video recording, when appropriate, can serve a number of purposes, including support of criminal prosecutions by documenting criminal acts; assistance in evaluating Office performance; serving as training material; recording the use of dispersal orders; and facilitating a response to allegations of improper law enforcement conduct.

Photographs and videos will not be used or retained for the sole purpose of collecting or maintaining information about the political, religious or social views of associations, or the activities of any individual, group, association, organization, corporation, business or partnership, unless such information directly relates to an investigation of criminal activities and there is reasonable suspicion that the subject of the information is involved in criminal conduct.

429.4 UNPLANNED EVENTS

When responding to an unplanned or spontaneous public gathering, the first responding deputy should conduct an assessment of conditions, including, but not limited to, the following:

- Location
- Number of participants
- Apparent purpose of the event
- Leadership (whether it is apparent and/or whether it is effective)
- Any initial indicators of unlawful or disruptive activity
- Indicators that lawful use of public facilities, streets or walkways will be impacted
- Ability and/or need to continue monitoring the incident

Initial assessment information should be promptly communicated to Dispatch, and the assignment of a supervisor should be requested. Additional resources should be requested as appropriate. The responding supervisor shall assume command of the incident until command is expressly assumed by another, and the assumption of command is communicated to the involved members. A clearly defined command structure that is consistent with the Incident Command System (ICS) should be established as resources are deployed.

429.5 PLANNED EVENT PREPARATION

For planned events, comprehensive, incident-specific operational plans should be developed. The ICS should be considered for such events.

429.5.1 INFORMATION GATHERING AND ASSESSMENT

In order to properly assess the potential impact of a public assembly or demonstration on public safety and order, relevant information should be collected and vetted. This may include:

- Information obtained from outreach to group organizers or leaders.
- Information about past and potential unlawful conduct associated with the event or similar events.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

- The potential time, duration, scope and type of planned activities.
- Any other information related to the goal of providing a balanced response to criminal activity and the protection of public safety interests.

Information should be obtained in a transparent manner, and the sources documented. Relevant information should be communicated to the appropriate parties in a timely manner.

Information will be obtained in a lawful manner and will not be based solely on the purpose or content of the assembly or demonstration, or the race, ethnicity, national origin or religion of the participants (or any other characteristic that is unrelated to criminal conduct or the identification of a criminal subject).

429.5.2 OPERATIONAL PLANS

An operational planning team with responsibility for event planning and management should be established. The planning team should develop an operational plan for the event.

The operational plan will minimally provide for:

(a) Command assignments, chain of command structure, roles and responsibilities.

(b) Staffing and resource allocation.

(c) Management of criminal investigations.

(d) Designation of uniform of the day and related safety equipment (e.g., helmets, shields).

(e) Deployment of specialized resources.

(f) Event communications and interoperability in a multijurisdictional event.

(g) Liaison with demonstration leaders and external agencies.

(h) Liaison with County government and legal staff.

(i) Media relations.

(j) Logistics: food, fuel, replacement equipment, duty hours, relief and transportation.

(k) Traffic management plans.

(l) First aid and emergency medical service provider availability.

(m) Prisoner transport and detention.

(n) Review of policies regarding public assemblies and use of force in crowd control.

(o) Parameters for declaring an unlawful assembly.

(p) Arrest protocol, including management of mass arrests.

(q) Protocol for recording information flow and decisions.

(r) Rules of engagement, including rules of conduct, protocols for field force extraction and arrests, and any authorization required for the use of force.

(s) Protocol for handling complaints during the event.

(t) Parameters for the use of body-worn cameras and other portable recording devices.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

429.5.3 MUTUAL AID AND EXTERNAL RESOURCES
The magnitude and anticipated duration of an event may necessitate interagency cooperation and coordination. The assigned Incident Commander should ensure that any required memorandums of understanding or other agreements are properly executed, and that any anticipated mutual aid is requested and facilitated.

429.6 UNLAWFUL ASSEMBLY DISPERSAL ORDERS

If a public gathering or demonstration remains peaceful and nonviolent, and there is no reasonably imminent threat to persons or property, the Incident Commander should generally authorize continued monitoring of the event.

Should the Incident Commander make a determination that public safety is presently or is about to be jeopardized, he/she or the authorized designee should attempt to verbally persuade event organizers or participants to disperse of their own accord. Warnings and advisements may be communicated through established communications links with leaders and/or participants or to the group.

When initial attempts at verbal persuasion are unsuccessful, the Incident Commander or the authorized designee should make a clear standardized announcement to the gathering that the event is an unlawful assembly, and should order the dispersal of the participants. The announcement should be communicated by whatever methods are reasonably available to ensure that the content of the message is clear and that it has been heard by the participants. The announcement should be amplified, made in different languages as appropriate, made from multiple locations in the affected area and documented by audio and video. The announcement should provide information about what law enforcement actions will take place if illegal behavior continues and should identify routes for egress. A reasonable time to disperse should be allowed following a dispersal order.

429.7 USE OF FORCE

Use of force is governed by current Office policy and applicable law.

Individuals refusing to comply with lawful orders (e.g., nonviolent refusal to disperse) should be given a clear verbal warning and a reasonable opportunity to comply. If an individual refuses to comply with lawful orders, the Incident Commander shall evaluate the type of resistance and adopt a reasonable response in order to accomplish the law enforcement mission (such as dispersal or arrest of those acting in violation of the law). Control devices and CEWs should be considered only when the participants' conduct reasonably appears to present the potential to harm deputies, themselves or others, or will result in substantial property loss or damage.

Force or control devices, including oleoresin capsaicin (OC), should be directed toward individuals and not toward groups or crowds, unless specific individuals cannot reasonably be targeted due to extreme circumstances, such as a riotous crowd.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Any use of force by a member of this Office shall be documented promptly, completely and accurately in an appropriate report. The type of report required may depend on the nature of the incident.

429.8 ARRESTS

The Sheriff's Office should respond to unlawful behavior in a manner that is consistent with the operational plan. If practicable, warnings or advisements should be communicated prior to arrest.

Mass arrests should be employed only when alternate tactics and strategies have been, or reasonably appear likely to be, unsuccessful. Mass arrests shall only be undertaken upon the order of the Incident Commander or the authorized designee. There must be probable cause for each arrest.

If employed, mass arrest protocols should fully integrate:

(a) Reasonable measures to address the safety of deputies and arrestees.

(b) Dedicated arrest, booking and report writing teams.

(c) Timely access to medical care.

(d) Timely access to legal resources.

(e) Timely processing of arrestees.

(f) Full accountability for arrestees and evidence.

(g) Coordination and cooperation with the prosecuting authority, jail and courts.

429.9 MEDIA RELATIONS

The Media Relations Manager should use all available avenues of communication, including press releases, briefings, press conferences and social media to maintain open channels of communication with media representatives and the public about the status and progress of the event, taking all opportunities to reassure the public about the professional management of the event.

429.10 DEMOBILIZATION

When appropriate, the Incident Commander or the authorized designee should implement a phased and orderly withdrawal of law enforcement resources. All relieved personnel should promptly complete any required reports, including use of force reports, and account for all issued equipment and vehicles to their supervisors prior to returning to normal operational duties.

429.11 POST EVENT

The Incident Commander should designate a member to assemble full documentation of the event, to include the following:

(a) Operational plan

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Any incident logs

(c) Any assignment logs

(d) Vehicle, fuel, equipment and supply records

(e) Incident, arrest, use of force, injury and property damage reports

(f) Photographs, audio/video recordings, Dispatch records/tapes

(g) Media accounts (print and broadcast media)

429.11.1 AFTER-ACTION REPORTING

The Incident Commander should work with County legal counsel, as appropriate, to prepare a comprehensive after-action report of the event, explaining all incidents where force was used including the following:

(a) Date, time and description of the event

(b) Actions taken and outcomes (e.g., injuries, property damage, arrests)

(c) Problems identified

(d) Significant events

(e) Recommendations for improvement; opportunities for training should be documented in a generic manner, without identifying individuals or specific incidents, facts or circumstances.

429.12 TRAINING

Office members should receive periodic training regarding this policy, as well as the dynamics of crowd control and incident management. The Office should, when practicable, train with its external and mutual aid partners.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Civil Disputes

430.1 PURPOSE AND SCOPE

This policy provides members of the 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.

430.2 POLICY

The 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.

430.3 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

430.4 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 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.

430.4.1 KEEP THE PEACE REQUESTS

Deputies will not respond to perform Keep the Peace requests unless a court ordered Keep the Peace has been issued by a judge or magistrate. If the requesting party claims to have a valid Keep the Peace order, the deputy will respond to a neutral location to review and verify the validity of the Keep the Peace Order.

If a valid Keep the Peace order is in place, the deputy will escort the party to the location and contact the owner/resident. If the owner/resident is not available to permit entry, the execution of the Keep the Peace will be rescheduled. If the holder of the Keep the Peace is a resident of the property and has legal standing, they may gain entry to the property of their own accord. Deputies will not assist the party in gaining entry.

The execution of the order will be at a reasonable hour of the day. The deputy will only allow the holder of the Keep the Peace as much time as necessary to perform the tasks outlined in the court order. The Deputy will only allow items outlined in the court order to be removed from the property. Once the Keep the Peace has been executed, the Deputy will note the date and time or execution on the order so it cannot be used again.

430.5 VEHICLES AND PERSONAL PROPERTY

Deputies may be faced with disputes regarding possession or ownership of vehicles or other personal property. Deputies may review documents provided by parties or available databases (e.g., vehicle registration), but should be aware that legal possession of vehicles or personal property can be complex. Generally, deputies should not take any enforcement action unless a crime is apparent. The people and the vehicle or personal property involved should be identified and the incident documented.

430.6 REAL PROPERTY

Disputes over possession or occupancy of real property (e.g., land, homes, apartments) should generally be handled through a person seeking a court order.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Medical Aid and Response

431.1 PURPOSE AND SCOPE

This policy recognizes that members often encounter persons who appear to be in need of medical aid and establishes a response to such situations.

431.2 POLICY

It is the policy of the Sheriff's Office that all deputies and other designated members be trained to provide emergency medical aid and to facilitate an emergency medical response.

431.3 FIRST RESPONDING MEMBER RESPONSIBILITIES

Whenever practicable, members should take appropriate steps to provide initial medical aid (e.g., first aid, CPR and 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 Dispatch 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. Members should use a barrier or bag device to perform rescue breathing.

When requesting EMS, the member should provide Dispatch with information for relay to EMS personnel in order to enable an appropriate response, including:

- (a) The location where EMS is needed.
- (b) The nature of the incident.
- (c) Any known scene hazards.
- (d) Information on the person in need of EMS, such as:
  - (a) Signs and symptoms as observed by the member.
  - (b) Changes in apparent condition.
  - (c) Number of patients, sex and age, if known.
  - (d) Whether the person is conscious, breathing and alert, or is believed to have consumed drugs or alcohol.
  - (e) Whether the person is showing signs or symptoms of excited delirium or other agitated chaotic behavior.

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

431.4 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 should not provide emergency escort for medical transport or civilian vehicles.

431.5 PERSONS REFUSING EMS CARE

If a person who is not in custody refuses EMS care or refuses to be transported to a medical facility, a deputy shall not force that person to receive care or be transported. However, members may assist EMS personnel when EMS personnel determine the person lacks the mental capacity to understand the consequences of refusing medical care or to make an informed decision and the lack of immediate medical attention may result in serious bodily injury or the death of the person.

In cases where a mental health disorder may be a factor, the deputy should consider proceeding with a 72-hour treatment and evaluation.

If a deputy believes that a person who is in custody requires EMS care and the person refuses, the deputy should encourage the person to receive medical treatment. The deputy may also consider contacting a family member to help persuade the person to agree to treatment or who may be able to authorize treatment for the person.

If the person still refuses, the deputy will require the person to be transported to the nearest medical facility. In such cases, the deputy should consult with a supervisor prior to the transport.

Members shall not sign refusal-for-treatment forms or forms accepting financial responsibility for treatment.

431.5.1 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 will determine whether medical clearance will be obtained prior to booking.

Arrestees who appear to have a serious medical issue should be transported by ambulance.

431.6 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

431.7 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 and distance or other known delays will affect the EMS response.

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.
- Ensure that no one smokes near the aircraft.

431.8 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).

431.8.1 AED REPORTING

Any member using an AED will complete an incident report detailing its use.

431.8.2 AED TRAINING AND MAINTENANCE

The Training Director 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 Emergency Services Division is responsible for ensuring AED devices are appropriately maintained and tested consistent with the manufacturer's operational guidelines at the Office of the Sheriff, Court and Transport and ESD, and will retain records of all maintenance and testing in accordance with the established records retention schedule (CRS § 13-21-108.1). At the Criminal Justice Center, the Facility Inspector 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).

431.9 ADMINISTRATION OF OPIATE ANTAGONIST

Only members authorized by the Office may possess or administer an opiate antagonist such as naloxone hydrochloride or any similarly acting drug for the treatment of a drug overdose. The medication shall be administered in accordance with written protocol specified by

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

the medical professional who prescribed the overdose medication for use by the member (CRS § 12-36-117.7; CRS § 12-38-125.5; CRS § 12-42.5-120).

431.9.1 OPIATE ANTAGONIST USER RESPONSIBILITIES

Members who are qualified to administer an opiate 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.

Any member who administers an opiate antagonist should contact Dispatch as soon as possible and request response by EMS (CRS § 12-36-117.7; CRS § 12-38-125.5; CRS § 12-42.5-120).

431.9.2 OPIATE ANTAGONIST REPORTING

Any member administering an opiate antagonist should detail its use in an appropriate report.

The reporting deputy will ensure the report contains enough information to meet applicable state reporting requirements.

431.9.3 OPIATE ANTAGONIST TRAINING

The Training Director should coordinate training with the prescribing medical professional (CRS § 12-36-117.7; CRS § 12-38-125.5; CRS § 12-42.5-120).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Service of Court Documents

432.1 PURPOSE AND SCOPE

This policy provides guidelines for serving court documents to parties in civil matters.

432.2 POLICY

The Sheriff's Office will attempt service of court documents with efficiency and due care. The office will give higher priority to the service of court orders in cases when it is deemed that a delay may impact a person's safety.

432.3 RESPONSIBILITIES

Requests that the Sheriff's Office serve court documents should be forwarded to the Civil Office.

432.3.1 CIVIL SPECIALIST/CIVIL TECHNICIANS RESPONSIBILITIES

The Civil Specialist and Civil Technicians are responsible for ensuring:

(a) Court documents received for service are logged, date and time stamped.

(b) The following information should be obtained from the person requesting service, but not limited to:

1. Any relevant officer safety information
2. Criminal History
3. Aggressive Animals

(c) A fee schedule is maintained and applicable fees are collected at the time the request for service is made. No fees shall be required when prohibited by statute.

(d) Court documents submitted to the office will be forwarded to the deputies for service based on assigned geographical areas.

(e) Documents successfully served will be filed in court. The return of service will be mailed to the person from whom the paperwork was received. If service is unsuccessful, the original documents as well as a partial refund will be mailed to the person from whom the documents were received.

(f) The Civil Office maintains a record of each paper received for service, including:

1. The date and time received.
2. The date service is due.
3. The type of court document (e.g., civil subpoena, civil summons, writ of restitution)
4. The names of the parties to the action.
5. The name and address of the person to be served unless confidential under law.
6. The date and time of service attempts
7. The deputy assigned to serve the document and date of assignment.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(g) The Sheriff's Office periodically confers with applicable courts regarding the service of documents by the Sheriff's Office and any relevant court procedural changes or possible areas of concern or improvement that need to be addressed, as appropriate.

432.3.2 DEPUTY RESPONSIBILITIES
Deputies assigned to serve court documents shall do so diligently and with due regard for privacy and property rights.

Deputies are required to document successful service or service attempts in a timely manner. This will include the address where service was attempted, the date and time of attempted service, any reasons or circumstances why service was unsuccessful, date and time of service, name of the person served. Any relevant information will be noted. (e.g. statements made by defendant, attempts to avoid service etc.)

Deputies shall not give legal advice or express opinions as to the merit of civil issues.

432.4 CANCELED SERVICE
Cancelled service requests will be documented by the Office member receiving the information.

432.5 DEPUTY SAFETY
Members will review any safety related information provided. If information suggests a credible threat, members will notify a supervisor and request additional resources. For those services which pose a significant officer safety concern such as Restraining Order Removals, Orders or Possessions and Evictions, a minimum of two (2) deputies will be utilized.

432.6 SERVICE OF SPECIFIC DOCUMENTS
Service of documents will be performed under Rule 4 of the Civil Code.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Mounted Unit

433.1 PURPOSE

To provide policy and guidelines for the use and deployment of the Mounted Police Unit.

433.2 DEFINITIONS

DEPLOYMENT: Any situation where the Mounted Unit Deputy is used to aid in the resolution of any law enforcement incident, directed patrol of any given area, special event coverage, public presentation or general patrol practices.

FULL-TIME MOUNTED UNIT DEPUTY: Deputy who is assigned to the mounted unit as a primary duty.

MOUNTED POLICE HORSE: Equines (horses) used by the Sheriff's Office.

433.3 POLICY

It is the policy of the Sheriff’s Office to operate a Mounted Unit utilizing nationally recognized standards of training and established operational procedures.

433.4 PROCEDURES

433.4.1 OPERATIONAL PROCEDURES

A. Mounted Unit deputy's deployment shall be objectively reasonable under the facts and circumstances confronting him/her. The Mounted Unit deputy must evaluate the following factors, taking into consideration the safety of deputies, citizens, and the suspect/individual, prior to deployment of the Mounted Police Horse.

   1. The severity of the crime(s)
   2. Whether the suspect poses an immediate threat to the safety of the deputies or others.
   3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

B. Based upon the totality of the circumstances, the Mounted Unit deputy will have the discretion of deploying the Mounted Police Horse.

C. Operational Control / Conflict of Orders – If present, the Mounted Unit sergeant will assume operational control of any situation requiring the deployment of Mounted Police horses. If the Mounted Unit sergeant is not present and a Mounted Unit deputy is requested by another supervisor to deploy his/her Mounted Police Horse in a manner that the Mounted Unit deputy feels is inappropriate, the Mounted Unit deputy will inform the supervisor of this and state the reason for his/her concern.

433.4.2 CROWD CONTROL

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

A. Prior to deploying the Mounted Police Horse, it should be determined that conventional crown control methods would not produce the desired effect.

B. In all crowd control situations, uniformed deputies will “stack and follow” at a reasonable distance behind the Mounted Police Horse teams. This will be done to help protect the Mounted Unit and/or deputies from any person(s) who slip past them.

C. Mounted Unit deputies, at a minimum, should work in teams of two (2), and clear one (1) area at a time.

D. Uniformed deputies will stay behind a line formed by the Mounted Unit.

E. The crowd must always be given an escape route and Mounted Unit deputies will move the crowd in that direction. If no exit exists or the route becomes closed, the Mounted Unit deputies will stop advancing.

F. If there is immediate danger to citizens or deputies, the Mounted Police horses may be used as a defensive tool to protect citizens or deputies.

433.4.3 EQUIPMENT

A. Mounted Unit deputies will maintain all equipment issued by the Mounted Unit. Any equipment that needs to be repaired will be reported to the Mounted Unit sergeant.

B. Certain equipment that is used by the Mounted Unit or to protect them and the Mounted Police Horse, and is not considered a standard duty uniform, will be provided by the Office. The special equipment includes, but not limited to,

1. (a) (a) Protective riding boots

(b) Winter coverall

(c) Saddle, pad and cover

(d) Saddle bags

(e) Breast collar

(f) Headstall, bridle and reins

(g) Lead rope and halter

(h) Spurs

(i) Saddle length rain slicker

(j) Potable water canteen\

(k) Reflective leg wraps

(l) Fencing tool

(m) Multi tool pliers

(n) Entrenching tool

(o) Rifle scabbard

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

433.4.4 TRAINING

A. All training will be conducted in accordance with the guidelines, training practices and measures of the Mounted Unit trainer and that the training is properly documented.

B. Each Mounted Unit deputy must successfully complete a minimum 40 hour mounted training course and shall be required to attend a minimum of eight (8) monthly training sessions.

C. It is the responsibility of the Mounted Unit trainer to ensure each Mounted Police Horse meets the standards of training that are set forth. Each Mounted Police horse will be consistently tested and monitored for any problem or activity, which becomes uniform in the behavior of the Mounted Police Horse. The Mounted Unit sergeant and trainer will have the responsibility and authority to remove the animal from service until such time as the deficiency is corrected.

D. Mounted Police Horses owned by the Sheriff's Office are kept at the Mounted Unit barn and are available to any Mounted Unit deputy who has been certified by the Mounted Unit Trainer.

433.4.5 GENERAL RULES OF THE MOUNTED UNIT

A. Mounted Unit deputies are accountable for the actions of their Mounted Police Horse.

B. Mounted Unit deputies will not discipline their Mounted Police Horse in public view.

C. Any injuries caused by a Mounted Police Horse will be reported to the Mounted Unit sergeant without delay, and the sergeant will investigate each incident.

D. When a Mounted Unit deputy is away from the horse trailer and the Mounted Police Horse is loaded, he/she will ensure the Mounted Police Horse has proper ventilation for the given weather conditions, and that the horse trailer is properly secured.

433.4.6 MAINTENANCE OF THE MOUNTED POLICE HORSE

A. The final hour of each shift, that is eight (8) hours or longer, is set aside for upkeep of the Mounted Police Horse and associated equipment. This time, one (1) hour is applied to every working shift, training day, day off and leave day (vacation, comp, sick) provided the deputy on leave is caring for the Mounted Police Horse.

B. Horse stalls will be cleaned daily.

C. Mounted Police Horses will be brushed and groomed daily. The Mounted Police Horses and their equipment will be maintained in good and serviceable condition.

D. The Unit Veterinarian will conduct bi-annual examinations of the Mounted Police Horses.

E. The Mounted Police Horse’s health will be monitored closely and if signs of illness are apparent, the Mounted Unit deputy will call the veterinarian or take the Mounted Police Horse to the veterinarian as soon as possible.

F. Feed will be bought by the Office and stored appropriately in the Mounted Unit barn. The Mounted Police Horse will be fed and given clean water daily.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Mounted Unit

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Chapter 5 - Traffic Operations

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Traffic Enforcement and Responsibilities

500.1 PURPOSE AND SCOPE

The goal of traffic enforcement is to reduce traffic collisions and improve the safety and quality of life for the community through traffic law compliance. This may be achieved through the application of such techniques as geographic/temporal assignment of personnel and equipment and the establishment of preventive patrols to deal with specific categories of unlawful driving behavior. Traffic enforcement techniques are based on accident data, enforcement activity records, traffic volume, traffic conditions and other data. This Office provides enforcement efforts toward violations, not only in proportion to the frequency of their occurrence in accident situations but also in terms of traffic-related needs.

500.2 TRAFFIC DEPUTY DEPLOYMENT

Several factors are considered in the development of deployment schedules for deputies of the Sheriff's Office. Information provided by the Colorado State Patrol (CSP) is a valuable resource for traffic accidents and therefore deputy deployment.

All deputies assigned to patrol or traffic enforcement functions will emphasize enforcement of traffic laws and address accident-causing violations during those periods and at those locations where the incidence of collisions is increased. As a matter of routine, all deputies will take directed enforcement action on request, and random enforcement action when appropriate, against violators. All deputies shall maintain high visibility while working general enforcement, especially at high-accident incidence locations.

Other factors to be considered for deployment are citizen requests, construction zones, school zones or special events.

500.3 ENFORCEMENT

Enforcement actions are commensurate with applicable laws and take into account the degree and severity of the violation committed. This Office does not establish ticket quotas and the number of arrests or citations issued by any deputy shall not be used as the sole criterion for evaluating deputy overall performance. The visibility and quality of a deputy's work effort will be commensurate with the philosophy of this policy. Several methods are effective in the reduction of collisions (CRS § 42-4-101 and CRS § 42-4-104):

500.3.1 WARNINGS AND STOPS WITHOUT CITATION OR ARREST

Warnings should be considered in minor traffic infractions and substituted for arrests or citations when circumstances warrant. Circumstances that do not result in a citation or arrest require providing a business card in compliance with the law.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

500.3.2 TRAFFIC CITATIONS

Traffic citations may be issued when a deputy believes it is appropriate. It is essential that deputies fully explain the rights and requirements imposed on motorists upon issuance of a citation for a traffic violation. Deputies should provide the following information at minimum:

(a) Explanation of the violation or charge

(b) Court appearance procedure, including the optional or mandatory appearance by the motorist

(c) Notice of whether the motorist can enter a plea and pay the fine by mail or at the court

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 a county court within the county in which the offense is alleged to have been committed (CRS § 42-4-1707(5)).

500.3.4 REFUSAL TO SIGN TRAFFIC CITATION

A person who refuses to sign a traffic citation, and thereby declines to make a written promise to appear in court, may immediately be taken before a magistrate (CRS § 42-4-1705(1)(e)). However, if a person’s identity can be reasonably determined, a summons should be issued rather than making an arrest. Should a person’s identity be undetermined, a supervisor should be requested to assist with resolution of the incident prior to resorting to an arrest.

500.3.5 PHYSICAL ARREST

Physical arrest can be made on a number of criminal traffic offenses. These physical arrest cases usually deal with, but are not limited to (CRS § 42-4-1705(1)):

(a) Negligent 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 for driving on a suspended, revoked or restricted license and the violation is not an unclassified misdemeanor, the deputy may, without a warrant, arrest the violator for a misdemeanor (CRS § 42-2-138).

500.5 HIGH-VISIBILITY VESTS

The Office has provided American National Standards Institute (ANSI) Class II high-visibility vests to reduce the danger to employees who may be exposed to hazards presented by passing traffic, construction vehicles and disaster recovery equipment (Federal Manual on Uniform Traffic Control Devices, 23 CFR 655.601).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Although intended primarily for use while performing traffic-related assignments, high-visibility vests should be worn at any time increased visibility would improve the safety or efficiency of the employee.

500.5.1 REQUIRED USE

Except when working in a potentially adversarial or confrontational role, such as during vehicle stops, high-visibility vests should be worn any time it is anticipated that an employee will be exposed to the hazards of approaching traffic or construction and recovery equipment. Examples of when high-visibility vests should be worn include traffic control duties, accident investigations, lane closures and while at disaster scenes, or anytime high visibility is desirable. When emergency conditions preclude the immediate donning of the vest, deputies should retrieve and wear the vest as soon as conditions reasonably permit. Use of the vests shall also be mandatory when directed by a supervisor.

Vests maintained in the investigation units may be used anytime a plainclothes deputy might benefit from being readily identified as a deputy.

500.5.2 CARE AND STORAGE OF HIGH-VISIBILITY VESTS

High-visibility vests shall be maintained in each patrol and investigation unit. Each vest should be stored inside the resealable plastic bag provided to protect and maintain the vest in a serviceable condition.

Additional high-visibility vests will be maintained in the equipment room for replacement of damaged or unserviceable vests.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Duties When Involved in or Responding to a Traffic Crash

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 Sheriff's Office prepares traffic accident reports only when an Office-owned vehicle is involved and for internal review purposes.

501.2 WHEN INVOLVED IN A TRAFFIC CRASH IN AN OFFICE OWNED VEHICLE

(a) Notify dispatch of the crash, location, number of vehicles involved and whether there are any injuries.

(b) Activate any emergency lighting the vehicle is equipped with to warn other motorists.

(c) Check other persons involved for any injuries.

(d) Render aid when possible.

(e) Safeguard the scene from further crashes when practical.

501.3 CALL RESPONSE

Deputies should respond without delay when dispatched to a traffic accident. A traffic accident with injuries reported may include an emergency response if the deputy reasonably believes such a response is appropriate.

501.3.1 RESPONSE CONSIDERATIONS

A deputy responding to and upon arrival at an accident, and in conjunction with the agency having investigative responsibility, should consider the following:

(a) The most appropriate route to the accident.

(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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

501.4 ACCIDENT INVESTIGATION INVOLVING OFFICE OWNED VEHICLES

Deputies who have been designated as traffic accident investigators have investigative responsibilities when an Office owned vehicle is involved in a traffic crash.

When the crash is being investigated by the agency having jurisdiction a response to the scene is not required unless expressly requested by a member of the chain of command. When no response is necessary, the assigned investigator is still required to gather memorandums from the deputy(s) involved as well as a copy of the investigating agency case report. Photos will also be taken of the Office involved vehicle and its damage. All documents are then forwarded to the Traffic Unit Sergeant.

When the agency having jurisdiction elects not to respond, an accident investigator will respond to the scene and conduct the investigation and create, gather and submit all necessary documents and photos to the Traffic Unit Sergeant.

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) Identification and protection of items of apparent evidentiary value

(d) Documentation of the incident as necessary (e.g., statements, measurements, photographs, collection of evidence and reporting) on appropriate report forms

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 Traffic Unit Sergeant for approval, data entry, and eventual convening of the Traffic Crash Review Board.

501.5.2 TRAFFIC SUPERVISOR RESPONSIBILITIES

The Traffic Supervisor will be responsible for:

(a) Reviewing all traffic crash packets for completeness.

(b) Convening the Traffic Crash Review Board for review and determination of fault.

(c) For writing and disseminating disposition memorandums as to the results of the review board.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 person who prepared the report. A written supplemental report may be made by any authorized employee.

501.6 REPORTING SITUATIONS

501.6.1 INJURY OR FATALITY TRAFFIC ACCIDENTS WITH SHERIFF'S OFFICE EMPLOYEES
When an employee of this Office, either on or off-duty, is involved in a traffic accident within the jurisdiction of the Sheriff's Office that results in a serious injury or fatality, the Traffic Supervisor or the supervisor should request the Colorado State Patrol or other outside agency to complete an investigation and report.

The term serious bodily injury is defined as bodily injury that involves a substantial risk of death, serious permanent disfigurement, protracted loss or impairment of bodily function (CRS § 18-1-901(3)(p)).

501.6.2 TRAFFIC COLLISIONS WITH OTHER COUNTY EMPLOYEES OR OFFICIALS
The Traffic Supervisor or supervisor shall request assistance from an outside agency for the investigation of any traffic accident involving any County official or employee where a serious injury or fatality has occurred.

501.7 NOTIFICATION OF NEXT OF KIN
If a traffic accident causes a life-threatening injury or fatality to an Office member, the chain of command responsible for the member 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 to the media until notification is made to the victim’s next of kin.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Impaired Driving

502.1 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).

502.2 POLICY

The 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.

502.3 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 Office has developed and will maintain, 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 Standardized Field Sobriety tests (SFSTs) administered and the results.

(b) The deputy's observations of the individual's driving behavior.

(c) 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).

(d) Sources of additional information (e.g., reporting party, witnesses) and their observations.

(e) Information about any audio and/or video recording of the individual's driving or subsequent actions.

(f) The location and time frame of the individual's vehicle operation and how this was determined.

(g) Any prior related convictions in Colorado or another jurisdiction.

502.4 FIELD TESTS

The Office has identified the Standardized SFSTs and any approved alternate tests for deputies to use when investigating violations of DUI laws.

502.5 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

driving a motor vehicle in violation of CRS § 42-4-1301 (DUI, DUI per se, DWAI or UDD) (CRS § 42-4-1301.1).

If a 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.

502.5.1 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.

502.5.2 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 will select a test of the of the person’s blood. The arrestee is required to take and complete the selected test. (CRS § 42-4-1301.1; CRS § 18-3.5-108).

502.5.3 BREATH SAMPLES

Current Office Intoxilyzer Instructors should ensure all devices used for the collection and analysis of breath samples are properly serviced and tested, and 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 an Intoxilyzer Instructor.

502.5.4 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 2 blood samples are drawn. Both are retained as evidence. One is available to the arrestee to have tested at an independent lab at their cost if they chose.

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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

to take a blood test shall not be considered a refusal. However, that arrestee may be required to complete a breath test.

502.6 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.

502.6.1 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).

502.6.2 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 does not exist if the 2 hour time limit for Express Consent Laws is near expiration. Exigency can be established by the existence of special facts such as a lengthy time delay in obtaining a blood sample due to an accident investigation or medical treatment of the person.

(c) Exigent circumstances exist and the deputy has probable cause to believe the person committed any of the following offenses (CRS § 42-4-1301.1):

1. Criminally negligent homicide.

2. Vehicular homicide.

3. Assault in the third degree.

4. Vehicular assault.

A blood sample shall be obtained from a person suspected of aggravated vehicular unlawful termination of pregnancy when the person is dead or unconscious (CRS § 18-3.5-108). Unless exigent circumstances exist, deputies should make reasonable efforts to obtain a search warrant.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

502.6.3 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.

    (a) This dialogue should be recorded on audio and/or video when practicable.

(d) Ensure 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 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.

502.7 ARREST AND INVESTIGATION

502.7.1 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):

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Has reason to believe the person was driving a motor vehicle while under the influence or impaired by alcohol and,

(b) Has advised the person that he/she may refuse or agree to provide the preliminary breath sample.

If the person is under the age of 21, the deputy may conduct a preliminary screening test, without the person's consent, if there is a reasonable belief the person has consumed alcohol (CRS § 42-4-1301).

A deputy may use the results of the preliminary test in determining whether probable cause exists to believe the person was DUI and whether to administer additional testing (CRS § 42-4-1301).

502.7.2 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.).

502.7.3 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 the 2 hour time period lapses, a sample should still be obtained for DUI prosecution.

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).

502.7.4 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).

502.7.5 DEPUTY RESPONSIBILITIES

A deputy believing a person should be subject to license revocation as a result of DUI shall forward the following to the Division of Motor Vehicles (DMV) on the forms prescribed by the DMV (CRS § 42-2-126):

(a) A copy of the completed notice of revocation form.

(b) A copy of any completed temporary permit.

(c) The person's driver's license.

(d) A copy of the DUI case summary.

(e) A copy of the summons.

(f) Any other documents the deputy feels are relevant.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

502.7.6 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).

502.7.7 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 § 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).

502.7.8 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).

502.8 RECORDS SECTION RESPONSIBILITIES

The Records Supervisor will ensure that all case-related records are transmitted according to current records procedures and as required by the prosecuting attorney’s office.

502.9 ADMINISTRATIVE HEARINGS

The Records Supervisor will ensure that all appropriate reports and documents related to administrative license suspensions are reviewed and forwarded to the Division of Motor Vehicles (DMV).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Traffic Citations

503.1 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.

503.2 RESPONSIBILITIES

Employees of this Office shall use the approved traffic citation for all traffic offense citations.

The Law Enforcement Programs Lieutenant shall be responsible for the development and design of all Office traffic citations in compliance with state law (CRS § 42-4-1707).

The Patrol Division is responsible for the supply and accounting of all traffic citations issued to employees of this Office. Citations will be kept in a secure location and issued to deputies by a supervisor. Deputies will sign for the citation when issued.

503.3 DISMISSAL OF TRAFFIC CITATIONS

Employees of this Office do not have the authority to dismiss a penalty assessment citation once it has been issued. Once the citation is before the court, should a deputy determine the citation should be dismissed in the interest of justice or where prosecution is deemed inappropriate, the deputy may request the court dismiss the citation. In instances where a traffic summons was issued and the deputy determines the summons should be dismissed, the deputy should bring the matter to the prosecutor responsible for the case.

503.4 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. After writing "VOID" across the document, the citation and copies shall be forwarded to the Records Section.

503.5 CORRECTION OF TRAFFIC CITATIONS

When a traffic citation is issued and in need of correction, the deputy issuing the citation shall make every effort to contact the recipient, collect the original citation, and reissue a correct citation. The original citation and its copies will be marked "VOID" and forwarded to the Records Section.

503.6 DISPOSITION OF TRAFFIC CITATIONS

The court and deputy copies of all traffic citations issued by members of this Office shall be forwarded to the employee's immediate supervisor for review. The citation copies shall then be filed with the Records Section.

Upon separation from employment with this Office, all employees who were issued traffic citations shall return any unused citations to a Patrol Supervisor.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

503.7 NOTICE OF PARKING VIOLATION APPEAL PROCEDURE

Disposition of notice of parking violation appeals is conducted pursuant to local regulations (CRS § 43-2-135(1)(g) and CRS § 42-4-110(1)). A parking violation may be appealed by filing a request with the court and posting fees as required.

503.8 JUVENILE CITATIONS

Completion of traffic citation forms for juveniles vary from the procedure for adults (CRS § 42-4-1707(1)(b)). The juvenile's age, place of residency and the type of offense should be considered before issuing the juvenile a citation.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Disabled Vehicles

504.1 PURPOSE AND SCOPE

The Sheriff's Office has adopted this policy regarding providing assistance to motorists in disabled vehicles within this organization's jurisdiction.

504.2 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.

504.3 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.

504.3.1 MECHANICAL REPAIRS

Office personnel shall not make mechanical repairs to a disabled vehicle. The use of push bumpers to relocate vehicles to a position of safety or to remove vehicles that are obstructing traffic pursuant to CRS § 42-4-1803(2) is not considered a mechanical repair.

504.3.2 RELOCATION OF DISABLED VEHICLES

The relocation of disabled vehicles by members of this Office by pushing or pulling a vehicle should only occur when the conditions reasonably indicate that immediate movement is necessary to reduce a hazard presented by the disabled vehicle.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Abandoned Vehicle Violations

505.1 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.

505.1.1 DEFINITIONS

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.

(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.

505.2 MARKING VEHICLES

Vehicles on public roadways suspected of being abandoned in violation of Colorado laws shall be marked or tagged and noted on the Sheriff's Office Abandoned Vehicle Notice or documented via the computer aided dispatch (CAD) system. No case number is required at this time.

All Abandoned Vehicle Notices are documented via the CAD system.

If a marked or tagged vehicle has been moved or the markings have been removed during a 4-hour or 24-hour investigation period, the vehicle shall be marked or tagged again for either the 4-hour or 24-hour abandonment violation and a marked vehicle card completed and forwarded to the Traffic Unit or a CAD update completed.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

505.2.1 MARKED/GREEN TAGGED VEHICLE FILE

The CAD systems should be used for maintaining a file for all green tagged vehicles. Citizen Patrol units shall be responsible for the follow-up investigation of all abandoned violations noted in the CAD system. This does not prohibit patrol units or any other patrol division unit from taking action/ follow-up on abandoned vehicles and initiate the vehicle being towed.

505.3 VEHICLE STORAGE

Any vehicle in violation shall be stored by the authorized towing service and a vehicle impound/ storage form shall be completed by the deputy authorizing the storage of the vehicle. The towing deputy shall obtain an impound number from dispatch for all vehicles towed and note the number on the impound form.

The deputy initiating the tow of the vehicle shall make every effort to notify the registered owner of the vehicle impound and its impound location for recovery. This shall be accomplished prior to the deputy going off shift.

505.3.1 VEHICLE STORAGE REPORTING

A copy of the vehicle impound/storage form shall be submitted to the Records Section and the original form given to the Vehicle Impound Coordinator immediately following the storage of the vehicle. It shall be the responsibility of the vehicle impound coordinator to keep records of impounded vehicles and coordinate with the vehicle registered owners thnd the impound company regarding impound fees and releases.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Chapter 6 - Investigation Operations

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 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 Investigation Commander 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:

1. An initial statement from any witnesses or complainants.

2. A cursory examination for evidence.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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, scene processing) are necessary and request assistance as required.

  (c) If assistance is warranted, or if the incident is not routine, notify a supervisor.

  (d) Make reasonable attempts to locate, identify and interview all available victims, complainants, witnesses and suspects.

  (e) Collect any evidence.

  (f) 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.

600.4.2 CIVILIAN PERSONNEL MEMBER RESPONSIBILITIES

A Civilian Personnel 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. Interview or interrogation of a juvenile shall be in accordance with 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 Sheriff's Office facility (CRS § 16-3-601) unless:

(a) The recording equipment fails.

(b) Recording equipment is unavailable due to damage or other extraordinary circumstances.

(c) Exigent circumstances prevent the recording of the interrogation.

(d) 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 Investigations 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).

The Domestic Violence, Child Abuse 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 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 record-keeping systems.

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.

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 in real time may be subject to federal and state wiretap laws. Deputies should seek legal counsel before any such interception.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 Commander. Any authorized request to modify the charges or to recommend dismissal of charges shall be made to the prosecutor.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Sexual Assault Investigations

601.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the investigation of adult sex assaults, child sexual assaults, and child abuse. These guidelines will address some of the unique aspects of such cases and the effects that these crimes have on the victims.

601.1.1 DEFINITIONS

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.

601.2 POLICY

It is the policy of the Sheriff's Office that its members, when responding to reports of sexual assaults, will strive to minimize the trauma experienced by the victims, and will aggressively investigate sexual assaults, pursue expeditious apprehension and conviction of perpetrators, and protect the safety of the victims and the community.

601.3 REPORTING

In all reported or suspected cases of sexual assault, a report should be written and assigned for follow-up investigations. This includes incidents in which the allegations appear unfounded or unsubstantiated.

601.4 VICTIM INTERVIEWS

The primary considerations in sexual assault investigations, which begin with the initial call to Dispatch, should be the health and safety of the victim, the preservation of evidence, and preliminary interviews to determine if a crime has been committed and to attempt to identify the suspect.

An in depth follow up interview should not be conducted until after the medical and forensic examinations are completed and the personal needs of the victim have been met (e.g., change of clothes, bathing). The follow-up interview may be delayed to the following day based upon the circumstances. Whenever practicable, the follow-up interview should be conducted by a qualified investigator.

Victims should be apprised of applicable victim's rights provisions.

601.5 TRUTH VERIFICATION EXAMINATIONS

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Members of the 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 (42 USC § 3796gg-8; CRS § 18-3-407.5).

A truth verification examination shall only be conducted upon a victim with the victim's written informed consent that includes notice that he/she has the right to refuse to submit to the examination. In addition, the victim shall be informed orally with information about the potential use of the result of the examination (CRS § 18-3-407.5).

601.6 COLLECTION AND TESTING OF BIOLOGICAL EVIDENCE

A Sexual Assault Nurse Examiner (SANE) will conduct the examination and 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 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)

601.6.1 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.

Forensic evidence associated with an anonymous report made pursuant to CRS § 12-36-135 shall not be submitted to a laboratory for testing (CRS § 18-3-407.5).

601.6.2 DNA TEST RESULTS

Members investigating sexual assault cases should notify victims of any DNA test results as soon as reasonably practicable.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

A trained sexual assault investigator 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.

Members investigating sexual assault cases should ensure that DNA results are entered into databases when appropriate and as soon as practicable.

601.7 CASE REVIEW

The Investigations 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

601.8 QUALIFIED INVESTIGATORS

Qualified investigators should be available for assignment of sexual assault and child abuse 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 and child abuse investigations.

(b) Conduct follow-up interviews and investigation.

(c) Present appropriate cases of alleged sexual assault and child abuse to the prosecutor for review.

(d) Coordinate with other law enforcement agencies, social service agencies and medical personnel as needed.

(e) Provide referrals to the services of victim advocates.

(f) Participate in or coordinate with other multidisciplinary investigative teams as applicable.

601.9 DISPOSITION OF CASES

If the assigned investigator has reason to believe the case is without merit, the case may be classified as unfounded only upon review and approval of the Investigations Division supervisor.

Classification of a sexual assault as unfounded requires the Investigations 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

601.10 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. A media release may also be useful to identify any additional unknown victims. The Investigations 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.

601.11 TRAINING

Subject to available resources, periodic training should be provided to:

(a) Members who are first reponders. Training should include:

1. Initial response to sexual assaults
2. Legal issues
3. Victim Advocacy
4. Victim's Response to trauma.

(b) Qualified investigators, who should receive advanced training on additional topics. Advanced training should include:

1. Interviewing sexual assault vitctims
2. SART or multidisciplinary response team.
3. Medical and legal aspects of sexual assault investigations
4. Serial crimes investigations
5. Use of community and other federal and state investigative resources, such as the Violent Criminal Apprehension Program (VICAP).
6. Techniques for communicating with victims to minimize trauma.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Asset Forfeiture

602.1 PURPOSE AND SCOPE

This policy describes the authority and procedure for the seizure, forfeiture and liquidation of property associated with designated offenses.

602.1.1 DEFINITIONS

Fiscal agent - The person designated by the Sheriff to be responsible for securing and maintaining seized assets and distributing any proceeds realized from any forfeiture proceedings. This includes any time the Sheriff's Office seizes property for forfeiture or when the Sheriff's Office is acting as the fiscal agent pursuant to a multi-agency agreement.

Forfeiture - The process by which legal ownership of an asset is transferred to a government or other authority.

Forfeiture reviewer - The Office member assigned by the Sheriff who is responsible for reviewing all forfeiture cases and for acting as the liaison between the Office and the assigned attorney.

Property subject to forfeiture - Property may generally be subject to forfeiture under the Public Nuisance Act and the Contraband Forfeiture Act when (CRS § 16-13-303; CRS § 16-13-307; CRS § 16-13-504):

(a) There has been a conviction or a negotiated plea of a specified offense (see statutes), or the owner fled from an arrest warrant charging one of those offenses.

(b) Possession of the property was unlawful or the owner of the property was a party to the offense that led to the property's use or purchase.

(c) The property was instrumental in the commission or facilitation of a specified crime, or the property constitutes traceable proceeds of the crime or related criminal activity.

Seizure - The act of law enforcement officials taking property, cash or assets that have been used in connection with or acquired by specified illegal activities.

602.2 POLICY

The Sheriff's Office recognizes that appropriately applied forfeiture laws are helpful to enforce the law, deter crime and reduce the economic incentive of crime. However, the potential for revenue should never compromise the effective investigation of criminal offenses, officer safety or any person's due process rights.

It is the policy of the Sheriff's Office that all members, including those assigned to internal or external law enforcement task force operations, shall comply with all state and federal laws pertaining to forfeiture.

602.3 ASSET SEIZURE

Property may be seized for forfeiture as provided in this policy.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

602.3.1 PROPERTY SUBJECT TO SEIZURE
The following may be seized upon review and approval of a supervisor and in coordination with the forfeiture reviewer.

(a) Real property pursuant to a court order (CRS § 16-13-302).

(b) Non-real property when there is probable cause to believe that it will qualify as property subject to forfeiture and the seizure is incident to a lawful search (CRS § 16-13-315; CRS § 16-13-504).

Whenever practicable, a court order for seizure prior to making a seizure is the preferred method.

A large amount of money standing alone is insufficient to establish the probable cause required to make a seizure.

602.3.2 PROPERTY NOT SUBJECT TO SEIZURE
The following property should not be seized for forfeiture:

(a) Cash and property that does not meet the district attorney's current minimum forfeiture thresholds should not be seized.

(b) The owner of the property is an "innocent owner" and did not have knowledge of the illegal conduct prompting the seizure (CRS § 16-13-303; CRS § 16-13-504).

(c) Rental vehicles, unless the seizing agency has probable cause to believe the motor vehicle rental company, at the time of rental, had knowledge or notice of the criminal activity for which the rental car was used (CRS § 16-13-315; CRS § 16-13-504).

602.4 PROCESSING SEIZED PROPERTY FOR FORFEITURE PROCEEDINGS
When property or cash subject to this policy is seized, the deputy making the seizure should ensure compliance with the following:

(a) Complete applicable seizure forms and present the appropriate copy to the person from whom the property is seized. If cash or property is seized from more than one person, a separate copy must be provided to each person, specifying the items seized. When property is seized and no one claims an interest in the property, the deputy must leave the copy in the place where the property was found, if it is reasonable to do so.

(b) Complete and submit a report and original seizure forms within 24 hours of the seizure, if practicable.

(c) Forward the original seizure forms and related reports to the forfeiture reviewer within two days of seizure.

The deputy will book seized property as evidence with the notation in the comment section of the property form, "Seized Subject to Forfeiture." Property seized subject to forfeiture should be booked on a separate property form. No other evidence from the case should be booked on this form.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Photographs should be taken of items seized, particularly cash, jewelry and other valuable items.

Deputies who suspect property may be subject to seizure but are not able to seize the property (e.g., the property is located elsewhere, the whereabouts of the property is unknown, it is real estate, bank accounts, non-tangible assets) should document and forward the information in the appropriate report to the forfeiture reviewer.

602.5 MAINTAINING SEIZED PROPERTY

The Evidence Section supervisor is responsible for ensuring compliance with the following:

(a) All property received for forfeiture is reasonably secured and properly stored to prevent waste and preserve its condition.

(b) All property received for forfeiture is checked to determine if the property has been stolen.

(c) All property received for forfeiture is retained in the same manner as evidence until forfeiture is finalized or the property is returned to the claimant or the person with an ownership interest.

(d) Property received for forfeiture is not used unless the forfeiture action has been completed.

602.6 FORFEITURE REVIEWER

The Sheriff will appoint an employee as the forfeiture reviewer. Prior to assuming duties, or as soon as practicable thereafter, the forfeiture reviewer should attend a course approved by the Office on asset forfeiture.

The responsibilities of the forfeiture reviewer include:

(a) Remaining familiar with forfeiture laws, particularly CRS § 16-13-501 et seq. and CRS § 16-13-301 et seq., in addition to the forfeiture policies of the district attorney.

(b) Serving as the liaison between the Office and the district attorney and ensuring prompt legal review of all seizures.

(c) Making reasonable efforts to obtain annual training that includes best practices in pursuing, seizing and tracking forfeitures.

(d) Reviewing each seizure-related case and deciding whether the seizure is more appropriately made under state or federal seizure laws. The forfeiture reviewer should contact federal authorities when appropriate.

(e) Ensuring that responsibilities, including the designation of a fiscal agent, are clearly established whenever multiple agencies are cooperating in a forfeiture case.

(f) Ensuring that seizure forms are available and appropriate for Office use. These should include notice forms, a receipt form and a checklist that provides relevant guidance to deputies. The forms should be available in languages appropriate for the region and should contain spaces for:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. Names and contact information for all relevant persons and law enforcement officers involved.
2. Information as to how ownership or other property interests may have been determined (e.g., verbal claims of ownership, titles, public records).
3. A space for the signature of the person from whom cash or property is being seized.
4. A tear-off portion or copy, which should be given to the person from whom cash or property is being seized, that includes the legal authority for the seizure, information regarding the process to contest the seizure and a detailed description of the items seized.

(g) Ensuring that deputies who may be involved in asset forfeiture receive training in the proper use of the seizure forms and the forfeiture process. The training should be developed in consultation with the appropriate legal counsel and may be accomplished through traditional classroom education, electronic media, Daily Training Bulletins (DTBs) or Interim Directives.

(h) Reviewing each asset forfeiture case to ensure that:

1. Written documentation of the seizure and the items seized is in the case file.
2. Independent legal review of the circumstances and propriety of the seizure is made in a timely manner.
3. Notice of seizure has been given in a timely manner to those who hold an interest in the seized property.
4. Property is promptly released to those entitled to its return (CRS § 16-13-501.5; CRS § 16-13-302).
5. Any cash received is deposited with the fiscal agent.
6. Assistance with the resolution of ownership claims and the release of property to those entitled is provided.
7. Current minimum forfeiture thresholds are communicated appropriately to deputies.
8. This policy and any related policies are periodically reviewed and updated to reflect current federal and state statutes and case law.

(i) Selling or destroying forfeited property as ordered by a court (CRS § 16-13-506; CRS § 16-13-507; CRS § 16-13-311).

(j) Depositing forfeited money in the court registry where the forfeiture order was entered, and overseeing the sale to ensure that the proceeds are distributed as set forth in CRS § 16-13-311.

(k) Applying to the court for expenses reimbursement consistent with CRS § 16-13-311, when applicable, and sending copies of the documents to the district attorney.

(l) Unless directed by an authorized agent of the federal government, ensuring that no seized property is transferred to a federal agency for forfeiture under federal law unless

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

an owner of the property is being prosecuted in federal court (CRS § 16-13-505; CRS § 16-13-307).

(m) Placing currency seized in an interest-bearing account during forfeiture proceedings after ensuring that portions of the bills have been photocopied for evidence at hearings (CRS § 16-13-510; CRS § 16-13-303).

(n) Ensuring that the process of selling or adding forfeited property to the Office's regular inventory is in accordance with all applicable laws and consistent with the Office's use and disposition of similar property (CRS § 16-13-501.5; CRS § 16-13-302).

(o) Upon completion of any forfeiture process, ensuring that no property is retained by the Sheriff's Office unless the Sheriff authorizes in writing the retention of the property for official use.

(p) Reporting seizure information within the required time periods (even if no forfeiture proceeds were received) to the Colorado Department of Local Affairs (DOLA) as set forth in CRS § 16-13-701.

Forfeiture proceeds should be maintained in a separate fund or account subject to appropriate accounting control, with regular reviews or audits of all deposits and expenditures.

Forfeiture reporting and expenditures should be completed in the manner prescribed by the law and County financial directives.

602.7 DISPOSITION OF FORFEITED PROPERTY

No forfeited property shall be used and no forfeited proceeds shall be expended until the Committee on the Disposition of Forfeited Property approves (CRS § 16-13-702). Members are prohibited from purchasing forfeited property (CRS § 16-13-501.5; CRS § 16-13-302).

No member of this Office may use property that has been seized for forfeiture until the forfeiture action has been completed and the Sheriff has given written authorization to retain the property for official use. No Office member involved in the decision to seize property should be involved in any decision regarding the disposition of the property.

602.8 FORFEITURE PAYMENTS FROM FEDERAL AGENCIES

Payments or distributions from a federal agency as a result of a forfeiture action may only be received by this Office when the aggregate net equity value of the property and/or currency seized is in excess of $50,000, and a forfeiture proceeding has been commenced by the federal government related to a filed criminal case (CRS § 16-13-306.5; CRS § 16-13-504.5).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Informants

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the use of informants.

603.1.1 DEFINITIONS

Informant - A person who covertly interacts with other individuals or suspects at the direction of, request of, or by agreement with the Sheriff's Office for law enforcement purposes. This also includes a person agreeing to supply information to the Sheriff's Office for a benefit (e.g., a quid pro quo in the form of a reduced criminal penalty, money).

603.2 POLICY

The Sheriff's Office recognizes the value of informants to law enforcement efforts and will strive to protect the integrity of the informant process. It is the policy of this Office that all funds related to informant payments will be routinely audited and that payments to informants will be made according to the criteria outlined in this policy.

603.3 USE OF INFORMANTS

603.3.1 INITIAL APPROVAL

Before using an individual as an informant, a deputy must receive approval from his/her supervisor. The deputy shall compile sufficient information through a background investigation and experience with the informant in order to determine the suitability of the individual, including age, maturity and risk of physical harm, as well as any indicators of his/her reliability and credibility.

Members of this Office should not guarantee absolute safety or confidentiality to an informant.

603.3.2 JUVENILE INFORMANTS

The use of informants under the age of 16 is prohibited.

In all cases, a juvenile 16 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

603.3.3 INFORMANT AGREEMENTS

All informants are required to sign and abide by the provisions of the designated Office informant agreement. The deputy using the informant shall discuss each of the provisions of the agreement with the informant.

Details of the agreement are to be approved in writing by a supervisor before being finalized with the informant.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

603.4 INFORMANT INTEGRITY

To maintain the integrity of the informant process, the following must be adhered to:

(a) The identity of an informant acting in a confidential capacity shall not be withheld from the Sheriff, Commander, Metro Vice, Narcotics and Intelligence 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 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.

(a) Members shall not become intimately involved with an informant.

(b) Social contact shall be avoided unless it is necessary to conduct an official investigation, and only with prior approval of the Metro Vice, Narcotics and Intelligence supervisor.

(c) 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 Metro Vice, Narcotics and Intelligence supervisor.

1. Deputies may meet informants alone in an occupied public place, such as a restaurant.

(f) When contacting informants for the purpose of making payments, deputies shall arrange for the presence of another deputy.

(g) In all instances when Office funds are paid to informants, a voucher shall be completed in advance, itemizing the expenses.

(h) Since the decision rests with the appropriate prosecutor, deputies shall not promise that the informant will receive any form of leniency or immunity from criminal prosecution.

603.4.1 UNSUITABLE INFORMANTS

The suitability of any informant should be considered before engaging him/her in any way in a covert or other investigative process. Members who become aware that an informant may be unsuitable will notify the supervisor, who will initiate a review to determine suitability. Until a determination has been made by a supervisor, the informant should not be used by any member. The supervisor shall determine whether the informant should be used by the Office and, if so, what conditions will be placed on his/her participation or any information the informant provides. The supervisor shall document the decision and conditions in file notes and mark the file “unsuitable” when appropriate.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Considerations for determining whether an informant is unsuitable include, but are not limited to, the following:

(a) The informant has provided untruthful or unreliable information in the past.

(b) The informant behaves in a way that may endanger the safety of a deputy.

(c) The informant reveals to suspects the identity of a deputy or the existence of an investigation.

(d) The informant appears to be using his/her affiliation with this Office to further criminal objectives.

(e) The informant creates officer-safety issues by providing information to multiple law enforcement agencies simultaneously, without prior notification and approval of each agency.

(f) The informant engages in any other behavior that could jeopardize the safety of deputies or the integrity of a criminal investigation.

(g) The informant commits criminal acts subsequent to entering into an informant agreement.

603.5 INFORMANT FILES

Informant files shall be utilized as a source of background information about the informant, to enable review and evaluation of information provided by the informant, and to minimize incidents that could be used to question the integrity of Office members or the reliability of the informant.

Informant files shall be maintained in a secure area within the Metro Vice, Narcotics and Intelligence Unit. The Metro Vice, Narcotics and Intelligence supervisor or the authorized designee shall be responsible for maintaining informant files. Access to the informant files shall be restricted to the Sheriff, Commander, Metro Vice, Narcotics and Intelligence supervisor or their authorized designees.

The Investigation Commander should arrange for an audit using a representative sample of randomly selected informant files on a periodic basis. The purpose of the audit is to ensure compliance with file content and updating provisions of this policy. The audit should be conducted by a supervisor who does not have normal access to the informant files.

603.5.1 FILE SYSTEM PROCEDURE

A separate file shall be maintained on each informant and shall be coded with an assigned informant control number. An informant history that includes the following information shall be prepared for each file:

(a) Name and aliases

(b) Date of birth

(c) Physical description: sex, race, height, weight, hair color, eye color, scars, tattoos or other distinguishing features

(d) Photograph

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(e) Current home address and telephone numbers

(f) Current employers, positions, addresses and telephone numbers

(g) Vehicles owned and registration information

(h) 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.

(i) Name of the deputy initiating use of the informant

(j) Signed informant agreement

(k) Update on active or inactive status of informant

603.6 INFORMANT PAYMENTS

No informant will be told in advance or given an exact amount or percentage for his/her service. The amount of funds to be paid to any informant will be evaluated against the following criteria:

- The extent of the informant's personal involvement in the case
- The significance, value or effect on crime
- The value of assets seized
- The quantity of the drugs or other contraband seized
- The informant’s previous criminal activity
- The level of risk taken by the informant

The Metro Vice, Narcotics and Intelligence supervisor will discuss the above factors with the Patrol Commander and recommend the type and level of payment.

603.6.1 PAYMENT PROCESS

Approved payments to an informant should be in cash using the following process:

(a) Payments of $500 and under may be paid in cash from a Metro Vice, Narcotics and Intelligence buy/expense fund.

1. The Metro Vice, Narcotics and Intelligence supervisor shall sign the voucher for cash payouts from the buy/expense fund.

(b) Payments exceeding $500 shall be made by issuance of a check, in accordance with establish County financial procedures.

(c) To complete the payment process for any amount, the deputy delivering the payment shall complete a cash transfer form.

1. The cash transfer form shall include the following:

(a) Date

(b) Payment amount

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) A statement that the informant is receiving funds in payment for information voluntarily rendered.

2. The cash transfer form shall be signed by the informant.

3. The cash transfer form will be kept in the informant's file.

603.6.2 REPORTING OF PAYMENTS

Each informant receiving a cash payment shall be advised of his/her responsibility to report the cash to the Internal Revenue Service (IRS) as income. If funds distributed exceed $600 in any reporting year, the informant should be provided IRS Form 1099 (26 CFR 1.6041-1). If such documentation or reporting may reveal the identity of the informant and by doing so jeopardize any investigation, the safety of deputies or the safety of the informant (26 CFR 1.6041-3), then IRS Form 1099 should not be issued.

603.6.3 AUDIT OF PAYMENTS

The Metro Vice, Narcotics and Intelligence supervisor or the authorized designee shall be responsible for compliance with any audit requirements associated with grant provisions and applicable state and federal law.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Eyewitness Identification

604.1 PURPOSE AND SCOPE

This policy sets forth guidelines to be used when members of this Office employ eyewitness identification techniques (CRS § 16-1-109).

604.1.1 DEFINITIONS

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.

604.2 POLICY

The 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.

604.3 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.

604.4 EYEWITNESS IDENTIFICATION PROCESS AND FORM

The Investigations 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.

(c) The name of the person administering the identification procedure.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(d) If applicable, the names of all of the individuals present during the identification procedure.

(e) An instruction to the witness that it is as important to exclude innocent persons as it is to identify a perpetrator.

(f) An instruction to the witness that the perpetrator may or may not be among those presented and that the witness is not obligated to make an identification (CRS § 16-1-109).

(g) If the identification process is a photographic or live lineup, an instruction to the witness that the perpetrator may not appear exactly as he/she did on the date of the incident.

(h) An instruction to the witness that the investigation will continue regardless of whether an identification is made by the witness (CRS § 16-1-109).

(i) A signature line where the witness acknowledges that he/she understands the identification procedures and instructions.

(j) A statement from the witness in the witness's own words describing how certain he/she is of the identification or non-identification. This statement should be taken at the time of the identification procedure.

The process and related forms should be reviewed at least annually and modified when necessary (CRS § 16-1-109).

604.5 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. 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.

604.6 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

604.7 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.

(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 should not be handcuffed or in a patrol vehicle.

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(f) In cases involving multiple suspects, witnesses should only be permitted to view the subjects of the show-up one at a time.

(g) The person who is the subject of the show-up should 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.

(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.

604.8 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, a copy of the photographic lineup presented to the witness should be included in the case report. In addition, the order in which the photographs were presented to the witness should be documented in the case report.

604.9 PUBLIC ACCESS TO POLICY

This policy shall be made available to the public, without cost, upon request (CRS § 16-1-109).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Brady Material Disclosure

605.1 PURPOSE AND SCOPE

This policy establishes guidelines for identifying and releasing potentially exculpatory or impeachment information (so-called "*Brady* information") to a prosecuting attorney.

605.1.1 DEFINITIONS

***Brady* information** - Information known or possessed by the Sheriff's Office that is both favorable and material to the current prosecution or defense of a criminal defendant.

605.2 POLICY

The 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 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 Sheriff's Office will identify and disclose to the prosecution potentially exculpatory information, as provided in this policy.

605.3 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, protected personnel files), 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 the Sheriff's Office Legal Advisor. A copy of the memo should be retained in the Office case file.

605.4 BRADY PROCESS

The Undersheriff shall select a member of the Office to coordinate requests for *Brady* information. This person shall be directly responsible to the Udnersheriff or the authorized designee.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

The responsibilities of the coordinator include, but are not limited to:

(a) Working with the appropriate prosecutors' offices and the County Attorney's office 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.

605.5 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 Undersheriff 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) If necessary or required, 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 Sheriff's Office Legal Advisor 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 Undersheriff 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

605.5.1 DISCLOSURE OF MISREPRESENTATIONS

The Undersheriff 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.

605.6 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Unmanned Aerial System (UAS) Operations

606.1 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.

606.1.1 DEFINITIONS

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.

606.2 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, whether owned by the Office, leased, or contracted through a third party provider.

606.3 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 or turning imaging devices away from such areas or persons during UAS operations.

606.4 PROGRAM COORDINATOR

The Sheriff will appoint a program coordinator who will be responsible for the management of the UAS program or act as a liaison for a contracted third party provider. 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. If a third party provider is used, verifying the COA is current.
- 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. For usage under a county approved contract, that all contractual conditions are met and followed.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

- Developing uniform protocol for submission and evaluation of requests to deploy a UAS, including urgent requests made during ongoing or emerging incidents and the protocol for notifying a third party provider, if applicable. Deployment of a UAS shall require written authorization of the Sheriff or the authorized designee, depending on the type of mission.
- Developing protocol for conducting criminal investigations involving a UAS, including documentation of time spent monitoring a subject.
- Coordinating with the Office PIO for public notification of UAS deployment.
- Developing an operational protocol 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 unless the UAS is the property of a third party provider.
- 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 unless the UAS is the property of a third party provider.
- 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.

606.5 USE OF UAS

Only authorized operators who have completed the required training shall be permitted to operate the UAS unless the UAS is property of a third party provider at which time employees of the provider will 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 protectable privacy interest or when in compliance with a search warrant or court order. In all other instances, legal counsel should be consulted.

UAS operations should only be conducted during daylight hours and a UAS should not be flown over populated areas without FAA approval.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

606.6 PROHIBITED USE

The UAS video surveillance equipment shall not be used:

- To conduct random surveillance activities.
- To target a person based solely on individual characteristics, such as, but not limited to race, ethnicity, national origin, religion, disability, gender or sexual orientation.
- To harass, intimidate or discriminate against any individual or group.
- To conduct personal business of any type.

The UAS shall not be weaponized.

606.7 RETENTION OF UAS DATA

Data collected by the UAS shall be retained as provided in the established records retention schedule.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Warrant Service

607.1 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.

607.2 POLICY

It is the policy of the 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.

607.3 OPERATIONS DIRECTOR

The Special Operations Lieutenant shall review all risk assessment forms with the involved supervisor when the Risk Assessment scores in the consultation or mandatory SWAT range.

The Special Operations Lieutenant will also have the responsibility to coordinate service of those warrants that are categorized as high risk. Deconfliction, risk assessment, operational planning, briefing and debriefing should follow guidelines in policy.

607.4 SEARCH WARRANTS

Deputies should receive authorization from a supervisor before preparing a search warrant application. Once authorization is received, the deputy will prepare the affidavit and search warrant, consulting with the applicable prosecuting attorney as needed. He/she will also complete the risk assessment form and submit it, along with the warrant affidavit, to the appropriate supervisor for review and classification of risk.

607.5 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 for review and classification of risk.

Consultation with the Special Operations Lieutenant will occur when the Risk Assessment score directs such. If consultation is not directed, 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

607.5.1 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. No member shall make an arrest on a warrant unless he/she confirms the present status of the warrant immediately before making the arrest.

607.6 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 no-knock warrant execution. Any affidavit in support of a no-knock warrant must be reviewed by the District Attorney's Office prior to submission to any Judge or Magistrate.

(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.

607.7 HIGH-RISK WARRANT SERVICE

The Special Operations Lieutenant or the authorized designee shall coordinate the service of warrants that are categorized as high risk and shall have sole authority in determining the manner in which the warrant will be served, including the number of deputies deployed.

The member responsible for directing the service should ensure the following as applicable:

(a) When practicable and when doing so does not cause unreasonable risk, video or photographic documentation is made of the condition of the location prior to execution of a search warrant. The images should include the surrounding area and persons present.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) The warrant service is audio- and video-recorded when practicable and reasonable to do so.

(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 unless the item is required to be rendered safe for any reason.

(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.

(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.

607.8 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.

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.

607.9 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.

607.9.1 RECORDS

Information regarding each item of civil or criminal legal process shall be recorded including, but not limited to:

- The date and time the document was received.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

- The type, nature and source of the document.
- The name of the plaintiff, complainant, defendant or respondent.
- The name of the deputy assigned to the service and the date assigned.
- The court docket number, if applicable.
- The service due date.

Information regarding the service of documents shall include, but is not limited to:

- The date and time the service was attempted or executed.
- The name of the deputy attempting or executing the service.
- The name of the person who was the subject of the service.
- The method of service or the reason for non-service.
- The address of the service attempt or execution.

Warrant service records shall be retained in accordance with the established records retention schedule.

607.10 OUTSIDE AGENCIES AND CROSS-JURISDICTIONAL WARRANTS

The Special Operations Lieutenant will ensure that cooperative efforts with other agencies in the service of warrants conform to existing mutual aid agreements or other memorandums of understanding and will work cooperatively to mitigate risks including, but not limited to, the following:

- Identity of team members
- Roles and responsibilities
- Familiarity with equipment
- Rules of engagement
- Asset forfeiture procedures

Any outside agency requesting assistance in the service of a warrant within this jurisdiction should be referred to the Special Operations Lieutenant, or an on-shift supervisor when only assistance from the Patrol Division is anticipated. The warrant will be reviewed by the Sheriff's Office representative, including the warrant location, and should discuss the service with the appropriate supervisor from the other agency. The Special Operations Commander should ensure that members of the Sheriff's Office are utilized appropriately. Any concerns regarding the requested use of Sheriff's Office members should be brought to the attention of the Law Enforcement Bureau Chief or the authorized designee. The actual service of the warrant will remain the responsibility of the agency requesting assistance.

If deputies intend to serve a warrant outside the Sheriff's Office jurisdiction, the Special Operations Lieutenant or appropriate supervisor should provide reasonable advance notice to the applicable

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 Sheriff's Office when assisting outside agencies or serving a warrant outside the Sheriff's Office jurisdiction.

607.11 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 policy.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Operations Planning and Deconfliction

608.1 PURPOSE AND SCOPE

This policy provides guidelines for planning, deconfliction and execution of high-risk operations.

608.1.1 DEFINITIONS

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.

608.2 POLICY

It is the policy of the 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.

608.3 OPERATIONS DIRECTOR

The Special Operations Lieutenant will be the operations director and will develop and maintain a risk assessment form to assess, plan and coordinate operations. The risk assessment provides guidance on which operations need consultation with the operations director. The director will have the responsibility for coordinating operations that are categorized as high risk.

608.4 RISK ASSESSMENT

608.4.1 RISK ASSESSMENT FORM PREPARATION

Deputies assigned as operational leads for any search or arrest warrant execution, 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:

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(d) Historical information about the subject of investigation (e.g., history of weapon possession or use, known mental illness, 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).

608.4.2 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.

The supervisor shall confer with the operations director when required by the risk assessment score. Supervisors should take reasonable actions if there is a change in circumstances that elevates the risks associated with the operation.

See attachment: Risk Assessment Form.pdf

608.4.3 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 Weapons and Tactics Team (SWAT)

  (b) Additional personnel

  (c) Outside agency assistance

  (d) Special equipment

  (e) Medical personnel

  (f) Persons trained in negotiation

  (g) Additional surveillance

  (h) Canines

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(i) 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.

608.5 DECONFLICTION

Deconfliction systems are designed to identify persons and locations associated with investigations or law enforcement operations and alert participating agencies when others are planning or conducting operations in close proximity or time or are investigating the same individuals, groups or locations.

The deputy who is the operations lead shall ensure the subject of investigation and operations information have been entered in an applicable deconfliction system, when available, 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. In the absence of any deconfliction database or other resource, deputies should contact internal units and external agencies in an effort to deconflict verbally.

If any conflict is discovered, the supervisor will contact the involved jurisdiction and resolve the potential conflict before proceeding.

608.6 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 illness 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, availability of keys/door combinations), including aerial photos, if available, and maps of neighboring yards and obstacles, diagrams and other visual aids

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

(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 Procedures policies.

(k) Communications plan

(l) Responsibilities for writing, collecting, reviewing and approving reports.

608.6.1 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.

608.7 OPERATIONS BRIEFING

A briefing should be held prior to the commencement of any high-risk operation to allow all participants to understand the operation, see and identify each other, identify roles and 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) All participants may be provided a copy of the operations plan and search warrant, if applicable. Participating personnel should be familiar with the search warrant and items to be seized.

(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 under cover. 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 Dispatch is notified of the time and location of the operation, and to provide a copy of the operation plan prior to deputies arriving at the location.

2. If the radio channel needs to be monitored by Dispatch, the dispatcher assigned to monitor the operation should attend the briefing, if practicable, but at a minimum should receive a copy of the operation plan.

3. The briefing should include a communications check to ensure that all participants are able to communicate with the available equipment on the designated radio channel.

608.8 SWAT PARTICIPATION

If the operations director determines that SWAT participation is appropriate, the director and the SWAT supervisor shall work together to develop a written plan. The SWAT supervisor shall assume operational control until all persons at the scene are appropriately detained and it is safe to begin a search. When this occurs, the SWAT supervisor shall transfer control of the scene to the handling supervisor. This transfer should be communicated to the deputies present.

608.9 SPECIAL EVENTS AND DIGNITARY PROTECTION

For special events, including dignitary visits, that require Office involvement, the operations director should also consider whether to apply some or all of this policy to the event and address the following:

(a) The size of any crowds anticipated to gather and the likelihood that crowd control could pose a problem

(b) The possibility of crime in the area

(c) Protection of VIPs

(d) Coordination with VIP teams

(e) Coordination of VIP management with other jurisdictions

(f) Whether the Office has the capacity to handle the event and, if not, ensure that assistance from the appropriate outside agencies is coordinated

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(g) Personnel allocation

(h) Possible use of private security

(i) Traffic management plans

(j) Arrest protocol, including management of mass arrests

608.10 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 policy.

608.11 OPERATIONS DEBRIEFING

High-risk operations should be debriefed as soon as reasonably practicable. The debriefing should include as many participants as possible. This debrief may be separate from any SWAT debriefing.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Chapter 7 - Equipment

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Office-Owned and Personal Property

700.1 PURPOSE AND SCOPE

Office employees are expected to properly care for Office property assigned or entrusted to them. Employees may also suffer occasional loss or damage to 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 sheet or equipment log and receipt acknowledged by signature. Upon an employee's separation from the Office, all issued equipment shall be returned and documentation of the return signed by a supervisor.

700.2.1 CARE OF OFFICE PROPERTY

Employees shall be responsible for the safekeeping, serviceable condition, proper care, use and replacement of Office property assigned or entrusted to them. An employee's intentional or negligent abuse or misuse of Office property may lead to discipline including, but not limited to, the cost of repair or replacement.

(a) Employees 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 Commander that shall include the result of his/her investigation and whether the employee 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 employee shall attempt to repair the property without prior approval of a supervisor.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 appropriate Commander. The employee should submit for approval the description of personal property that the employee 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

Personal property - Items or equipment owned by, provided by or purchased totally at the expense of the employee. This definition includes optional equipment items identified in the Sheriff's 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 proper form. This form is submitted to the employee'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 Commander 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 and the claim forwarded to the finance department.

The Office will not replace or repair costly items (e.g., jewelry, exotic equipment) that are not reasonably required as a part of work.

700.3.3 REPORTING REQUIREMENT

A verbal report shall be made to the employee's immediate supervisor as soon as circumstances permit.

A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report is made.

700.4 LOSS OR DAMAGE OF PROPERTY OF ANOTHER

Deputies and other employees intentionally or unintentionally may cause damage to the real or personal property of another while performing their duties. Any employee who damages or causes to be damaged any real or personal property of another while performing any law enforcement function shall report it as provided below.

(a) A verbal report shall be made to the employee's immediate supervisor as reasonably soon as circumstances permit.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) A written report shall be submitted before the employee goes off-duty or within the time frame directed by the supervisor to whom the verbal report was made.

700.4.1 DAMAGE BY PERSON OF ANOTHER AGENCY

If employees of another jurisdiction cause damage to personal property or property belonging to the County of El Paso, it shall be the responsibility of the employee present or the employee responsible for the property to make a verbal report to his/her immediate supervisor as reasonably soon as circumstances permit. The employee 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 Commander.

700.5 SEPARATION FROM EMPLOYMENT

The Equipment/Resource Clearing Sheet will be used to document the return of all Office issued equipment and resources when a member resigns, retires, or is terminated. It will also be used when a member initiates a leave of absence or disability claim with a duration greater than 90 days. The following procedures will be followed to ensure all equipment and resources are collected.

(a) First Line Supervisors fill in the member’s name, EID, reason for departure, and select areas which require clearance.

(b) First Line Supervisors indicate which ancillary assignments require clearance.

(c) First Line Supervisors collect all shift issued equipment and resources, and attach an itemized list of returned items to the clearing sheet.

(d) First Line Supervisors issue Clearing Sheet to departing employee.

(e) Departing employees must turn in resources and equipment to each section that has been selected by the supervisor. Order is not important, with the exception of the Finance Unit, which must be the last area cleared.

(f) Section supervisors or authorized representatives will print name, EID, and sign the clearing sheet in the appropriate block indicating all equipment and resources have been returned.

(g) Finance Unit will ensure all applicable sections have been cleared prior to issuance of final pay check.

(h) Finance Unit will send the clearing sheet to County HR for inclusion into the departing member’s personnel file.

See attachment: Equipment Resource Clearing Sheet.pdf

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 (PCD) but is intended to include all mobile telephones, personal digital assistants (PDA) 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, e-mailing, using video or camera features, playing games and accessing sites or services on the Internet.

701.2 POLICY

The Sheriff's Office allows employees 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-duty, or used off-duty in any manner reasonably related to the business of the Office, will be subject to monitoring and inspection consistent with the standards set forth in this policy.

The inappropriate use of a PCD while on-duty may impair officer safety. Additionally, employees are advised and cautioned that the use of a personally owned PCD either on-duty or after duty hours for business-related purposes may subject the employee and the employee’s PCD records to civil or criminal discovery or disclosure under applicable public records laws.

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory personnel.

701.3 PRIVACY POLICY

Employees shall have no expectation of privacy with regard to any communication made with or stored in or through PCDs issued by the Office and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities. The use of any Office-provided or -funded PCD, computer, Internet service, telephone service or other wireless service while on-duty is without any expectation of privacy that the employee might otherwise have in any communication, including the content of any such communication. Communications or data reception on personal, password-protected, web-based e-mail accounts and any other services are subject to monitoring if Office equipment is used.

In accordance with this policy, supervisors are authorized to conduct a limited administrative search of electronic files, without prior notice, consent or a search warrant, on Office-issued or personally owned PCDs that have been used to conduct Office-related business. Administrative searches can take place for work-related purposes that may be unrelated to investigations of employee misconduct and, as practicable, will be done in the presence of the affected employee.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Prior to conducting any search of personally owned devices, supervisors shall consult with the Undersheriff. All such searches shall be fully documented in a written report.

701.4 OFFICE-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the Office may, at its discretion, issue or fund a PCD. Office-issued or funded PCDs are provided as a convenience to facilitate on-duty performance only. Such devices and the associated telephone number 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. The Office shall not allow the porting of Office PCD telephone numbers to private use unless authorized by the Sheriff.

Unless an employee is expressly authorized by the Sheriff or the authorized designee for off-duty use of the PCD, the PCD will either be secured in the workplace at the completion of the tour of duty or will be turned off when leaving the workplace.

701.5 PERSONALLY OWNED PCD

Employees 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 employee's expense.

(d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of radio communications). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any Office business-related communication.

    (a) Members may use personally owned PCDs on-duty for routine administrative work as authorized by a supervisor.

(e) The device shall not be utilized to record or disclose any 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 with the Office, without the express authorization of the Sheriff or the authorized designee.

(f) Use of a personally owned PCD constitutes consent for the Office to access the PCD to inspect and copy data to meet the needs of the Office, which may include litigation, public records retention and release obligations and internal investigations. If the PCD is carried on-duty, employees will provide the Office with all telephone access numbers for the device.

(g) All work-related documents, emails, photographs, recordings or other public records created or received on a member's personally owned PCD should be transferred to the

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 supervisor, employees are not obligated or required to carry, access, monitor or respond to electronic communications using a personally owned PCD while off-duty. Should employees engage in such approved off-duty communications or work, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees 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 record keeping.

701.6 USE OF PERSONAL COMMUNICATION DEVICES

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) 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). Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.

(c) Employees may use a PCD to communicate with other personnel in situations where the use of the radio 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.

(d) Deputies are prohibited from taking pictures, video or making audio 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, without the express authorization of the Sheriff or the authorized designee, may result in discipline.

(e) Employees will not access social networking sites for any purpose that is not official Office business.

(f) Using PCDs to harass, threaten, coerce or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

701.7 SUPERVISORY RESPONSIBILITIES

Supervisors should ensure that members under their command are provided appropriate training on the use of PCDs consistent with this policy. Supervisors should monitor, to the extent practicable, PCD use in the workplace and take prompt corrective action if an employee is observed or reported to be improperly using a PCD. An investigation into improper conduct should be promptly initiated when circumstances warrant.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

If, when carrying out any provision of this policy, the need to contact an employee who is off-duty arises, supervisors should consider delaying the contact, if practicable, until the employee is on-duty as such contact may be compensable.

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.

701.9 OFFICIAL USE

Employees 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, employees shall conduct sensitive or private communications on a land-based or other Office communications network.

The following situations are examples of when the use of a PCD may be appropriate:

(a) Barricaded suspects

(b) Hostage situations

(c) Mobile Command Post

(d) Catastrophic disasters, such as plane crashes, earthquakes, floods, etc.

(e) Major political or community events

(f) Investigative stakeouts

(g) Emergency contact with an allied agency or allied agency field unit

(h) When immediate communication is needed and the use of the radio is not available or appropriate and other means are not readily available

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Vehicle Maintenance

702.1 PURPOSE AND SCOPE

Employees are responsible for assisting in maintaining Office vehicles so that they are properly equipped, maintained, refueled and present a clean appearance.

702.2 DEFECTIVE VEHICLES

When an Office vehicle becomes inoperative or in need of a repair that affects the safety of the vehicle, that vehicle shall be removed from service for repair. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition. Paperwork, describing the correction needed, shall be promptly forwarded to vehicle maintenance for repair.

The employee's supervisor should be notified when an assigned vehicle becomes inoperative or needs of repair.

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 and kinetic impact weapons shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service or repair.

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 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:

- 6 emergency road flares
- 1 roll crime scene barricade tape
- 1 first-aid kit, CPR mask
- 1 blanket

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

- 1 fire extinguisher
- 1 shovel
- 1 bloodborne pathogen kit, including protective gloves and NIOSH particulate respirator mask
- 1 traffic safety vest
- 1 hazardous materials emergency response handbook
- 1 evidence collection kit
- 1 Spare tire, jack, and lug wrench

702.3.1 MARKINGS AND OTHER REQUIREMENTS

Vehicles used in general patrol service must be conspicuously marked so they are readily identifiable as law enforcement vehicles. Markings should include:

(a) The Office name.

(b) Mounted emergency lights such as those mounted on rooftop light bars.

(c) An emergency telephone number.

(d) Reflective materials placed on the sides and rear of the vehicle, such as reflective striping, lettering or decals.

Patrol vehicles must also be equipped with a siren and a two-way communications radio.

Vehicles used primarily for traffic enforcement, covert or other non-patrol purposes do not have to meet the above requirements.

702.3.4 UNMARKED VEHICLES

An employee driving an unmarked Office vehicle shall ensure that, at minimum, the equipment listed below is in the vehicle:

- 6 emergency road flares
- 1 roll crime scene barricade tape
- 1 first-aid kit, CPR mask
- 1 blanket
- 1 shovel
- 1 bloodborne pathogen kit, including protective gloves and NIOSH particulate respirator mask
- 1 traffic safety vest
- 1 hazardous materials emergency response handbook

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

- 1 evidence collection kit
- 1 camera
- 1 Spare tire, jack, and lug wrench

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-quarter tank of fuel. Whenever practicable, vehicles should be fully fueled when placed into service and refueled before the level falls below one-quarter 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.

Only one marked unit should be at the car wash at a time unless otherwise approved by a supervisor.

Employees 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 PERSONNEL EMPLOYEE USE

Civilian Personnel using marked vehicles shall ensure all weapons are removed from the vehicle before going into service. Civilian Personnel shall also prominently display the "out of service" placards or light bar covers at all times. Civilian Personnel shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 to provide assigned take-home vehicles.

703.2 POLICY

The 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

703.3.1 SHIFT ASSIGNED VEHICLES

The shift supervisor shall ensure a copy of the shift assignment roster, indicating member assignments and vehicle numbers, is completed for each shift and retained in accordance with the established records retention schedule. If a member exchanges vehicles during his/her shift, the new vehicle number shall be documented on the roster.

703.3.2 OTHER USE OF VEHICLES

Members utilizing a vehicle for any purpose other than their normally assigned duties or normal vehicle assignment (e.g., transportation to training, community event) shall first notify a supervisor. A notation will be made on the shift assignment roster indicating the member's name and vehicle number.

This subsection does not apply to those who are assigned to transport vehicles to and from a maintenance facility.

703.3.3 INSPECTIONS

Members shall be responsible for inspecting the interior and exterior of any assigned vehicle before taking the vehicle into service and at the conclusion of their shifts. Any previously unreported damage, mechanical problems, unauthorized contents or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

The interior of any vehicle that has been used to transport any person other than a member of this Office should be inspected prior to placing a 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 member shall search all areas of the vehicle that are accessible by the person before and after that person is transported.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

All Office 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.

703.3.4 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.

703.3.5 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 Dispatch.

703.3.6 VEHICLE LOCATION SYSTEM

Patrol and other vehicles, at the discretion of the Sheriff, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information, members are not relieved of their responsibility to use required communication practices to report their location and status.

Members shall not make any unauthorized modifications to the system. At the start of each shift, members shall verify that the system is on and report any malfunctions to their supervisor. If the member finds that the system is not functioning properly at any time during the shift, he/she should exchange the vehicle for one with a working system, if available.

System data may be accessed by supervisors at any time. However, access to historical data by personnel other than supervisors will require Commander approval.

All data captured by the system shall be retained in accordance with the established records retention schedule.

703.3.7 KEYS

Members approved to operate marked patrol vehicles should be issued a copy of the key as part of their initial equipment distribution. Members who are assigned a specific vehicle should be issued keys for that vehicle.

Members shall not duplicate keys. The loss of a key shall be promptly reported in writing through the member's chain of command.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

703.3.8 AUTHORIZED PASSENGERS
Members operating Office vehicles shall not permit persons other than County personnel or persons required to be conveyed in the performance of duty, or as otherwise authorized, to ride as passengers in the vehicle, except as stated in the Ride-Along Policy.

703.3.9 ALCOHOL
Members who have consumed alcohol are prohibited from operating any Office vehicle unless it is required by the duty assignment (e.g., task force, undercover work). Regardless of assignment, members may not violate state law regarding vehicle operation while intoxicated.

703.3.10 PARKING
Except when responding to an emergency or when urgent Office-related business requires otherwise, members driving Office vehicles should obey all parking regulations at all times.

Office vehicles should be parked in assigned stalls. Members shall not park privately owned vehicles in stalls assigned to Office vehicles or in other areas of the parking lot that are not so designated unless authorized by a supervisor. Privately owned motorcycles shall be parked in designated areas.

703.3.11 ACCESSORIES AND/OR MODIFICATIONS
There shall be no modifications, additions or removal of any equipment or accessories without written permission from the assigned vehicle program manager.

703.3.12 CIVILIAN PERSONNEL MEMBER USE
Civilian personnel using marked emergency vehicles shall ensure that all weapons have been removed before going into service. Civilian personnel shall prominently display the "out of service" placards or light bar covers at all times. Civilian personnel shall not operate the emergency lights or siren of any vehicle unless expressly authorized by a supervisor.

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.

703.4.1 ON-DUTY USE
Vehicle assignments shall be based on the nature of the member’s duties, job description and essential functions, and employment or appointment status. Vehicles may be reassigned or utilized by other Office members at the discretion of the Sheriff or the authorized designee.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

703.4.2 UNSCHEDULED TAKE-HOME USE

Circumstances may arise where Office vehicles must be used by members to commute to and from a work assignment. Members may take home Office vehicles only with prior approval of a supervisor and shall meet the following criteria:

(a) The circumstances are unplanned and were created by the needs of the Office.

(b) Other reasonable transportation options are not available.

(c) The member lives within a reasonable distance of the El Paso County limits.

(d) Off-street parking will be available at the member's residence.

(e) Vehicles will be locked when not attended.

(f) All firearms, weapons and control devices will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

703.4.3 ASSIGNED VEHICLES

Assignment of take-home vehicles shall be based on the location of the member's residence, the nature of the member's duties, job description and essential functions, and employment or appointment status. Residence in the County is a prime consideration for assignment of a take-home vehicle. Members who reside outside the County may be required to secure the vehicle at a designated location or the Office at the discretion of the Sheriff.

Members are cautioned that under federal and local tax rules, personal use of a County vehicle may create an income tax liability for the member. Questions regarding tax rules should be directed to the member's tax adviser.

Criteria for use of take-home vehicles include the following:

(a) Vehicles shall only be used for work-related purposes and shall not be used for personal errands or transports, unless special circumstances exist and the Commander gives authorization.

(b) Vehicles may be used to transport the member to and from the member's residence for work-related purposes.

(c) Vehicles will not be used when off-duty except:

  (a) In circumstances when a member has been placed on call and there is a high probability that the member will be called back to duty.

  (b) When the member is performing a work-related function during what normally would be an off-duty period, including vehicle maintenance or traveling to or from a work-related activity or function.

  (c) When the member has received permission from a member of Command Staff.

  (d) When the vehicle is being used by the Command Staff or members who are in on-call administrative positions.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(e) When the vehicle is being used by on-call investigators.

(d) While operating the vehicle, authorized members will carry and have accessible their duty firearms, badge and Office issued identification card and be prepared to perform any function they would be expected to perform while on-duty.

(e) The two-way communications radio, MDC and global positioning satellite device, if equipped, must be on and set to an audible volume when the vehicle is in operation.

(f) Unattended vehicles are to be locked and secured at all times.

(a) 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).

(b) All weapons shall be secured while the vehicle is unattended.

(c) All Office identification, portable radios and equipment should be secured.

(g) Vehicles are to be parked in a legal and safe park location. If the vehicle is not secured inside a locked garage, all firearms and kinetic impact weapons shall be removed and properly secured in the residence.

(h) Vehicles are to be secured at the member's residence or the appropriate Office facility, at the discretion of the Office when a member will be away for periods exceeding one week.

1. If the vehicle remains at the residence of the member, the Office shall have access to the vehicle.

2. If the member is unable to provide access to the vehicle, it shall be parked at the Office.

(i) The member is responsible for the care and maintenance of the vehicle.

703.4.4 ENFORCEMENT ACTIONS

When driving a take-home vehicle to and from work outside of the jurisdiction of the 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.

Deputies may render public assistance when it is deemed prudent. Deputies driving take-home vehicles shall be armed, appropriately attired and carry their badge and Office issue identification. Deputies should also ensure that Office radio communication capabilities are maintained to the extent feasible.

703.4.5 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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.

(d) The Office shall be notified of problems with the vehicle.

(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.

703.5 UNMARKED VEHICLES

Unmarked vehicles are assigned to various divisions and their use is restricted to the respective division and the assigned member, unless otherwise approved by a supervisor.

703.6 SPECIAL PURPOSE VEHICLES

The Division Commander or the authorized designee over the units utilizing Special Purpose Vehicles 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.
- 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

703.7 DAMAGE, ABUSE AND MISUSE

When any Office vehicle is involved in a traffic accident or otherwise incurs damage, the involved member shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction.

Damage to any Office vehicle that was not caused by a traffic accident shall be immediately reported during the shift in which the damage was discovered, documented in memorandum format and forwarded to the shift supervisor. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

703.8 TOLL ROAD USAGE

Law enforcement vehicles are not routinely exempted from incurring toll road charges.

To avoid unnecessary toll road charges, all members operating Office-owned vehicle on a toll road shall adhere to the following:

(a) Members operating a Office-owned vehicle for any reason other than in response to an emergency shall pay the appropriate toll charge or utilize the appropriate toll way transponder. Members may submit for reimbursement from the County for any toll fees incurred in the course of official business.

(b) Members passing through a toll plaza or booth during a response to an emergency shall notify, in writing, the appropriate Commander within five working days explaining the circumstances.

703.9 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 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 Budget and Finance Unit is the fund manager responsible for maintaining and managing the petty cash fund. The Sheriff's Office petty cash allowance is $3,000.00. Petty Cash is issued by Budget & Finance personnel for up to $300.00 per person. Any amount over $300.00 must be approved by the respective Division Commander or designee.

Each petty cash fund requires the creation and maintenance of an accurate and current transaction ledger and the filing of purchase requests, 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 purchase request, receipt, invoice or cash transfer form. Transactions that are not documented by a receipt, invoice or cash transfer form require an expense report or memo.

704.5 PETTY CASH AUDITS

The fund manager shall perform an audit no less than once every six months. This audit requires that the Financial Services Supervisor or the Fiscal & Compliance Manager to review the ledger and verify the accuracy of the accounting. This is done through the Petty Cash reimbursement process which attests 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 or designee.

Transference of fund management to another member shall require a separate petty cash audit and involve a command staff member.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

A separate audit of each petty cash fund should be completed on a random date, approximately once each year by the the El Paso County Finance Office.

704.6 ROUTINE CASH HANDLING

Those who handle cash as part of their property or Metro Vice, Narcotics and Intelligence supervisor duties 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.

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

705.1.1 DEFINITIONS

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 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 who make arrests or control crowds 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 as well.

705.7 RESPIRATORY PROTECTION

The Emergency Services Commander is responsible for ensuring a respiratory protection plan is developed and maintained by a trained and qualified member. The plan should include procedures for (29 CFR 1910.134):

(a) Selecting appropriate respiratory PPE based on hazards and risks associated with functions or positions.

(b) Fit testing, including identification of members or contractors qualified to conduct fit testing.

(c) Medical evaluations.

(d) PPE inventory control.

(e) PPE issuance and replacement.

(f) Cleaning, disinfecting, storing, inspecting, repairing, discarding and otherwise maintaining respiratory PPE, including schedules for these activities.

(g) Regularly reviewing the PPE plan.

(h) Remaining current with applicable National Institute for Occupational Safety and Health (NIOSH), American National Standards Institute (ANSI), Occupational Safety and Health Administration (OSHA), Environmental Protective Agency (EPA) and state PPE standards and guidelines.

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 supervisor who will determine the type and level of protection appropriate at a scene based upon an evaluation of the hazards present.

Supervisors 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 supervisor should reevaluate the continued effectiveness of the respirator and direct the member to leave the respirator use area when the supervisor reasonably believes (29 CFR 1910.134):

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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 face piece 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-face piece seal or the valve function.

(b) Not wear corrective glasses, goggles or other PPE that interferes with the seal of the face piece 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 face piece 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 supervisor may order the use of gas masks in situations where the use of a SCBA is not necessary. These incidents may include areas where tear gas has or will be used or where a vegetation fire is burning. Gas masks shall not be used if there is a potential for an oxygen-deficient atmosphere.

Members shall ensure their gas mask filters are replaced whenever:

(a) They smell, taste or are irritated by a contaminant.

(b) They experience difficulty breathing due to filter loading.

(c) The cartridges or filters become wet.

(d) The expiration date on the cartridges or canisters has been reached.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

705.7.4 SELF-CONTAINED BREATHING APPARATUS

Supervisors 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 supervisor.

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 face piece 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 face piece seal).

All respirator fit testing shall be conducted in negative-pressure mode.

705.7.6 RESPIRATOR MEDICAL EVALUATION QUESTIONNAIRE

No member should be issued respiratory protection that forms a complete seal around the face until (29 CFR 1910.134):

(a) The member has completed a medical evaluation that includes a medical evaluation questionnaire.

(b) A physician or other licensed health care professional has reviewed the questionnaire.

(c) The member has completed any physical examination recommended by the reviewing physician or health care professional.

705.8 RECORDS

The Emergency Services Commander is responsible for maintaining records of all:

(a) PPE training.

(b) Initial fit testing for respiratory protection equipment.

(c) Annual fit testing.

(d) Respirator medical evaluation questionnaires and any subsequent physical examination results.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. 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.

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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Disposal of Media

706.1 PURPOSE

The purpose of this policy is to outline the proper disposal of media (physical or electronic) at the Sheriff's Office. These rules are in place to protect sensitive and classified information, employees and the Sheriff's Office. Inappropriate disposal of Sheriff's Office and FBI Criminal Justice Information (CJI) and media may put employees, the Sheriff's Office and the FBI at risk.

706.2 SCOPE

This policy applies to all Sheriff's Office employees, contractors, temporary staff, and other workers at the Sheriff's Office, with access to FBI CJIS systems and/or data, sensitive and classified data, and media. This policy applies to all equipment that processes, stores, and/or transmits FBI CJI and classified and sensitive data that is owned or leased by the Sheriff's Office.

706.3 POLICY

When no longer usable, hard drives, diskettes, tape cartridges, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI and classified an sensitive data shall be properly disposed of in accordance with measures established by the Sheriff's Office.

Physical media (print-outs and other physical media) shall be disposed of by one of the following methods:

(a) Shredding using Sheriff's Office issued shredders

(b) Placed in locked shredding bins for the agency contracted vendor to come on-site and shred, witnessed by Sheriff's Office personnel throughout the entire process.

(c) Incineration using Sheriff's Office incinerators or witnessed by Sheriff's Office personnel onsite at agency or at contractor incineration site, if conducted by non-authorized personnel.

Electronic media (hard-drives, tape cartridge, CDs, ribbons, hard copies, print-outs, and other similar items used to process, store and/or transmit FBI CJI and classified and sensitive data shall be properly disposed of by one of the Sheriff's Office methods:

(a) Overwriting (at least 3 times)- an effective method of clearing data from magnetic media. As the name implies, overwriting uses a program to write (1s, 0s, or a combination of both) onto the location of the media where the file to be sanitized is located.

(b) Degaussing- a method to magnetically erase data from magnetic media. Two types of degaussing exist: strong magnets and electric degausses. Note that common magnets (e.g.., those used to hang a picture on a wall) are fairly weak and cannot effectively degauss magnetic media.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) Destruction**-** a method of destroying magnetic media. As the name implies, destruction of magnetic media is to physically dismantle by methods of crushing, disassembling, etc., ensuring that the platters have been physically destroyed so that no data can be pulled.

IT systems that have been used to process, store, or transmit FBI CJI and/or sensitive and classified information shall not be released from the Sheriff's Office's control until the equipment has been sanitized and all information has been cleared using on of the above methods.

706.4 OFFICE ASSIGNED COMMUNICATION DEVICES

Any Office assigned communication devices must be turned into the Information Technology Department for proper disposal.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Mobile Fingerprint Scanner

707.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of Mobile Fingerprint Scanners (scanner) in a patrol setting. Due to a variety of situations confronting the deputy, the decision to utilize the scanner shall be left to the discretion of the involved deputy based on the totality of the circumstances available at the time of the contact.

707.2 DEFINITIONS

CONSENSUAL ENCOUNTER-Occurs when a deputy contacts an individual but does not create a detention through words, actions or other means. A reasonable individual would believe that his/her contact with the deputy is voluntary.

REASONABLE SUSPICION- Occurs when, under the totality of the circumstances, a deputy has articulable facts that criminal activity may be afoot and a particular person is connected with that possible criminal activity.

707.3 USE OF FINGERPRINT SCANNER

The scanners are to be used at the deputy's discretion, in consultation with the shift supervisor and only after the person contacted has given consent. Absent consent, the scanner should not be used nor should the deputy use any type of force to secure a scan. The scanner will be used to provide presumptive identification of persons or deceased subjects. Approved uses include:

- Probable cause to arrest exists and there is reason to believe that obtaining fingerprints will assist in the investigation
- If reasonable suspicion exists that a driver or suspect is providing false or fictitious identification
- In death investigations in which no other reasonable means exists for identifying the decease and when a member of the Coroner's Office is present and/or gives approval
- On juveniles, with parent or legal guardian, voluntary consent must be articulated to the person so encountered and documented at a minimum in reports (written consent is best). Voluntary consent may be withdrawn at any time by the person contacted
- At-risk or missing persons whom are unable to provide positive identification

707.4 UNAUTHORIZED USE OF FINGERPRINT SCANNER

The Fingerprint Scanner is not to be used for random or general investigative or intelligence gathering.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Chapter 8 - Support Services

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Crime Analysis

800.1 PURPOSE AND SCOPE

Crime analysis should provide current, useful information to aid operational personnel in meeting its tactical crime control and prevention objectives. Crime analysis is intended to help identify and analyze the methods of operation of individual criminals, providing crime pattern recognition and analysis of data from field interrogations and arrests. Crime analysis can be useful to the Office's long-range planning efforts by providing estimates of future crime trends and assisting in the identification of enforcement priorities.

800.2 DATA SOURCES

Crime analysis data is extracted from many sources including, but not limited to:

- Crime reports
- Field Interview records
- Parole and probation records
- Computer Aided Dispatch data
- 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Dispatch

801.1 PURPOSE AND SCOPE

This policy establishes guidelines for the basic functions of Dispatch. It addresses the immediate communication needs of the Office in the course of its normal daily activities and during emergencies.

801.2 POLICY

It is the policy of the Sheriff's Office to provide 24-hour telephone service to the public and for routine or emergency assistance. The Office provides two-way radio capability for continuous communication between Dispatch and Office members in the field.

801.3 DISPATCH SECURITY

The communications function is vital and central to all emergency service operations. The safety and security of Dispatch, its members and its equipment must be a high priority. Special security procedures should be established for Dispatch.

Access to Dispatch shall be limited to Dispatch members, Lieutenants, Command Staff and Office members with a specific business-related purpose.

801.3.1 EQUIPMENT PROTECTION

Equipment protection procedures should be addressed in a separate Dispatch 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 Dispatch, such as security cameras, fences or other appropriate measures.

801.4 RESPONSIBILITIES

801.4.1 COMMUNICATIONS MANAGER

The Sheriff shall appoint and delegate certain responsibilities to a Communications Manager. The Communications Manager is directly responsible to the Support Operations Division Commander or the authorized designee.

The responsibilities of the Communications Manager include, but are not limited to:

(a) Overseeing the efficient and effective operation of Dispatch in coordination with other supervisors.

(b) Scheduling and maintaining dispatcher time records.

(c) Supervising, training and evaluating dispatchers.

(d) Ensuring the radio and telephone recording system is operational.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. Recordings shall be maintained in accordance with the established records retention schedule and as required by law.

(e) Processing requests for copies of Dispatch information for release.

(f) Maintaining Dispatch database systems.

(g) Maintaining and updating Dispatch procedures manual.

(h) Handling internal and external inquiries regarding services provided and accepting personnel complaints.

(i) Maintaining a current list of emergency personnel who are to be called for individual municipalities or Public Works Departments.

801.4.2 ADDITIONAL PROCEDURES

The Communications Manager should establish procedures to ensure:

(a) All telephone and radio communications are recorded and audio recordings are capable of immediate playback without disruption to continuous recording.

(b) Appropriate storage and retention of recordings. Recordings should be maintained for no less than 30 days and thereafter as required by the established records retention schedule.

(c) Adequate security of audio recordings, including:

1. Password protection.

2. Limited access and identification of positions or members authorized to access recordings.

3. Identifying who can authorize review of audio recordings and under what circumstances.

4. Preserving recordings known to have pending litigation or other exigent circumstances (e.g., officer-involved shootings or deaths, protracted operations).

(d) All dispatchers have immediate access to current information including, but not limited to:

(a) The identity and contact methods for Command Staff.

(b) A duty roster of all members working in the field, including special status information (e.g., court, training).

(c) Member status tracking methods (e.g., computer-aided dispatch system, manual status tracking).

(d) Contact information for every Office member.

(e) Visual maps detailing the Sheriff's Office service area.

(f) A current contact list of County or contract personnel to be notified in the event emergency external services are needed (e.g., utilities, animal control, street maintenance).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(g) Tactical dispatcher plans as appropriate (e.g., readily available instructions for handling low-frequency incidents such as plane crashes, major fires, Special Weapons and Tactics Team (SWAT) responses).

(h) A current list of social services agencies that provide services to youth within El Paso County service area.

(e) Assignment of field members, including supervisors, to incidents.

(f) Communication processes for coordinating with mutual aid agency field personnel (e.g., share frequencies, radio patches).

(g) Safety checks of members in the field; responding to an emergency request for assistance from a field member or an activated emergency alarm.

(h) Members working in Dispatch who may need to provide Emergency Medical Dispatch (EMD) or Emergency Fire Dispatch (EFD) instructions are provided with Office-approved training or certification in EMD/EFD and have immediate access to the established EMD/EFD protocols.

(i) Procurement of external services (e.g., fire suppression, ambulances, aircraft, tow trucks, taxis).

801.4.3 DISPATCHERS

Dispatchers report to the Communications Manager and shift supervisors. The responsibilities of the dispatcher include, but are not limited to:

(a) Receiving and handling all incoming and transmitted communications, including:

(a) Emergency 9-1-1 lines.

(b) Business telephone lines.

(c) Telecommunications Device for the Deaf (TDD)/Text Telephone (TTY) equipment.

(d) Radio communications with Office members in the field and support resources (e.g., fire department, emergency medical services (EMS), mutual aid law enforcement units).

(e) Other electronic sources of information (e.g., text messages, National Weather Service Advisories, CJIS Infoformation, video).

(b) Documenting the field activities of Office members and support resources (e.g., fire department, EMS, mutual aid law enforcement units).

(c) Inquiry and entry of information through Dispatch, Office and other law enforcement database systems (e.g., CCIC, DMV, NCIC).

(d) Monitoring Office video surveillance systems, if applicable.

(e) Maintaining the current status of members in the field, their locations and the nature of calls for service.

(f) Notifying the Lieutenant or field supervisor of emergency activity, including, but not limited to:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. Vehicle pursuits.
2. Foot pursuits.
3. Assignment of emergency response.

801.5 CALL HANDLING

This Office provides 24 hour a day, toll free telephone access for emergency calls for service using a nationally recognized emergency number (9-1-1).

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.

If the dispatcher determines that the caller has a hearing and/or speech impairment or disability, he/she will 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 will 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 language-appropriate authorized interpreter is available in Dispatch, the dispatcher will 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 will 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 will be dispatched immediately. The Lieutenant or field 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 Communications Manager will ensure that all dispatchers have guidelines for handling misdirected emergency calls, silent calls and hang-up calls, which will 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 Dispatch to document all relevant information on calls for service or self-initiated activity. The dispatcher will attempt to elicit, document and relay as much 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:

- Call for service incident 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, as applicable.
- Location of incident reported.
- Identification of Office members assigned as primary and backup.
- Time of dispatch.
- Time of the responding Office member’s arrival.
- Time of Office member’s return to service.
- Disposition or status of reported incident.

801.7 RADIO COMMUNICATIONS

The Sheriff's Office 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

manner, using proper language and correct procedures. Such transmissions will include, but are not limited to:

(a) Members acknowledging the dispatcher with their radio identification call signs.

(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.

The Communications Manager shall be notified of radio procedure violations or other causes for complaint. All complaints and violations will be investigated and reported to the supervisor and processed through the chain of command.

801.7.1 REQUIRED COMMUNICATION CAPABILITIES
The Office shall maintain 24-hour radio capabilities between the Dispatch 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
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 will identify themselves on the radio 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 will use their entire radio call sign, which includes the Agency.

801.8 CONFIDENTIALITY

Information that becomes available through Dispatch may be confidential or sensitive in nature. All members of Dispatch shall treat information that becomes known to them as confidential and release that information in accordance 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

802.1.2 EVIDENCE UNIT SECURITY

The Evidence Unit shall maintain secure storage and control of all property necessitating custody by the Office. The evidence supervisor reports to the Investigations Financial and General Crimes Sergeant and is responsible for the security of the Evidence Unit. Evidence Unit keys are maintained only by the employees of the Evidence Unit. The Evidence Unit shall not loan keys to anyone and shall maintain keys in a secure manner.

Any individual entering the Evidence Unit other than those assigned must be accompanied and 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.

802.2 DEFINITIONS

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 an employee or citizen where the owner cannot be readily identified or contacted.

802.3 PROPERTY HANDLING

Any employee 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 property label. Care shall be taken to maintain the chain of custody for all evidence.

Where ownership can be established as to found property that has no apparent evidentiary value, excluding contraband, such property may be released to the owner without the need for booking. 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 label describing each item separately, listing all serial numbers, owner's name, and other identifying information or markings.

(b) The deputy shall mark each item of evidence with initials and date.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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 so it can be secured from unauthorized entry. The location shall be secured to prevent entry and a completed property label placed into a numbered property locker indicating the location of the property.

802.3.1 ADDITIONAL DOCUMENTATION

Members must document the circumstances detailing how the property came into their possession. Documentation should be in accordance with policy and should include photographs of the property, if appropriate.

802.3.4 NARCOTICS AND DANGEROUS DRUGS

All narcotics and dangerous drugs shall be booked separately using a separate property record. Drug and narcotics paraphernalia shall also be booked separately.

The deputy seizing the narcotics and dangerous drugs shall place them in the designated temporary property locker.

802.3.5 EXPLOSIVES

Deputies who encounter a suspected explosive device shall promptly notify a supervisor. The bomb squad will be called to handle explosive-related incidents and will be responsible for the handling, storage, sampling and disposal of all suspected explosives.

Explosives will not be retained in the evidence facility. Only fireworks that are considered stable and safe and road flares or similar signaling devices may be booked into property. All such items shall be stored in proper containers and in an area designated for the storage of flammable materials. The Evidence Unit is responsible to safely dispose of any fireworks or signaling devices that are not retained as evidence.

802.3.6 EXCEPTIONAL HANDLING

Certain property items require a separate process. The following items shall be processed in the described manner:

(a) Any evidence collected which may contain DNA, should be properly labeled as such.

(b) Property stained with bodily fluids such as blood or semen stains shall be air-dried prior to booking.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) All bicycles and bicycle frames require a property record. Property tags will be securely attached to each bicycle or bicycle frame.

(d) 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 and witness the count.

(e) All evidence collected by personnel processing a crime scene requiring specific storage requirements pursuant to laboratory procedures will be the responsibility of the crime lab.

(f) 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. In cases where no responsible person can be located, the property should be booked for safekeeping in the normal manner.

802.4 PACKAGING OF PROPERTY

Packaging will conform to certain 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) Drug paraphernalia

(d) Fireworks

(e) Cash and/or jewelry

(f) Biohazards

802.4.1 PACKAGING CONTAINER

Employees 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. Syringe tubes should be used to package syringes and needles.

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 locker. 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 envelope of appropriate size. The booking deputy shall initial the sealed envelope. Controlled substances shall not be packaged with other property.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 label.

802.4.3 RIGHT OF REFUSAL

The Evidence Unit has the right to refuse any piece of property that is hazardous or that has not been properly documented or packaged. Should the Evidence Unit refuse an item of property, he/she shall maintain secure custody of the item in a temporary property locker or other safe location and inform the submitting deputy's supervisor.

802.5 RECORDING OF PROPERTY

The employee receiving custody of evidence or property shall create a property control record for each piece of property received. The record will be the permanent record of the property in the Evidence Unit. The employee will record his/her signature or initials, the date and time the property was received and where the property will be stored.

A property log shall be maintained and a unique property number created for each piece of property received. The log shall record, by property number, the date received, case number, tag number, item description, item location and date disposed.

Any changes in the location of property held by the Sheriff's Office shall be noted.

802.6 PROPERTY CONTROL

Each time the Evidence Unit receives property or releases property to another person, he/she shall enter this information. Deputies desiring property for court shall contact the property officer at least one day prior to the court day.

802.6.1 RESPONSIBILITIES OF OTHER PERSONNEL

Every time property is released or received, an appropriate entry 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, detective, District Attorney's Office or the Courts.

Request for analysis of items shall be completed on the appropriate forms and submitted to the Evidence Unit. This request may be filled out anytime after booking of the property or evidence.

802.6.2 TRANSFER OF EVIDENCE TO CRIME LABORATORY

The transporting employee will check the evidence out of property, indicating the date and time and the request for laboratory analysis.

The lab forms will be transported with the property to the examining laboratory. Upon delivering the item involved, the transporting employee will record the delivery time and the employee to whom it was delivered. The original copy of the lab form will remain with the evidence and the copy will be returned for filing with the case.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

802.6.3 STATUS OF PROPERTY

Each person receiving property will make the appropriate entry to document the chain of custody. Temporary release of property to deputies for investigative purposes, or for court, shall be noted, stating the date, time and to whom it was released.

The Evidence Unit shall obtain the signature of the person to whom property was released and the reason for release. Any employee receiving property shall be responsible for such property until it is returned to the Evidence Unit or released to another authorized person or entity.

The return of the property will be recorded, indicating date, time and the person who returned it.

802.6.4 AUTHORITY TO RELEASE PROPERTY

The Evidence Unit shall not release any property without a signed authorization from an appropriate authorized member of the Office or District Attorney's Office.

For property in custody of the Office for investigatory or prosecutorial purposes and owned by a victim or witness, the Evidence Unit 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.

Upon the direction of a prosecuting attorney, property held as evidence of a crime may be photographed and released to the owner.

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.

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 deputy and must conform to the items listed and 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, the Evidence Unit 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

lawfully claimed, it may thereafter be destroyed. The final disposition of all such property shall be fully documented.

The Evidence Unit shall release the property to the owner or finder, upon valid identification and proper documentation presented by the owner or finder, for which an authorized release has been received. A signature of the person receiving the property shall be recorded on the original property documentation.

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 by the Evidence Unit.

(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.

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 resolve the disputed claim.

802.6.8 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).

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 Unit 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 deputy.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Upon any release or sale of any property, the proper notation shall be made. Proceeds from the sale of unclaimed property shall be deposited into the County treasury.

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

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 Evidence Unit 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 Investigation Division supervisor

Biological evidence shall be retained for a minimum period established by law or the expiration of any sentence imposed related to the evidence, whichever time period is greater. Following the retention period, notifications should be made by certified mail and should inform the recipient that the evidence will be destroyed after a date specified in the notice unless a motion seeking an order to retain the sample is filed and served on the Office within 90 days of the date of the notification. A record of all certified mail receipts shall be retained in the appropriate file.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Biological evidence related to a homicide shall be retained indefinitely and may only be destroyed with the written approval of the applicable prosecutor's office.

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 Investigation Commander should be consulted and the sexual assault victim should be notified.

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 property officer shall remove and preserve portions of the evidence likely to contain DNA related to the offense in a quantity sufficient, based on the best scientific practices at the time of collection, to permit future DNA testing.

The preserved DNA evidence shall, whenever possible, include a sample sufficient to allow for independent testing by the defendant. After preserving the necessary amount of the DNA evidence, the remainder of the evidence may be properly destroyed as allowed by law.

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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

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 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 Evidence Unit 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 EVIDENCE UNIT
An Investigations 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.

(b) An annual audit of property and evidence held by the Office shall be conducted by Professional Standards.

(c) Whenever a change is made in personnel who have access to the Evidence Unit, an inventory of all evidence/property shall be made by Professional Standards 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 retained in accordance with records retention policies.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Records Section Procedures

803.1 PURPOSE AND SCOPE

The Records Supervisor shall keep the Office Records Section procedures continuously updated to reflect the procedures being followed within the Records Section. Policies and procedures that apply to all employees of this Office are contained in this chapter.

803.1.1 NUMERICAL FILING SYSTEM

Case reports are filed numerically by Records Section personnel. Reports are numbered commencing with the current year, followed by a sequential number beginning with 0001 starting at midnight on the first day of January of each year.

803.1 RECORDS SECTION RESPONSIBILITIES

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.

(f) Identifying missing case reports and notifying the responsible member’s supervisor.

803.4 PRIVACY POLICY

The Records Supervisor shall apply, and assist in the development and maintenance of, the organization's policy standardizing the collection, storage, transfer and use of personally identifiable information pursuant to CRS § 24-72-502. Minimally, the policy shall include:

(a) A declaration supporting the protection of individual privacy.

(b) Standards which minimize the collection of personally identifiable information to the least amount of information required to complete a particular transaction.

(c) The applicability of the Colorado Criminal Justice Records Act.

(d) A method for feedback from the public on compliance with the privacy policy.

(e) Notation that the policy applies to the collection of all personally identifiable information, regardless of the source or medium.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

803.5 FILE ACCESS

All reports including, but not limited to, initial, supplemental, follow-up, evidence and all reports related to a case shall be maintained in a secure area within the Records Section, accessible only to authorized Records Section personnel.

803.5.1 REQUESTING ORIGINAL REPORTS

Generally, original reports shall not be removed from the Records Section. Should an original report be needed for any reason, the requesting employee shall first obtain authorization from the Records Supervisor. All original reports removed from the Records Section shall be recorded on the report check-out log, which shall constitute the only authorized manner by which an original report may be removed from the Records Section.

All original reports to be removed from the Records Section shall be photocopied and the photocopy retained in the report file location of the original 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.

803.6 RECORDS MANAGER TRAINING

The Records Supervisor 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.

803.7 REPORTING

The Records Supervisor 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Records Maintenance and Release

804.1 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.

804.2 POLICY

The 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.).

804.3 CUSTODIAN OF RECORDS RESPONSIBILITIES

The Sheriff shall designate a Custodian of Records. The responsibilities of the Custodian of Records include, but are not limited to (CRS § 24-72-301 et seq.):

(a) Managing the records management system for the Office, including the retention, archiving, release and destruction of Office records.

(b) Maintaining and updating the Office records retention schedule including:

1. Identifying the minimum length of time the Office must keep records.
2. Identifying the Office division responsible for the original record.

(c) Establishing rules regarding the inspection and copying of Office records as reasonably necessary for the protection of such records.

(d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.

(e) Establishing rules regarding the processing of subpoenas for the production of records.

(f) Ensuring a current schedule of fees for records as allowed by law is available (CRS § 24-72-306).

804.4 PROCESSING REQUESTS FOR RECORDS

Any Office member who receives a request for any record shall route the request to the Custodian of Records or the authorized designee.

804.4.1 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.

(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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 his/her knowledge and belief, the agency which has custody or control of the requested record.

(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 shall forwarded to the central repository.

(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).

804.5 RELEASE RESTRICTIONS

Examples of release restrictions include, but are not limited to:

(a) Personal identifying information, including an individual's photograph; Social Security and driver identification numbers; name, address and telephone number; and medical or disability information that is contained in any driver's license record, motor vehicle record or any Office record, including traffic accident reports, are restricted except as authorized by the Office, and only when such use or disclosure is permitted or required

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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) Records that contain the notation "CHILD VICTIM" or "SEXUAL ASSAULT" shall have identifying information deleted as required by CRS § 24-72-304.

(f) Records that contain information concerning an application for victim's compensation (CRS § 24-4.1-107.5).

(g) Information received, made or kept by the Safe2Tell® program (CRS § 24-31-607).

(h) Records of the investigations conducted by the Office, records of the intelligence information or security procedures of the Office, or any investigatory files complied for any other law enforcement purpose (CRS § 24-72-305).

(i) The result of chemical biological substance testing (CRS § 24-72-305).

(j) The address of an individual who has requested and been approved for address confidentiality (CRS § 24-30-2108).

(k) Personnel records, medical records and similar records which would involve personal privacy.

(l) 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.

804.6 SUBPOENAS AND DISCOVERY REQUESTS

Any member who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the Custodian of Records for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas from criminal defendants and their authorized representatives (including attorneys) should be referred to the District Attorney, County Attorney or the courts.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to legal counsel for the Office so that a timely response can be prepared.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

804.7 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.

804.8 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.

804.8.1 EXPUNGEMENT OF ARREST RECORDS RESULTING FROM MISTAKEN IDENTITY

If the Investigations 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 into the arrest, in the judicial district where the arrest occurred (CRS § 24-72-701.5).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Protected Information

805.1 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 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.

805.1.1 DEFINITIONS

Protected information - Any information or data that is collected, stored or accessed by members of the 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

805.2 POLICY

Members of the 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.

805.3 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.

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

805.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, user agreement, Sheriff 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 policy and/or criminal prosecution.

805.5 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 Supervisor 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.

Protected information, such as Criminal Justice Information (CJI), which includes Criminal History (Jacket (CHJ), 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.

805.6 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:

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(d) Tracking, documenting and reporting all breach of security incidents to the Sheriff and appropriate authorities.

805.6.1 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).

805.7 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 Supervisor.

Upon receipt of a request to correct the record, the Records Supervisor will evaluate the request as follows:

(a) The Records Supervisor 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 Supervisor requires additional time to evaluate the merit of the request for correction, the Records Supervisor shall notify the applicant in writing.

1. The Records Supervisor 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 Supervisor will communicate that decision to the applicant in writing.

(c) If the Records Supervisor refuses to make the requested correction and the person requests a written statement of the grounds for the refusal, the Records Supervisor shall promptly provide such a written statement.

(d) If the Records Supervisor decides to make the correction, the Records Supervisor will ensure the change is made in the records of the Sheriff's Office and communicate the correction to the Colorado Bureau of Investigation.

805.8 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Animal Control

806.1 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.

806.2 POLICY

It is the policy of the Sheriff's Office to be responsive to the needs of the community regarding animal-related issues. This includes enforcing local, state and federal laws relating to animals and appropriately resolving or referring animal-related problems, as outlined in this policy.

806.3 THE HUMANE SOCIETY RESPONSIBILITIES

Animal control services are generally the primary responsibility of the Humane Society and include:

(a) Animal-related matters during periods when the Humane Society is available.

(b) Ongoing or persistent animal nuisance complaints. Such complaints may be scheduled, if reasonable, for handling during periods that the Humane Society is available for investigation and resolution.

(c) Follow-up on animal-related calls, such as locating owners of injured animals.

(d) Tasks identified in the Colorado Animal Protection Act (CRS § 35-42-101 et seq.).

806.4 MEMBER RESPONSIBILITIES

Members who respond to or assist with animal-related calls for service should evaluate the situation to determine appropriate actions to control the situation.

Due to the hazards of handling animals without proper training and equipment, responding members generally should not attempt to capture and pick up any animal, but should keep the animal under observation until the arrival of appropriate assistance.

Members may consider acting before the arrival of such assistance when:

(a) There is a threat to public safety.

(b) An animal has bitten someone. Members should take measures to confine the animal and prevent further injury.

(c) An animal is creating a traffic hazard.

(d) An animal is seriously injured.

(e) The owner/handler of an animal has been arrested or is incapacitated. In such circumstances, the member should find appropriate placement for the animal.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. This is only necessary when the arrestee is expected to be in custody for a time period longer than would reasonably allow him/her to properly care for the animal.
2. With the owner's consent, locating appropriate placement may require contacting relatives or neighbors to care for the animal.
3. If no person can be found or the owner does not or cannot give consent, the animal should be taken to a designated animal care facility.

806.5 ANIMAL CRUELTY COMPLAINTS

Laws relating to the cruelty to animals should be enforced, including but not limited to CRS § 18-9-202 et seq.

(a) An investigation should be conducted on all reports of animal cruelty.

(b) Legal steps should be taken to protect an animal that is in need of immediate care or protection from acts of cruelty.

806.6 ANIMAL BITE REPORTS

Members investigating an animal bite should obtain as much information as possible for follow-up with the appropriate health or animal authorities. Efforts should be made to capture or otherwise have the animal placed under control. Members should attempt to identify and notify the owner of the final disposition of the animal.

If a biting dog has been killed in order to prevent further injury or death, the local board of health shall be notified of the facts related to the bite and the killing, and the body of the dog shall be held for release to the board of health (6 CCR 1009-1:1).

806.7 STRAY DOGS

If the dog has a license or can otherwise be identified, the owner should be contacted, if possible. If the owner is contacted, the dog should be released to the owner and a citation may be issued, if appropriate. If a dog is taken into custody, it shall be transported to the appropriate shelter/ holding pen.

Members shall provide reasonable treatment to animals in their care (e.g., food, water, shelter).

806.8 DANGEROUS ANIMALS

In the event responding members cannot fulfill a request for service because an animal is difficult or dangerous to handle, the supervisor will be contacted to determine available resources, including requesting the assistance of animal control services.

806.9 PUBLIC NUISANCE CALLS RELATING TO ANIMALS

Members should diligently address calls related to nuisance animals (e.g., barking dogs), because such calls may involve significant quality-of-life issues.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

806.10 DECEASED ANIMALS

When a member becomes aware of a deceased animal, all reasonable attempts should be made to preliminarily determine if the death of the animal is related to criminal activity.

Deceased animals on public property should be removed, sealed in a plastic bag and properly disposed of by the responding member.

Members should not climb onto or under any privately owned structure for the purpose of removing a deceased animal.

806.11 INJURED ANIMALS

When a member becomes aware of an injured domesticated animal, all reasonable attempts shall be made to contact the owner or responsible handler. If an owner or responsible handler cannot be located, the animal should be taken to a designated animal care facility.

806.11 DESTRUCTION OF ANIMALS

When it is necessary to use a firearm to euthanize a badly injured animal or stop an animal that poses an imminent threat to human safety, the Firearms Policy shall be followed. A badly injured animal shall only be euthanized with the approval of a supervisor.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Jeanne Clery Campus Security Act

807.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines to ensure this Office fulfills its obligation in complying with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

807.2 POLICY

The Sheriff's Office encourages accurate and prompt reporting of all crimes and takes all such reports seriously (20 USC § 1092(f)(1)(C)(iii)). Reports will be accepted in any manner, including in person or in writing, at any Sheriff's Office facility. Reports will be accepted anonymously, by phone or via email or on the institution's website.

It is the policy of the Sheriff's Office to comply with the Clery Act. Compliance with the Clery Act requires a joint effort between the Sheriff's Office and the administration of the institution.

Supervisors assigned areas of responsibility in the following policy sections are expected to be familiar with the subsections of 20 USC § 1092(f) and 34 CFR 668.46 that are relevant to their responsibilities.

807.3 POLICY, PROCEDURE AND PROGRAM DEVELOPMENT

The Sheriff will:

(a) Ensure that the Sheriff's Office establishes procedures for immediate emergency response and evacuation, including the use of electronic and cellular communication and testing of these procedures (20 USC § 1092(f)(1)(J)(i); 20 USC § 1092(f)(1)(J)(iii)).

(b) Enter into agreements as appropriate to:

1. Identify roles in the investigation of alleged criminal offenses on campus (20 USC § 1092(f)(1)(C)(ii)).
2. Assist in the monitoring and reporting of criminal activity at off-campus student organizations that are recognized by the institution and engaged in by students attending the institution, including student organizations with off-campus housing facilities (20 USC § 1092(f)(1)(G)).
3. Ensure coordination of emergency response and evacuation procedures, including procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation (20 USC § 1092(f)(1)(J)).
4. Notify the Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist the institution in meeting its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)).
5. Notify the Sheriff's Office of criminal offenses reported to local law enforcement agencies to assist in making information available to the campus community in a timely manner and to aid in the prevention of similar crimes. Such disseminated

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Appoint a designee to develop programs that are designed to inform students and employees about campus security procedures and practices, and to encourage students and employees to be responsible for their own security and the security of others (20 USC § 1092(f)(1)(D)).

(d) Appoint a designee to develop programs to inform students and employees about the prevention of crime (20 USC § 1092(f)(1)(E)).

(e) Appoint a designee to develop educational programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault and stalking, and what to do if an offense occurs, including, but not limited to, who should be contacted, the importance of preserving evidence and to whom the alleged offense should be reported (20 USC § 1092(f)(8)(B)). The designee shall also develop written materials to be distributed to reporting persons that explains the rights and options provided for under 20 USC § 1092 (20 USC § 1092(f)(8)(C)).

(f) Appoint a designee to make the appropriate notifications to institution staff regarding missing person investigations in order to ensure that the institution complies with the requirements of 34 CFR 668.46(h).

807.4 RECORDS COLLECTION AND RETENTION

The Records Supervisor is responsible for maintaining Sheriff's Office statistics and making reasonable good-faith efforts to obtain statistics from other law enforcement agencies as necessary to allow the institution to comply with its reporting requirements under the Clery Act (20 USC § 1092(f)(1)(F)). The statistics shall be compiled as follows:

(a) Statistics concerning the occurrence of the following criminal offenses reported to this Office or to local police agencies that occurred on campus, in or on non-campus buildings or property, and on public property including streets, sidewalks and parking facilities within the campus or immediately adjacent to and accessible from the campus (20 USC § 1092(f)(1)(F)(i); 34 CFR 668.46(c)):

1. Murder
2. Sex offenses, forcible or non-forcible
3. Robbery
4. Aggravated assault
5. Burglary
6. Motor vehicle theft
7. Manslaughter
8. Arson
9. Arrests or persons referred for campus disciplinary action for liquor law violations, drug-related violations and weapons possession
10. Dating violence, domestic violence and stalking

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Statistics concerning the crimes described in the section above, theft, simple assault, intimidation, destruction, damage or vandalism of property, and other crimes involving bodily injury to any person where the victim was intentionally selected because of his/her actual or perceived race, sex, religion, gender, gender identity, sexual orientation, ethnicity or disability. These statistics should be collected and reported according to the category of prejudice (20 USC § 1092(f)(1)(F)(ii); 34 CFR 668.46(c)).

(c) The statistics shall be compiled using the definitions in the FBI's Uniform Crime Reporting (UCR) system and modifications made pursuant to the Hate Crime Statistics Act (20 USC § 1092(f)(7); 34 CFR 668.46 (c)(9)). For the offenses of domestic violence, dating violence and stalking, such statistics shall be compiled in accordance with the definitions used in the Violence Against Women Act (20 USC § 1092(f)(7); 42 USC § 13925(a); 34 CFR 668.46(a)). The statistics will be categorized separately as offenses that occur in the following places (20 USC § 1092(f)(12); 34 CFR 668.46 (c)(5)):

1. On campus.
2. In or on a non-campus building or property.
3. On public property.
4. In dormitories or other on-campus, residential or student facilities.

(d) Statistics will be included by the calendar year in which the crime was reported to the Sheriff's Office (34 CFR 668.46(c)(3)).

(e) Stalking offenses will include a statistic for each year in which the stalking conduct is reported and will be recorded as occurring either at the first location where the stalking occurred or the location where the victim became aware of the conduct (34 CFR 668.46(c)(6)).

(f) Statistics will include the three most recent calendar years (20 USC § 1092(f)(1)(F); 34 CFR 668.46(c)).

(g) The statistics shall not identify victims of crimes or persons accused of crimes (20 USC § 1092(f)(7)).

807.4.1 CRIME LOG

The Dispatch Supervisor is responsible for ensuring a daily crime log is created and maintained as follows (20 USC § 1092(f)(4); 34 CFR 668.46(f)):

(a) The daily crime log will record all crimes reported to the Sheriff's Office, including the nature, date, time and general location of each crime, and the disposition, if known.

(b) All log entries shall be made within two business days of the initial report being made to the Office.

(c) If new information about an entry becomes available, then the new information shall be recorded in the log not later than two business days after the information becomes available to the Sheriff's Office or security department.

(d) The daily crime log for the most recent 60-day period shall be open to the public for inspection at all times during normal business hours. Any portion of the log that is older

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

than 60 days must be made available within two business days of a request for public inspection. Information in the log is not required to be disclosed when:

1. Disclosure of the information is prohibited by law.
2. Disclosure would jeopardize the confidentiality of the victim.
3. There is clear and convincing evidence that the release of such information would jeopardize an ongoing criminal investigation or the safety of an individual, may cause a suspect to flee or evade detection, or could result in the destruction of evidence. In any of these cases, the information may be withheld until that damage is no longer likely to occur from the release of such information.

807.5 INFORMATION DISSEMINATION

It is the responsibility of the Special Operations Commander to ensure that the required Clery Act disclosures are properly forwarded to campus administration and community members in accordance with the institution's procedures. This includes:

(a) Procedures for providing emergency notification of crimes or other incidents and evacuations that might represent an imminent threat to the safety of students or employees (20 USC § 1092(f)(3); 34 CFR 668.46(e) and (g)).

(b) Procedures for notifying the campus community about crimes considered to be a threat to other students and employees in order to aid in the prevention of similar crimes. Such disseminated information shall withhold the names of victims as confidential (20 USC § 1092(f)(3)).

(c) Information necessary for the institution to prepare its annual security report (20 USC § 1092(f)(1); 34 CFR 668.46 (b)). This report will include, but is not limited to:

1. Crime statistics and the policies for preparing the crime statistics.
2. Crime and emergency reporting procedures, including the responses to such reports.
3. Policies concerning security of and access to campus facilities.
4. Crime, dating violence, domestic violence, sexual assault and stalking awareness and prevention programs, including:
   (a) Procedures victims should follow.
   (b) Procedures for protecting the confidentiality of victims and other necessary parties.
5. Enforcement policies related to alcohol and illegal drugs.
6. Locations where the campus community can obtain information about registered sex offenders.
7. Emergency response and evacuation procedures.
8. Missing student notification procedures.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

9. Information addressing the jurisdiction and authority of campus security including any working relationships and agreements between campus security personnel and both state and local law enforcement agencies.

807.5.1 INTERNAL INFORMATION DISSEMINATION

This Office may provide information, including police reports, regarding any incident within its jurisdiction to (CRS § 23-5-141):

(a) The director, or director's designee, of any campus program or unit with administrative responsibility for victim assistance, mental health services, university housing, student discipline processes or student affairs.

(b) A campus behavioral intervention task force.

When providing information regarding a sexual assault or attempted sexual assault, the victim's name and identifying information shall be redacted unless the victim agrees otherwise, in writing, with respect to each administrator or task force that will be given the information.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Crime Prevention

808.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and responsibilities pertaining to the Sheriff's Office Crime Prevention Program.

808.2 POLICY

The Sheriff's Office is committed to preventing crime in the community and has established a Crime Prevention Unit to oversee organization-wide crime prevention efforts. Crime prevention is an integral part of the mission of the Sheriff's Office and requires the participation of and strong collaboration between the Office and the community.

808.4 CRIME PREVENTION PROGRAMS

The prevention of crime is the responsibility of all members of the Office. Crime Prevention programs may vary depending upon budget and community need. Programs that may be administered include, but are not limited to, the following:

- Neighborhood Watch
- Business Watch
- Crime prevention through environmental design (CPTED)
- Workplace safety
- Drug abuse prevention
- Youth violence prevention
- Community Safety Coalition

808.4 CPU SUPERVISOR RESPONSIBILITIES

The CPU supervisor oversees the daily functions of the CPU and is responsible for coordinating with all Divisions to ensure that crime prevention functions are tailored to reflect changing Office and community needs. The CPU supervisor or the authorized designee acts as the primary crime prevention liaison between the Office, community groups and other government entities.

To maximize the impact of the CPU, the CPU supervisor should:

- Organize and establish a liaison with crime prevention groups within the community.
- Utilize crime data to customize specific crime prevention programs and responses.
- Understand community perceptions and misperceptions of crime.
- Communicate with other County groups (e.g., zoning, code compliance, street lighting, building permits, environmental design) regarding crime prevention issues.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

808.4.1 COMMUNITY ORIENTED POLICING

The CPU serves as the primary source and liaison for all Office-initiated community oriented policing initiatives.

808.4.2 CITIZEN SURVEY

A citizen's survey should be conducted at least once every three years including:

- Satisfaction with crime prevention efforts/education.
- Overall Office performance.
- Overall competence of Office members.
- Any safety or security concerns.
- Recommendations and suggestions for improvements.

A written summary of the compiled results should be provided to the Sheriff through the chain of command.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Chapter 9 - Custody

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 Sheriff's Office for processing prior to being released or transferred to the Criminal Justice Center (CJC) or other type of facility.

900.1.1 DEFINITIONS

Temporary custody - The time period an adult is in custody at the Sheriff's Office prior to being released or transported to a housing or other type of facility.

900.2 POLICY

The Sheriff's Office is committed to releasing adults from temporary custody as soon as reasonably practicable, and to keeping adults safe while in temporary custody at the Office. Adults should be in temporary custody only for as long as reasonably necessary for investigation, processing, transfer or release.

900.3 GENERAL CRITERIA AND SUPERVISION

No adult should be in temporary custody for longer than four 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 Sheriff's Office, but should be transported to CJC, 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.

(d) Individuals who are a suspected suicide risk.

1. 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.

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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 Office member capable of supervising shall be present at all times when an individual is held in temporary custody. 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.

If possible, at least one female deputy should be present when a female adult is in temporary custody.

900.3.3 ADDITIONAL REQUIREMENTS

Office members shall not be placed in positions of responsibility for the supervision and welfare of in custody individuals of the opposite sex in circumstances that can be described as an invasion of privacy or that may be degrading or humiliating to the individual in custody.

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.If there is any suspicion that the individual may be suicidal, he/she shall be transported to the CJC or the appropriate mental health facility.

The deputy should promptly notify the Sergeant of any conditions that may warrant immediate medical attention or other appropriate action.

900.4.1 CONSULAR NOTIFICATION

Consular notification may be mandatory when certain foreign nationals are arrested. The Communications Center 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.

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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 REQUIREMENTS

Members monitoring or processing anyone in temporary custody shall ensure:

(a) Safety checks and significant incidents/activities are noted.

(b) Individuals in custody are informed that they will be monitored at all times, except when using the toilet.

(a) There shall be no viewing devices, such as peep holes or mirrors, of which the individual is not aware.

(b) 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(h) Clean blankets are provided as reasonably necessary to ensure the comfort of an individual (6 CCR 1010-13:12.0).

(i) Adequate shelter, heat, light and ventilation are provided without compromising security or enabling escape.

(j) Adequate furnishings are available, including suitable chairs or benches (6 CCR 1010-13:8.0).

900.5.2 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 available (6 CCR 1010-13:14.0).

Should a person in custody be injured or become ill, appropriate medical assistance should be sought. An Office member should meet with those providing medical aid 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.

900.5.3 ATTORNEYS

The 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):

1. Upon the demand of the person in custody.

2. 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) Attorneys must produce a current identification card or license from a recognized state regulatory or licensing agency, as well as other matching appropriate identification.

(d) Interviews between attorneys and their clients shall not be monitored or recorded.

900.6 USE OF RESTRAINT DEVICES

Individuals in custody may be handcuffed; however, unless an individual presents a heightened risk, handcuffs should generally be removed when the person is in a termporary holding area.

900.7 SUICIDE ATTEMPT, DEATH OR SERIOUS INJURY

The responsible division and/or supervisor will ensure procedures are in place to address any suicide attempt, death or serious injury of any individual in temporary custody at the Sheriff's Office. The procedures should include the following:

(a) Immediate request for emergency medical assistance if appropriate

(b) Immediate notification of the the supervisor.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) Notification of the Coroner

(d) Evidence preservation

900.8 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 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 to assist with his/her personal needs as reasonable.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 Sheriff's Office facility. Such items can pose a serious risk to the safety and security of Office members, individuals in custody, contractors and the public.

Nothing in this policy is intended to prohibit the otherwise lawful collection of evidence from an individual in custody.

901.1.1 DEFINITIONS

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.

For specific guidelines concerning any of the following events occurring in the Jail, please refer to Detention Bureau Standard Operating Procedure 02.02 – Security and Searches:

- Property Inventory (No case number required)
- Secure Pass (Used during the booking process)
- Strip Searches of Arrestees (Who will be strip searched during Booking)
- Body Cavity Search (Authorized by Chief, Performed at Local Hospital)
- Cross Gender Pat Searches (Male deputies only pat search male inmates. Female deputies pat search male and female inmates)

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

901.4 SEARCHES AT SHERIFF'S FACILITIES

Custody searches shall be conducted on all individuals in custody. 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 Detentions personnel, such as weapons or large items. These items should be retained for safekeeping in accordance with the 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.

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

901.5 STRIP SEARCHES

No individual in temporary custody shall be subjected to a strip search unless there is reasonable suspicion based upon specific and articulable facts to believe the individual has a health condition requiring immediate medical attention or is concealing a weapon or contraband. Factors to be considered in determining reasonable suspicion include, but are not limited to:

(a) The detection of an object during a custody search that may be a weapon or contraband and cannot be safely retrieved without a strip search.

(b) Circumstances of a current arrest that specifically indicate the individual may be concealing a weapon or contraband.

1. A felony arrest charge or being under the influence of a controlled substance should not suffice as reasonable suspicion absent other facts.

(c) Custody history (e.g., past possession of contraband while in custody, assaults on Office members, escape attempts).

(d) The individual's actions or demeanor.

(e) Criminal history (i.e., level of experience in a custody setting).

No transgender or intersex individual shall be searched or examined for the sole purpose of determining the individual's genital status. If the individual's genital status is unknown, it may be determined during conversations with the person, by reviewing medical records, or as a result of a broader medical examination conducted in private by a medical practitioner (28 CFR 115.115).

901.5.1 STRIP SEARCH PROCEDURES

Strip searches shall be conducted as follows (28 CFR 115.115; CRS § 16-3-405):

(a) Written authorization from the 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 Lieutenant.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

4. The name of the individual who was searched.
5. The name and sex of the members who conducted the search.
6. The name, sex and role of any person present during the search.
7. The time and date of the search.
8. The place at which the search was conducted.
9. A list of the items, if any, that were recovered.
10. The facts upon which the member based his/her belief that the individual was concealing a weapon or contraband.

(g) No member should view an individual's private underclothing, buttocks, genitalia or female breasts while that individual is showering, performing bodily functions or changing clothes, unless he/she otherwise qualifies for a strip search. However, if serious hygiene or health issues make it reasonably necessary to assist the individual with a shower or a change of clothes, a supervisor should be contacted to ensure reasonable steps are taken to obtain the individual's consent and/or otherwise protect his/her privacy and dignity.

(h) A copy of the written authorization should be retained and made available upon request to the detainee or the detainee's authorized representative.

901.5.2 SPECIAL CIRCUMSTANCE FIELD STRIP SEARCHES

A strip search may be conducted in the field only with Lieutenant authorization and only in exceptional circumstances, such as when:

(a) There is probable cause to believe that the individual is concealing a weapon or other dangerous item that cannot be recovered by a more limited search.

(b) There is probable cause to believe that the individual is concealing controlled substances or evidence that cannot be recovered by a more limited search, and there is no reasonable alternative to ensure the individual cannot destroy or ingest the substance during transportation.

These special-circumstance field strip searches shall only be authorized and conducted under the same restrictions as the strip search procedures, except that the Lieutenant authorization does not need to be in writing.

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 Bureau Chief 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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 Bureau Chief ’s approval.
4. A copy of the search warrant.
5. The time, date and location of the search.
6. The medical personnel present.
7. The names, sex and roles of any Office members present.
8. Any contraband or weapons discovered by the search.

(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 Director 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 Sheriff's Office Facilities (115.11).

902.1.1 DEFINITIONS

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 (115.5).

Sexual abuse - Any of the following acts, if the detainee/inmate 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 (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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

- Any attempt, threat or request by a staff member, contractor or volunteer to engage in the activities described above
- 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 (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/inmate, arrestee or resident that are directed toward another; repeated verbal comments or gestures of a sexual nature to a detainee/inmate, 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 (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 (115.5).

902.2 POLICY

The Sheriff's Office has zero tolerance toward all forms of sexual abuse and sexual harassment (115.11). 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 Sheriff's Office will take immediate action to protect detainees/inmates who are reasonably believed to be subject to a substantial risk of imminent sexual abuse (115.62).

902.3 PREA COORDINATOR

The Sheriff shall appoint an upper-level manager with sufficient time and authority to develop, implement and oversee Office efforts to comply with PREA standards in the Sheriff's Office Facilities (115.11). 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 Sheriff's Office detainees/inmates 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, at least annually 115.87 (115.12).

(c) Developing a staffing plan to provide adequate levels of staffing and video monitoring, where applicable, in order to protect detainees/inmates from sexual abuse (115.13). 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/inmates (115.51).

(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 (115.65).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(f) Ensuring a protocol is developed for investigating allegations of sexual abuse in the Criminal Justice Center (CJC) or any other Temporary Holding Facility. The protocol shall include (115.21; 115.22):

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/inmate access to victim advocacy services if the detainee/inmate 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) (115.16).

1. The agency shall not rely on other detainees/inmates for assistance except in limited circumstances where an extended delay in obtaining an interpreter could compromise the detainee's/inmate's safety, the performance of first-response duties under this policy, or the investigation of a detainee's/inmate'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 (115.54).

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 (115.22).

(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 (115.87).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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, 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 115.401 through 115.405, (115.93).

(k) Ensuring contractors or others who have contact with inmates, are informed of the agency's zero-tolerance policy regarding sexual abuse and sexual harassment (115.32).

902.4 REPORTING SEXUAL ABUSE AND HARASSMENT

Detainees/inmates may make reports verbally, in writing, privately or anonymously of any of the following (115.51):

- Sexual abuse
- Sexual harassment
- Retaliation by other detainees/inmates 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/inmates 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 (115.32; 115.51).

902.4.1 MEMBER RESPONSIBILITIES

Office members shall accept reports from detainees and third parties and shall promptly document all reports (115.51).

All members shall report immediately any knowledge, suspicion or information regarding:

(a) An incident of sexual abuse or sexual harassment that occurs in CJC.

(b) Retaliation against detainees/inmates 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 (115.61).

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

902.4.2 SUPERVISOR RESPONSIBILITIES
The supervisor shall report to the Office's designated investigators all allegations of sexual abuse, harassment, retaliation, neglect or violations leading to sexual abuse, harassment or retaliation. This includes third-party and anonymous reports (115.61).

If the alleged victim is under the age of 18 or considered a vulnerable adult, the supervisor 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 Bureau Chief 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 Bureau Chief shall document such notification (115.63).

If an alleged detainee/inmate victim is transferred from the 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/inmate's potential need for medical or social services, unless the detainee/inmate requests otherwise (115.65).

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 (115.71).

902.5.1 FIRST RESPONDERS
The first deputy to respond to a report of sexual abuse or sexual assault shall (115.64):

(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 (115.64).

902.5.2 INVESTIGATOR RESPONSIBILITIES
Investigators shall (115.71):

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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/inmate or a member of the 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/inmate sexually abused another detainee/inmate in CJC. (115.78).

(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 (115.71).

902.5.4 SEXUAL ASSAULT AND SEXUAL ABUSE VICTIMS

No detainee/inmate 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 (115.71(e)).

Detainee/inmate 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 (115.82).

902.5.5 CONCLUSIONS AND FINDINGS

All completed investigations shall be forwarded to the Sheriff, or authorized designee, or if the allegations may reasonably involve the Sheriff, to the County Administrator. The Sheriff or authorized designee, or County Administrator shall review the investigation and determine whether any allegations of sexual abuse or sexual harassment have been substantiated by a preponderance of the evidence (115.72).

All personnel shall be subject to disciplinary sanctions up to and including termination for violating this policy. Termination shall be the presumptive disciplinary sanction for Office members who have engaged in sexual abuse. All discipline shall be commensurate with the nature and

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

circumstances of the acts committed, the member's disciplinary history and the sanctions imposed for comparable offenses by other members with similar histories (115.76).

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 (115.76).

Any contractor or volunteer who engages in sexual abuse shall be prohibited from contact with detainees/inmates and reported to any relevant licensing bodies (115.77). The Sheriff or authorized designee, shall take appropriate remedial measures and consider whether to prohibit further contact with detainees/inmates by a contractor or volunteer.

902.6 RETALIATION PROHIBITED

All detainees/inmates and members who report sexual abuse or sexual harassment or who cooperate with sexual abuse or sexual harassment investigations shall be protected from retaliation (115.67). If any other individual who cooperates with an investigation expresses a fear of retaliation, appropriate measures shall be taken to protect that individual.

The Lieutenant or the authorized designee shall employ multiple protection measures, such as housing changes or transfers for detainee/inmates 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 Lieutenant or the authorized designee shall identify a staff member to monitor the conduct and treatment of detainees/inmates or members who have reported sexual abuse and of detainees/inmates who were reported to have suffered sexual abuse. The staff member shall act promptly to remedy any such retaliation. In the case of detainees/inmates, 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 (115.86).

The review shall (115.86):

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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 or authorized designee 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 (115.86).

902.7.2 DATA REVIEWS

CJC shall conduct an annual review of collected and aggregated incident-based sexual abuse data at least annually. The review should include, as needed, data from incident-based documents, including reports, investigation files and sexual abuse incident reviews (115.87).

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 (115.88):

(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 or authorized designee and made readily available to the public through the Office website or, if it does not have one, 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 CJC or other Sheriff's Office facilities. However, the nature of the redacted material shall be indicated.

All aggregated sexual abuse data from Sheriff's Office facilities shall be made readily available to the public at least annually through the Office website or, if it does not have one, 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 (115.71).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 (115.189).

902.9 TRAINING

All employees, volunteers and contractors who may have contact with detainees/inmates shall receive Office-approved training on the prevention and detection of sexual abuse and sexual harassment within this facility. The Training Director shall be responsible for developing and administering this training as appropriate, covering at a minimum (115.31):

- The Office's zero-tolerance policy and detainees'/inmates' 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/inmates are most vulnerable.
- The right of detainees/inmates 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/inmates.
- 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 (115.34):

- 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 Director shall maintain documentation that employees, 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 employees and volunteers who may have contact with detainees/inmates shall be trained within one year of the effective date of the PREA standards. The agency shall provide annual refresher information to all such employees and volunteers to ensure that they understand the current sexual abuse and sexual harassment policies and procedures.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Transporting Detainees

903.1 PURPOSE AND SCOPE

This policy provides guidelines for transporting persons who are in the custody of the Sheriff's Office.

903.2 POLICY

It is the policy of the Sheriff's Office to make reasonable efforts to protect the safety of persons in custody while they are being transported.

903.3 PROCEDURES

Members transporting a person in custody should ensure:

(a) All persons are handcuffed and properly restrained by a seat belt or other approved safety restraint system, if safe to do so.

(b) All persons in custody remain in a seated or otherwise safely restrained position in the rear of the vehicle.

(c) Any person behaving in a manner so violent or uncooperative that he/she cannot or will not sit upright is:

1. Reviewed for a medical condition by an emergency medical services provider and if a medical condition exists, transported by ambulance for a medical examination.

    (a) If no medical condition exists or an ambulance is unavailable or unwilling to transport the prisoner, alternative transportation should be arranged (e.g., special transport van).

(d) A verbal welfare check is made with a person in custody every 15 minutes.

    (a) If a person being transported is not responsive or indicates a medical condition, the transporting member should advise dispatch and render aid as soon as practicable.

    (b) Special conditions (e.g., suicidal persons, persons wearing a spit hood) may require closer observations or visual monitoring.

(e) All areas of the vehicle accessible to a person in custody are searched before and after each transport.

(f) A person in custody is searched immediately after his/her arrest, before transport in any Office vehicle, after transportation and any time another person assumes custody.

1. Whenever practicable, the 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.

(g) Transport is accomplished in a direct and timely manner.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(h) The same consideration is shown to a person in custody as would be reasonably shown to any other passenger (e.g., avoiding loud or objectionable music, excessive heat or cooling).

(i) The manner in which a person being transported is not used as a form of punishment or retaliation.

(j) Persons suspected of having a communicable disease are transported in compliance with the exposure control plan.

(k) Persons in custody are transported individually when practical, or within their own compartment of a multiple-compartment vehicle, unless supervisor approval is received based on unusual circumstances:

  (a) Juveniles are not to be transported with adults.

  (b) Females are not to be transported with males. When possible, transgender or intersex persons should be transported with persons of the gender they identify with.

  (c) Persons with known hostilities toward each other, such as mutual combatants or rival gang members, are not to be transported together.

(l) Dispatch is advised of the following:

  (a) The time when a transport begins and the vehicle's mileage.

  (b) The time, vehicle's mileage and reason for any stops.

  (c) The time of arrival at the destination and the vehicle's mileage.

(m) Reasonable efforts are made 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.

(n) Direct visual observation and audio communication is provided during transport of:

  (a) Individuals in auxiliary restraints.

  (b) Individuals in leg restraints.

  (c) Individuals wearing a spit hood.

  (d) Individuals who are a suspected suicide risk.

903.3.1 TRANSPORTING PERSONS WITH DISABILITIES

When transporting a person with a disability, a transporting member should request assistance as necessary to transport the person in a reasonable and safe manner. The transporting member should ensure that any special equipment, (e.g., canes, wheelchairs or prosthetics) is transported in such a manner to not threaten the safety or security of the person or member and that such equipment is transported to the person's destination.

Members transporting a person with a disability should use their 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

903.4 DOCUMENTATION

Members should document, in the appropriate report, when a person is injured during transportation. 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 prisoners). Any visible injuries should be photographed and included with the report.

903.5 PROHIBITIONS

When transporting a person in custody members should not:

(a) Leave the vehicle unattended with the person in the vehicle.

(b) Stop to conduct any personal activities.

(c) Respond to calls or engage in other enforcement activities except in exigent circumstances.

(d) Engage in a pursuit unless exigent circumstances exist, and then only after the need to apprehend the suspect is weighed against the safety of the person in transport and approved by a supervisor.

1. A vehicle containing more than a single person in custody should not be involved in any pursuit.

(e) Transport persons in a vehicle that is not equipped to safely transport prisoners except in an emergency.

(f) Drive in a manner intentionally designed to punish or make the person uncomfortable.

903.6 ESCAPES

In the event that a person in custody escapes while being transported, the member transporting the person should immediately advise dispatch and other units of the escape, provide a description of the escapee, notify the supervisor and submit a written report as soon as practicable describing the circumstances of the escape and any recapture.

The supervisor should notify the chain of command upon learning of an escape. The supervisor should review the report submitted by the transporting member and investigate the circumstances surrounding the escape.

903.7 NOTIFICATIONS

Members should notify a supervisor and Intake & Release personnel of information regarding any circumstances the member 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Chapter 10 - Personnel

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Recruitment and Selection

1000.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements the rules that govern employment practices for the Sheriff's Office and that are promulgated and maintained by the Department of Human Resources.

1000.2 POLICY

In accordance with applicable federal, state and local law, the Sheriff's Office provides equal opportunities for applicants and employees, regardless of race, gender expression, age, pregnancy, religion, creed, color, national origin, ancestry, physical or mental handicap, genetic information, veteran status, marital status, sex or any other protected class or status.

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.

The Sworn and Civilian hiring process applies to all positions within the Office. Current employees desiring to apply for any position within the Office, whether sworn or civilian will adhere to the applicable guideline in this policy.

1000.3 RECRUITMENT

The Administrative and Support Services Bureau will employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

(a) Identification of racially and culturally diverse target markets.

(b) Use of marketing strategies to target diverse applicant pools.

(c) Use of technology and maintenance of a strong internet presence

(d) Outreach through partnerships with media, community groups, citizen academies, colleges, schools, universities and the military.

The Administrative and Support Services Bureau shall avoid advertising, recruiting and screening practices which stereotype, focus on homogeneous applicant pools or screen applicants in a discriminatory manner. The Office will strive to facilitate and expedite the screening and testing process and should periodically inform candidates of his/her status in the process.

The Recruiting Unit may form a Recruitment Team to assist in recruitment efforts of sworn and civilian personnel. Members of this team may include sworn and civilian personnel selected by the Recruiting Unit who may provide recruiting assistance on an ad-hoc or continual basis, depending

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

upon recruitment needs and activities. Personnel considered for this auxiliary assignment will demonstrate above average public speaking skills and the endorsement of their chain of command.

1000.4 HIRING PROCEDURES

1000.4.1 SWORN HIRING PROCEDURES

Applicants for sworn positions will be administered a standardized written law enforcement exam. Applicants will be contacted by descending order of score to begin the background investigation process. Once a sufficient pool of applicants has completed the background process, those candidates will proceed to the oral board phase. Results of the board will be used to determine placement order for upcoming Recruit Academies. Candidates scoring below the mean may be disqualified. Candidates scoring above the mean, however not immediately selected for attendance at an Academy will remain eligible for placement at future academies for a period of one year from the date of the board.

(a) Written Test: the written test will be administered at a pre-determined location as needed. Applicants will be required to present a legal and valid form of picture identification in order to be admitted to the test. If time allows, results of the test will be made available at the test location for the applicants. A passing score for the written exam will be considered 75% or greater. Applicants receiving a failing score will be eliminated from further consideration.

(b) Oral Boards: The board members will ask questions approved by the Administrative and Support Services Bureau Administrator or designee. The board will consist of at minimum one Bureau Chief or designee, one Commander from the Detention Bureau or designee, one Lieutenant from the Detention Bureau and one Lieutenant from any other Bureau. A representative from the Administrative and Support Services Bureau will be present during the board.

(c) Additional Background Requirements: In addition to the above mentioned testing requirements, all prospective sworn employees must comply with the following phases:

1. Complete the Truth Verification Examination booklet and complete a truth verification interview/Computerized Voice Stress Analysis (CVSA) exam which will be administered by a National Institute for Truth Verification (NITV) certified examiner. The results of this examination will not be used as the sole determinate of employment status.
2. Successfully pass a background investigation.
3. Successfully pass psychological testing and a psychological interview.
4. Successfully pass a pre-employment physical examination.
5. Successfully pass a pre-employment drug screen in support of El Paso County's drug free workplace policy.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1000.4.2 LATERAL HIRING PROCEDURES

All latera l entry candidates will be required to participate in the normal sworn hiring/ selection process. The Sheriff's Office will not accept lateral entry for positions of Sergeant or Lieutenant. Staff assignments above the rank of lieutenant are by appointment of the Sheriff only.

(a) Deputy I- Lateral entry as a Deputy I will be approved by the Administrator based upon a staff review using the following guildelines:

1. The applicant must be a Colorado State Certified Peace Officer or be eligible for Provisional Certification under Rule 11 of the Colorado Peace Officers Standards and Training Board (POST).
2. The applicant must possess three (3) years of experience, which must have been within the last five (5) years.
3. Applicants may substitute two (2) years experience for every 30 semester hours of study, in criminal justice or another related field, toward a degree; maximum substitution allowed is four (4) years.
4. The experience must be in direct relation to the position for which the applicant is seeking and may be in a Federal, State, County or City Department.

(b) Deputy II- Lateral entry as a Deputy II will be approved by the Administrator, using the following guidelines:

1. The applicant must be a Colorado State Certified Peace Officer or be eligible for Provisional Certification under Rule 11 of the Colorado Peace Officers Standards and Training Board.
2. The applicant must possess four (4) years of experience, which must have been within the last six (6) years.
3. Applicants may substitute two (2) years experience for every 30 semester hours of study, in criminal jJustice or another related field, toward a degree; maximum substitution allowed is two (2) years.

1000.4.3 PROVISIONAL HIRING PROCEDURES

Provisional Certification approved by the POST Board effective January 31, 2016

(a) The Board is authorized to issue a provisional certification letter to any applicant who is authorized to serve as a certified peace officer by any other state or federal jurisdiction, excluding the armed forces, which has established minimum law enforcement training standards that are equivalent to the standards established by Colorado as determined by the POST Director. The provisional applicant must be fully certified within the preceding three years and have served as a certified law enforcement officer in good standing in such other state or federal jurisdiction for more than one year. The applicant must additionally meet all of the following requirements:

1. Possess and submit a copy of his/her high school diploma, or high school equivalency certificate;
2. Possess and submit a copy of his/her current first aid and cardiopulmonary resuscitation certification, or equivalents;

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

3. Truthfully complete and submit the POST Form 3 – *Application for Provisional Certification*;
4. Successfully complete the fingerprint-based criminal history record check required under Rule 14; and
5. Pass the certification examination or, if leaving active out-of-state (the state in which the individual is certified) or federal peace officer employment, pass the certification exam within six (6) months from the date of issuance of the provisional certification.

(b) A provisional certification letter authorizes the holder to serve as a certified Colorado peace officer for not more than six (6) months.

(c) The Board shall issue a basic certificate to the holder of a provisional certification letter if such person satisfies any combination of the following skills proficiency requirements, or, if leaving active out-of-state (the state in which the individual is certified) or recognized federal peace officer employment, satisfies any combination of the following skills proficiency requirements within six (6) months from the date of issuance of the provisional certification:

1. Successfully completes skills training at a POST-approved basic peace officer training academy;
2. Successfully completes a POST-approved refresher academy, including the arrest control, law enforcement driving, and firearms skills training;
3. Passes a skills examination pursuant to Rule 16 in each of the three (3) skills disciplines at a POST test-out site, or passes all portions of the three (3) skills examinations at a regional test-out site, as documented by an approved skills instructor. Approved skills instructors includes: SME committee members or POST-approved designees who are not members of the applicant’s employing agency;
4. Passes only some portions of the examinations referred to in (c) and the applicant elects to complete prescribed remedial training with respect to those portions not passed and successfully passes the skills test-out examination following the remedial training; or
5. Passes a POST-approved lateral training academy that includes agency-specific academic courses and skills training in arrest control, law enforcement driving and firearms.
6. The POST-approved skills instructor must submit the completed POST *Skills Testing Grade Sheet* to POST.
7. Persons desiring additional time to complete the basic certification requirements beyond the initial six (6) months provided by the provisional certification letter must petition the Director and demonstrate good cause why such additional time should be granted.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1000.4.4 CIVILIAN HIRING PROCEDURES
Civilian positions will be advertised and selected as openings occur.

(a) Civilian Hiring Process:

1. Positions will be advertised through the County Human Resources (HR) Office for a minimum period of five (5) business days.
2. All applications will be reviewed for interview eligibility based on information provided on each application as it relates to the criteria set forth in the job description. Denied applications will then be forwarded to County Human Resources who will notify the candidates they are no longer being considered for the vacancy.
3. The division commander or their designee, from where the vacancy exists, will select an oral board to conduct the interviews with the candidates in coordination with County Human Resources. The members should consist of at least one (1) staff member and one (1) first line supervisor from their division and another staff member from another division, preferably from outside their bureau. A representative from County HR will coordinate and be present during the interviews.
4. Following the interviews, the scores, and all interview paperwork and applications, shall be maintained by County Human Resources. The County Human Resources office will establish the board's selection/eligibility list. County HR will submit the boards selection to the Administration designee for approval.
5. The County HR office will send written notification to those applicants who are not being selected for the position and those that will remain on an eligibility list for 90 days.
6. If more than one (1) opening exists, the selection range will be expanded by one (1) applicant for each open position.
7. Civilian applicants will be expected to successfully pass a truth verification examination, a background investigation and a pre-employment drug screen prior to employment.
8. The Sheriff will have final hiring authority for civilian hiring.

1000.5 RE-EMPLOYMENT

(a) Sworn Employees:

(a) Full-time sworn employees who resign their position voluntarily may be considered for re-employment based on the needs of the Office and their past employment record. The request for re-employment must be received by the Personnel Services Lieutenant within two (2) years from the date of ending employment. Full-time employees, who are terminated for cause or under the provisions of CRS 30-10-506, as amended, are not eligible for re-employment.

(b) Sworn personnel eligible for re-employment shall be re-employed at one grade lower than their prior grade level or at their last grade level at the discretion of

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

the Sheriff or Undersheriff when exigent circumstances exist. Re-employment candidates will not be eligible for lateral entry as defined in this policy.

(c) All sworn personnel will undergo a 1 year probationary period from the date of rehire if they have been gone longer than 180 days.

(d) All sworn personnel re-employed must satisfactorily complete a truth verification examination, background investigation, physical and psychological evaluation unless waived by the Sheriff or Undersheriff. Those individuals seeking re-employment who have not been continuously employed in a law enforcement capacity must undergo a physical and psychological evaluation in accordance with POST rules unless such evaluations were within one (1) year prior to the date of employment. Sworn personnel must successfully complete a background investigation prior to being re-hired.

(e) All sworn personnel who are rehired after any separation of employment from the Sheriff’s Office will be assigned a new Employee Identification Number (EID).

(f) Sworn personnel eligible for re-employment shall take precedence over new employee hiring lists when vacancies occur.

(b) Civilian Employees:

(a) Full-time civilian employees who resign their position voluntarily, may be considered for re-employment based on the needs of the Office and their past employment record. The request for re-employment must be received by the Personnel Services Lieutenant within two (2) years from the date of ending employment. Full-time employees, who are terminated for cause or are not eligible for re-employment.

(b) Civilian personnel eligible for re-employment will be granted an interview for the position opening.

(c) Civilian personnel eligible for re-employment shall take precedence over new employee hiring lists when vacancies occur within their respective lists.

(d) Civilian personnel requesting re-employment may be considered for direct rehire at the discretion of the Sheriff or Undersheriff.

(e) Civilian personnel rehired will undergo a 6 month probationary period.

(f) Civilian personnel who are rehired after any separation of employment from the Sheriff’s Office will be assigned a new Employee Identification Number (EID).

(g) All full-time civilian personnel re-employed must satisfactorily complete a truth verification examination, background investigation and drug screening.

1000.6 DISQUALIFICATION GUIDELINES

Disqualification criteria has been established to identify applicants who encompass qualities preferred to maintain an ethical and professional work environment and will be applied when considering an applicant's suitability for employment or service with the Office.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1000.6.1 SWORN APPLICANT DISQUALIFIERS

Sworn applicants who are screened out of the background investigation process will receive a letter stating they are no longer being considered for the position. Sworn applicants may be disqualified for any of the following reasons:

(a) Felony Convictions

(b) Failure to meet minimum age requirements

(c) Conviction involving crimes of moral turpitude and certain misdemeanors such as domestic violence.

(d) Any Domestic Violence conviction (including deferred sentences in which a guilty plea or plea of nolo contendre was entered)

(e) Admission to actions which meet the elements for crimes of moral turpitude or domestic violence

(f) Failure to meet minimum educational requirements

(g) No valid driver's licenses

(h) Marijuana use within the past 12 months

(i) Schedule III drug use within the past three years other than prescribed

(j) Schedule II drug use within the past five years other than that prescribed

(k) Schedule I drug us (excluding marijuana) within the past ten years

(l) Any history of drug sales/distribution to include Marijuana, Schedule I, II or III controlled substances or any other prescription drug (details and time frame will be taken into consideration)

(m) Dishonorable discharge from any branch of military service

(n) Any DUI/DWAI/DUID conviction (including deferred sentences in which a guilty plea or plea of nolo contendre was entered) within the past five years

(o) Five or more traffic (moving) citations within the past five years

(p) More than one at-fault traffic crash within the past five years

(q) Any suspension/revocation/cancellation/denial of driver's license within the past five years

(r) History of financial irresponsibility

(s) History of poor work performance or disciplinary actions

(t) Criminal Associations

(u) A theft or theft from an employer (details and time frame will be taken into consideration)

(v) Failure to keep appointments or failure to submit all documentation in a complete an timely fashion to the Background Unit

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1000.6.2 CIVILIAN APPLICANT DISQUALIFIERS

Civilian applicants who are screened out of the background investigation process will receive a letter stating they are no longer being considered for the position. Civilian applicants may be disqualified for any of the following reasons:

(a) Felony Convictions

(b) Failure to meet minimum age requirements

(c) Conviction involving crimes of moral turpitude and certain misdemeanors such as domestic violence.

(d) Any Domestic Violence conviction (including deferred sentences in which a guilty plea or plea of nolo contendre was entered)

(e) Admission to actions which meet the elements for crimes of moral turpitude or domestic violence

(f) Failure to meet minimum educational requirements

(g) No valid driver's licenses

(h) Marijuana use within the past 12 months

(i) Schedule III drug use within the past three years other than that prescribed

(j) Schedule II drug use within the past five years other than that prescribed

(k) Schedule I drug us (excluding marijuana) within the past ten years

(l) Any history of drug sales/distribution to include Marijuana, Schedule I, II or III controlled substances or any other prescription drug (details and time frame will be taken into consideration)

(m) Dishonorable discharge from any branch of military service

(n) History of financial irresponsibility

(o) History of poor work performances or disciplinary actions

(p) Criminal Associations

(q) A theft or theft from an employer (details and time frame will be taken into consideration)

(r) Failure to keep appointments or failure to submit all documentation in a complete and timely fashion to the Background Unit.

The following disqualifiers will also apply to any civilian position which requires operating a County owned vehicle to fulfill the required duties and responsibilities:

(a) Any DUI/DWAI/DUID conviction (including deferred sentences in which a guilty plea or plea of nolo contendre was entered) within the past five years

(b) Five or more traffic (moving) citations within the past five years

(c) More than one at-fault traffic crash within the past five years

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(d) Any suspension/revocation/cancellation/denial of driver's license within the past five years

1000.6.3 VOLUNTEERS, INTERNS AND CONTRACTORS
Background investigations will be conducted on Volunteers, Interns and Contractors. Individuals may be disqualified based on any of the following reasons:

Volunteers or Interns:

(a) Felony Convictions

(b) Failure to meet minimum age requirements

(c) Conviction involving crimes of moral turpitude and certain misdemeanors such as domestic violence

(d) Admission to actions which meet the elements for crimes of moral turpitude or domestic violence

(e) Domestic Violence conviction (including deferred sentence in which a guilty plea or plea of nolo contendre was entered)

(f) Failure to meet minimum education requirements

(g) Marijuana use within the past six months

(h) Schedule III drug use within the past three years other than that prescribed

(i) Schedule II drug use within the past five years other than that prescribed

(j) Schedule I drug use (excluding marijuana) within the past ten years

(k) Any history of drug sales to include Marijuana, Schedule I, II or III controlled substances or any other prescription drug

Contractors with Inmate or Public Contact:

(a) Felony Conviction involving violence, weapons, assault or drug trafficking

(b) Conviction involving crimes of moral turpitude and certain misdemeanors such as domestic violence

(c) Admission to actions which meet the elements for crimes of moral turpitude or domestic violence

(d) Marijuana use within the past six months

(e) Schedule III drug use within the past three years other than that prescribed

(f) Schedule II drug use within the past five years other than that prescribed

(g) Schedule I drug use (excluding marijuana) within the past ten years.

(h) Any history of drug sales to include Marijuana, Schedule I, II, or III controlled substances or any other prescription drug

(i) Failure to meet any qualifications as outlined per relevant contracts

Contractors with no/incidental Inmate or Public Contact

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Felony Conviction involving violence, weapons, assault or drug trafficking

(b) Any history of drug sales to include Marijuana, Schedule I, II, or III controlled substances or any other prescription drug

(c) Any drug use within the past 90 days

(d) Failure to meet any qualifications as outlined per relevant contracts

1000.6.4 INTERNAL TRANSFER BACKGROUNDS

(a) Civilian or Sworn to Civilian Transfers-Background Investigation Unit will conduct updated NCIC/CCIC checks

(b) Civilian to Sworn Transfers-Background Investigation Unit will conduct a complete standard sworn background investigation.

(c) Volunteer/Intern to Sworn or Civilian Employee- Background Investigation Unit will conduct a complete standard sworn or civilian background investigation

1000.7 PROBATIONARY PERIOD

(a) Sworn Probationary Period

1. Sworn personnel will be on new hire probation for one (1) year from their date of hire and may be extended for a period of up to six (6) months for training or disciplinary purposes.

2. Sworn personnel who are injured, on or off duty, during their probationary period or during their training review period may have their probationary date extended for the length of time they are off, or on light or modified duty. If the employee is able to demonstrate proficiency in their assigned duties, after they return to full duty, the division commander may reduce the probationary date extension.

3. Sworn personnel who have been rehired will be placed on probation as indicated above, unless otherwise directed by the Sheriff or Undersheriff.

4. Sworn personnel who are on probation may be terminated from employment for policy violation(s), violating a state statute, a county or municipal ordinance, or failing to successfully complete their probation period.

5. Sworn personnel on disciplinary probation have the right to appeal a termination recommendation to the Sheriff as established in Policy.

(b) Civilian Probationary Period

1. Civilian personnel will be on probation for six (6) months from the date of employment and may be extended for a period of up to three (3) months for training or disciplinary purposes.

2. Civilian Personnel who are injured, on or off duty, during their probationary period or during their training review period may have their probationary date extended for the length of time they are off, or on light or modified duty. If the employee is able to demonstrate proficiency in their assigned duties, after they return to full duty, the division commander may reduce the probationary date extension.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

3. Civilian personnel who have been rehired will be placed on probation as indicated above, unless otherwise directed by the Sheriff or Undersheriff.
4. Civilian personnel who are on probation may be terminated from employment for policy violation(s), violating a state statute, a county or municipal ordinance, or failing to successfully complete their probation period.
5. Civilian personnel on disciplinary probation have the right to appeal a termination recommendation in accordance with El Paso County Policy.

1000.8 RESIDENCY REQUIREMENTS

Members are not required to reside within El Paso County

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Orientation

1001.1 POLICY

It is the policy of the Sheriff's Office to provide an orientation process for all new employees, which may include sessions provided by County Human Resources in conjunction with Sheriff's Office presentations.

1001.2 PURPOSE

To provide guidelines for the orientation training of new sworn and civilian employees

1001.3 PROCEDURE

A. ORIENTATION TRAINING: The presentations will include:

1. The Sheriff's Office: organization, role, purpose and goals.
2. Policies and procedures
3. Working conditions
4. Employee responsibilities and rights
5. Employee benefits and compensation
6. Accreditation and other pertinent issues
7. Issuance of equipment
8. Tours of Sheriff's Office facilities

B. PERSONNEL AND TRAINING RECORDS:

1. All records of orientation/training sessions will be kept in both the training and personnel file.
2. Records shall consist of a checklist to be signed by supervisors and employee indicating dates of attendance and concepts taught as indicated above. In addition to the checklist, the employee will sign a form acknowledging the employee has been provided access to the Sheriff's Office Policy and Procedure Manual, and the employee has reviewed the policy manual

C. SWORN PERSONNEL: Sworn personnel will receive their orientation training during the recruit academy.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Evaluation of Employees

1002.1 PURPOSE AND SCOPE

The Office's employee performance evaluation system is designed to record work performance for both the Office and the employee, providing recognition for good work and developing a guide for improvement.

1002.2 POLICY

The 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 employee. It gives supervisors a way to create an objective history of work performance based on job standards.

The Office evaluates employees in a non-discriminatory manner based upon job-related factors specific to the employee's position, without regard to sex, race, color, national origin, religion, age, disability or other protected classes.

1002.3 DEFINITIONS

ANNIVERSARY DATE: The anniversary date for civilian employees and lateral transfer deputies will be the date of hire. The anniversary date for sworn employees hired before January 1, 2007 will be the employee's date of hire. The anniversary date for deputy designees hired after January 1, 2007 will be the employee's graduation date from the Basic Law Enforcement Training Academy. The anniversary date for civilian supervisors, sergeants and lieutenants will be the date they are promoted or appointed.

AUDIT: A formal review of compliance with accreditation standards, contractual agreements or Sheriff's Office policy and/or procedure.

EMPLOYEE: Includes all full-time, part-time, and sworn reserve personnel.

EVALUATION DATE: Date the employee's evaluation is due. This date may be the same as the date of hire or change based on promotion or other factors.

EXCEEDS STANDARDS: Represents performance that is better than expected of a fully competent employee. It is superior to what is expected but is not of such rare nature to warrant outstanding.

MEETS STANDARDS OR EFFECTIVE: Performance of a fully competent employee. 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 employee and less than the standards required of the position. A needs-improvement rating must be thoroughly discussed with the employee.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1002.4 PROCEDURE

A. The Sheriff's Office will evaluate every employee's performance annually. This evaluation will take place on their anniversary date or date of successful completion of the employee's probation. The annual performance evaluation will be submitted to the Personnel Services Lieutenant on the first business day of the month following the evaluated employee's date of hire or promotion. For example; if the evaluated employee's date of hire was on January 12th, the performance evaluation must be submitted to the Personnel Services Lieutenant on February 1st. The Personnel Services Lieutenant will submit a monthly report identifying late or incomplete performance evaluations to the Undersheriff and respective Bureau Chiefs/Administrator.

B. Performance evaluations for commanders are due annually in January.

C. Each sworn, civilian and recruit position within the Sheriff's Office will have separate evaluation forms with prescribed and defined guidelines of performance in accordance with that specific job function.

D. The automated system will provide the specific form. The rater will review the form and accepted performance standards with their immediate subordinate. This is done so that the subordinate knows and acknowledges what is expected of that specific job function.

E. Deputies, upon successful graduation from the Basic Recruit Academy and completion of the FTO/DTO program will be evaluated at the completion of their probationary period (one year from their graduation date), deputies will receive a Sworn Employee Performance Evaluation. Deputies will be evaluated annually on their anniversary date thereafter or their hire date.

F. All entry level civilian positions will have a six month new hire probationary period and will have a standard Civilian Performance Evaluation completed six months (from date of hire), removing them from probation. Civilian employees will be evaluated annually on their anniversary date of hire thereafter. Deputy designees or recruits in the Basic Recruit Academy will receive an Academy Performance Evaluation at the end of the Basic Recruit Academy.

G. When an employee is placed on probation for job performance or disciplinary action, and the employee's anniversary occurs during the probationary period, the employee will be assigned a new anniversary date when the employee successfully completes their probation. The new anniversary date will be 12 months from the date the probation ends. If a newly hired employee has an extended absence of 30 days or more from their primary assignment during their probation, the employee will be assigned a new anniversary date equivalent to the number of days missed. The extended absence does not apply to employees who are activated for military service. Probationary evaluations need to only address areas of concerns leading to the probationary status.

H. After successful completion of the probationary period, the employee shall review a performance evaluation with their immediate supervisor. This review will also outline the expected performance of the employee, based on the established standards. At a minimum the supervisor will cover the following topics with the employee

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. Essential functions and physical demands for the position occupied
2. Level of performance expected of the subordinate
3. Evaluation criteria

I. At the end of each evaluation period, the employee's immediate supervisor should review the previous evaluation form.

1. No time period, other than the previous year's performance, shall be considered.
2. The evaluation shall cover that specific job function and/or rank the employee has held for that period, but may refer to future potential or recognize previous issues for improvement or continued development.

J. The immediate supervisor shall complete specific comments as to how the employee has met or failed to meet the performance standards for each criterion. Comments are mandatory when performance is needs improvement, exceeds or fails to meet minimum standard.

K. Prior to presenting an evaluation to an employee, the rater’s supervisor shall review the following areas and approve the evaluation utilizing the following steps.

1. The reviewer shall ensure the rater remained fair an impartial.
2. The reviewer shall ensure the rater applies ratings uniformly and if applicable has previously counseled the employee concerning low productivity in performance areas.
3. The reviewer shall ensure the rater has properly completed the evaluation and shall add reviewer comments.
4. After reviewer comments are added, the evaluation shall be presented to the employee by the rater and reviewed together. The employee shall have the opportunity to provide any comments he/she wishes to make in the Rated Employee Comments section of the evaluation form.
5. The employee shall sign the completed evaluation, indicating he/she has read the evaluation.
6. Once the employee and rater have signed the completed evaluation, it shall be reviewed and signed by the reviewer.
7. Once signed by the reviewer, the evaluation will be forwarded to the Personnel Services Lieutenant for inclusion into the employee’s permanent personnel file.

L. If employees are performing unsatisfactorily at any time during the year, they shall be counseled on the performance deficiency. This counseling will be annotated in memorandum and a specific plan for improvement shall be given to the employee. This unsatisfactory performance will be provided to the employee in writing at least 90 days prior to the end of the annual rating period, unless occurring within 90 days of the evaluation.

M. When an employee is transferred during a review period, the previous supervisor of the affected employee will collaborate with the current supervisor to complete

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

a performance evaluation on the employee's anniversary date. At that time the performance review will be submitted to the Personnel Services Lieutenant.

N. In the event of a contested evaluation, the employee may appeal within five days of receipt of the evaluation to the rater's supervisor, who will then give it to their supervisor to review, up to and including the Bureau Chief. For example, if the rater's supervisor is a lieutenant, the lieutenant will give the contested document to their commander to review.

1. The appeal must be made in writing substantiating the basis for appeal.
2. The immediate supervisor may include additional information, as needed, to document the evaluation.
3. The Bureau Chief has the final authority regarding contested evaluations.

O. The employee may, at any time, after being presented the evaluation and throughout the appeal process, place comments on a separate page and attach it to the evaluation.

P. After the evaluation process is completed and reviewed by the employee, the employee will sign the original performance evaluation and will receive a copy of the evaluation form. The signed performance evaluation reflects the employee has acknowledged the standard of performance and any other written comments by the supervisor. The performance evaluation will be forwarded to the Personnel Services Lieutenant for inclusion into the employee's permanent personnel file.

Q. A supervisor may review the employee evaluation in the personnel files for the following reasons:

1. Determining suitability for future assignment
2. Employee training needs and further career development opportunities
3. Determining ability to accept additional responsibility
4. Effectiveness in the assigned position
5. A supervisor shall not obtain a personnel file or past evaluation forms for personal use or any reason other than articulable professional job related use.

R. The Administrative Services Division shall review the evaluation process and procedures for the continuous improvement of the system and will make appropriate recommendations to the Administrative & Support Services Administrator.

1. Recommendations may be to:
   (a) Leave the evaluation system as is
   (b) Modify, in some form, the current system and make recommendations for such
   (c) Do away with the current system and make recommendations for a new system.
2. Objectives of the review will be to:
   (a) Identify instances of extreme ratings and reasons for extreme ratings

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Determine the number of contested evaluations and the reasons for them

S. Employees who conduct performance evaluations on subordinates, shall receive periodic training in the following areas:

1. General subordinate counseling and evaluation
2. Skills, knowledge, and abilities assessment techniques
3. Use of Sheriff's Office evaluation forms

T. Only the Personnel Services Lieutenant may change evaluation dates. If an inaccuracy is discovered, the supervisor will submit a memorandum to the Personnel Services Lieutenant.

U. As part of each employees annual evaluation, supervisors will conduct an audit of the driving status of each employee and document the results in the employee's evaluation. The audit will consist of conducting a driver's license query with the Colorado Crime Information Center (CCIC) to determine if the employee has a valid driver's license. Only properly licensed drivers will be allowed to operate Sheriff's Office vehicles.

V. As part of each employee's annual evaluation, supervisors will conduct an audit of the Colorado Crime Information Center (CCIC) criminal history database. The audit will consist of conducting a criminal history query with the Colorado Crime Information Center (CCIC) to determine if the employee has received criminal charges since employment with the Office. The results of the audit will be documented in the employee's evaluation.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Promotions

1003.1 PURPOSE AND SCOPE

The purpose of this policy is to establish required and desirable qualifications for promotion within the ranks of the Sheriff's Office.

1003.1.1 DEFINITIONS

ADMINISTRATIVE PROBATION: A set, designated period of time after a member is hired or a change in rank. The completion of this period of probation does not grant any employee a property right, or any other right, to continue in that specific position. Employees are subject to transfer at any time, based on the needs and discretion of the office. Sworn employees, regardless of rank, are subject to the provisions of CRS 30-10-506.

COMMAND STAFF: Staff positions in the rank of commander and bureau chief.

DISCIPLINARY PROBATION: Period of time imposed as a result of administrative disciplinary action that is designed to closely monitor performance of the employee. Completion of this period of probation does not grant any employee a property right, or any other right, to continuance of employment. Employees are subject to transfer at any time, based on the needs and discretion of the office. Sworn employees, regardless of rank, are subject to the provisions of CRS 30-10-506.

LATERAL DEPUTY: A sworn employee hired by the Office with at least two (2) years of civilian law enforcement experience with an agency other than the Sheriff's Office.

RETURNING DEPUTY: A sworn employee who previously worked for the Office, left employment, and returned as a sworn employee at a later date.

STAFF RANK: Staff positions are sworn personnel who serve in the rank of lieutenant, commander, or bureau chief.

1003.2 POLICY

It is the policy of the Sheriff’s Office to provide career development opportunities to its employees and ensure the most suitable candidates are promoted to the rank of sergeant, lieutenant, commander, and bureau chief. This shall be accomplished in a fair and objective manner. The Administrative and Support Services Administrator will oversee the testing process, unless otherwise directed by the Sheriff or Undersheriff.

1003.3 PROMOTION CRITERIA FOR DEPUTIES

The following lists the education, probationary and time requirements for each successive deputy grade. These grades do not require a promotion board nor do they restrict the Sheriff or his designee from exercising the statutory authority of a direct hire to any rank and/or grade.

(a) DEPUTY III

  (a) Graduate from the Sheriff's Office Basic Recruit Academy or other P.O.S.T. certified academy.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) May have POST certification prior to hiring.

(b) DEPUTY II

(a) Annual promotion from Deputy III to Deputy II is based upon completing the required on-the-job duties of a Deputy III for a period of not less than 1840 hours, exclusive of any assigned overtime, comp time or extra duty time. Supervisors recommending promotion of personnel should check On Duty records to ensure the required hours for promotion are completed. If personnel did not complete the required hours, the promotion will be delayed until they have met those required on duty hours. Disciplinary probation hours shall not count toward the 1840 hours.

(c) DEPUTY I

(a) Annual promotion from Deputy II to Deputy I is based upon completing the required on-the-job duties of a Deputy II for a period of not less than 1840 hours, exclusive of any assigned overtime, comp time or extra duty time. Supervisors recommending promotion of personnel should check On Duty records to ensure the required hours for promotion are completed. If personnel did not complete the required hours, the promotion will be delayed until they have met those required on duty hours. Disciplinary probation hours shall not county toward the 1840 hours.

(d) SENIOR DEPUTY

(a) Must be a Deputy I.

(b) Must have 5 years of continuous service with the Sheriff’s Office, unless the Deputy is a lateral hire. Lateral deputies must serve 2 years with the Office before eligibility as a senior deputy. Returning deputies must have served 3 or more years with the Office prior to returning and 2 years of continuous service upon return before eligibility as a senior deputy.

(c) Years of service time is computed from the date that a deputy designee is sworn in as a Deputy III. If a Lateral/returning deputy, the time is computed from the most recent swearing in as a Sheriff's Office deputy.

(d) Personnel failing to promote to Deputy I prior to being eligible for promotion to Senior Deputy will be required to spend a minimum of 1840 successful hours at the rank of Deputy I before being promoted to Senior Deputy.

1003.4 PROMOTION PROCESS FOR SERGEANT

(a) ELIGIBILITY: In September of each year, the Administrative Services Division will distribute a memorandum/directive concerning the process for the promotional testing cycle. Candidates interested in participating in the promotional process must meet the following requirements:

1. Hold the rank of Deputy I with a minimum of two (2) years in grade as of January 1 for the year of consideration.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

2. Possess two (2) years of Law Enforcement experience of which one (1) year must have been with this office (Law Enforcement Only).
3. Possess two (2) years Detention experience of which one (1) year must have been with this office. (Detentions Only).
4. Not had any major discipline, or served disciplinary probation for major discipline in the previous 12 months.
5. Have performed their duties in a satisfactory manner.

(b) PROCESS: In September of each year, the Administrative Services Division will distribute a memorandum/directive concerning the process for the promotional testing cycle. There are 4 steps in the process:

1. STEP 1: Chain of Command Recommendation Memo- The interested deputy shall provide a memo of intent to apply for promotion and give the memo to the sergeant in the chain of command. The sergeant will review the memo, review past evaluations, and review other appropriate considerations, and write a memorandum regarding the decision for chain of command review. This recommendation memo will subsequently be reviewed by the lieutenant, the commander and the bureau chief in the deputy's chain of command. Should a lieutenant, commander or bureau chief disagree with the recommendation memo, the disagreeing staff member shall note the disagreement and provide a memo to continue through the chain. The bureau chief will make the final determination, based on review of the initial recommendation memo, and input from the chain, regarding eligibility to test.
2. STEP 2: Written Examination (100 points)- The written exam will be 100 questions based on the reading material and Policy and Procedure selected for the current year testing cycle. A minimum score of 70% is needed to proceed to STEP 3 in the promotional process.

   (a) Challenging the Validity of the Questions

      1. Following the administration of the written test, candidates will be given a three day period, to be announced at the time of the test, in order to review the test questions and answer key.
      2. Candidates desiring to challenge a question(s) will do so in writing and submit their challenge to the Personnel Services Lieutenant who will forward these challenges to the author of the test.
      3. The author will respond to the challenges in writing to the Personnel Services Lieutenant. The Personnel Services Lieutenant will have the final decision concerning the validity of the challenge.
      4. Grieved candidates may appeal the Personnel Services Lieutenant decision to the Administrative and Support Services Bureau Administrator. The Administrator's decision will be final.
      5. Once the test is graded, the candidates will be advised confidentially of their written score.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

3. STEP 3: Portfolio (25 points)- The portfolio shall consist of the following:
   (a) Cover Letter: No longer than one (1) page. Should detail why the candidate is competing for the promotion.
   (b) Resume: No longer than three (3) pages.
   (c) Accomplishments: No longer than four (4) pages. Accomplishments must be in the candidates own words. The candidate can list or describe any education, prior military or law enforcement/detentions experience, leadership courses attended, participation in volunteer or ancillary duties, certifications and/or awards received.
   (d) The portfolio shall not contain hard copy certificates, training records, licenses, certifications, awards, decorations or letters of appreciation or endorsement.
   (e) All portfolios will be placed in a folder that will be provided by the Personnel Services Lieutenant.
   (f) All written material provided in the Portfolio should be printed on standard office paper.
4. STEP 4: Oral Board (100 points)-
   (a) The Oral Board will consist of an “In-Basket” exercise.
   (b) The board consists of four board members, one sworn (minimum Lieutenant level) from the Sheriff's Office, two sworn from outside the organization, and one civilian (either inside or outside the Sheriff's Office)
   (c) The internal sworn board member shall be the “Chairperson.”
   (d) Candidates who have completed the oral assessment board will be given the opportunity, after selection is finalized, to be critiqued by the chairperson of the oral assessment board. This is not to be construed as an opportunity to challenge the board, but rather for career development purposes only.
   (e) The date for the critique will be announced following the oral assessment.
   (f) Candidates desiring to challenge the oral assessment board score will do so in writing and submit their challenge to the Personnel Services Lieutenant. The Lieutenant, or his/her designee, will forward these challenges to the Oral Assessment Board chairperson.

(c) CALCULATION OF SCORE AND BANDING

1. The cumulative score will be totaled for each candidate and listed in numerical order beginning with the top score. The list will then be banded into bands A, B, & C, using the standard deviation method. Two lists will be formed: one for detentions and one for law enforcement. Openings in detentions will be filled from the detention list. Openings in law enforcement will be filled from the law enforcement list. Each list shall be in effect until a new list is created, which is

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

typically one year. When the list is published, the names will be published in alphabetical order.

2. When openings exist, the Sheriff, Undersheriff, Bureau Chief and/or Commanders may review each candidate's personnel file, professional standards records, any other relevant material, and may conduct interviews with the candidates in band "A".

3. Promotions will be made from band A until only two candidates remain in the active band. At that point, band B, in its entirety, may be activated, including the two remaining individuals from band A for promotional consideration. The individuals from band A may not have to be interviewed a second time. Similarly, if band B is reduced to two candidates, band C may be activated for promotional consideration.

4. The Sheriff has final authority of promotions to the rank of sergeant

5. The Sheriff may, at any time based on the needs of the Office, appoint a sworn employee to the rank of sergeant.

6. Candidates who are disqualified or are not promoted may reapply during the next announced promotional process as long as the candidate meets the basic eligibility requirements.

1003.5 PROMOTION PROCESS FOR LIEUTENANT

(a) ELIGIBILITY: In September of each year, the Administrative Services Division will distribute a memorandum/directive concerning the process for the promotional testing cycle. Candidates interested in participating in the promotional process must meet the following requirements:

1. Lieutenants shall be selected from personnel serving in the rank of sergeant.

2. Candidates for promotion to lieutenant must hold their current rank for a minimum of two (2) years prior to being eligible for consideration. The candidate must complete the (2) year period by January 1 for the year of consideration.

3. Not had any major discipline, or served disciplinary probation for major discipline in the previous 12 months.

4. Have performed their duties in a satisfactory manner.

(b) PROCESS: In September of each year, the Administrative Services Division will distribute a memorandum/directive concerning the process for the promotional testing cycle. There are 4 steps in the process:

1. <u>STEP 1: Chain of Command Recommendation Memo:</u> The interested sergeant shall provide a memo of intent to apply for promotion and give the memo to his/her lieutenant in the chain of command. The lieutenant will review the memo, review past evaluations, review other appropriate considerations, and write a memorandum regarding the decision for review by the chain of command. This recommendation memo will subsequently be reviewed by the commander and the bureau chief in the sergeant's chain of command. Should a commander or

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

bureau chief disagree with the recommendation memo, the disagreeing staff memo shall note the disagreement and provide a memo to continue through the chain. The bureau chief will make the final determination, based on review of the initial recommendation memo, and input from the chain, regarding eligibility to test.

2. STEP 2: Written Examination (100 points): The written exam will be 100 questions based on the reading material and Policy and Procedure selected for the current year testing cycle. A minimum score of 70% is needed to proceed to STEP 3 in the promotional process.

   (a) Challenging the Validity of the Questions

      1. Following the administration of the written test, candidates will be given a three day period, to be announced at the time of the test, in order to review the test questions and answer key.

      2. Candidates desiring to challenge a question(s) will do so in writing and submit their challenge to the Personnel Services Lieutenant who will forward these challenges to the author of the test.

      3. The author will respond to the challenges in writing to the Personnel Services Lieutenant. The Personnel Services Lieutenant will have the final decision concerning the validity of the challenge.

      4. Grieved candidates may appeal the Administrative Services Lieutenant decision to the Administrative and Support Services Bureau Administrator. The Administrator’s decision will be final.

      5. Once the test is graded, the candidates will be advised confidentially of their written score.

3. STEP 3: Portfolio (25 points)- The portfolio shall consist of the following:

   (a) Cover Letter: No longer than one (1) page. Should detail why the candidate is competing for the promotion.

   (b) Resume: No longer than three (3) pages.

   (c) Accomplishments: No longer than four (4) pages. Accomplishments must be in the candidates own words. The candidate can list or describe any education, prior military or law enforcement/detentions experience, leadership courses attended, participation in volunteer or ancillary duties, certifications and/or awards received.

   (d) The portfolio shall not contain hard copy certificates, training records, licenses, certifications, awards, decorations or letters of appreciation or endorsement.

   (e) All portfolios will be placed in a folder that will be provided by the Personnel Services Lieutenant.

   (f) All written material provided in the portfolio should be printed on standard office paper.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

4. STEP 4: Oral Board (100 points)-

   (a) The Oral Board will consist of an “In-Basket” exercise.

   (b) The board will consist of four board members, one sworn (minimum Commander level), from the Sheriff's Office, two sworn from outside the organization, and one civilian (either inside or outside the Sheriff's Office).

   (c) The internal sworn board member shall be the “Chairperson”.

   (d) Candidates who have completed the oral assessment board will be given the opportunity, after selection is finalized, to be critiqued by the chairperson of the oral assessment board. This is not to be construed as an opportunity to challenge the board, but rather for career development purposes only.

   (e) The date for the critique will be announced following the oral assessment.

   (f) Candidates desiring to challenge the oral assessment board score will do so in writing and submit their challenge to the Personnel Services Lieutenant. The Lieutenant, or his/her designee, will forward these challenges to the Oral Assessment Board chairperson.

(c) CALCULATION OF SCORE AND BANDING

1. The cumulative score will be totaled for each candidate and listed in numerical order beginning with the top score. The list will then be banded into bands A, B, & C, using the standard deviation method. One list will be formed for promotion to either Detention or Law Enforcement. The list shall be in effect until a new list is created, which is typically one year. When the list is published, the names will be published in alphabetical order.

2. When openings exist, the Sheriff, Undersheriff, Bureau Chief and/or Commanders may review each candidate’s personnel file, professional standards records, any other relevant material, and may conduct interviews with the candidates in band “A”.

3. Promotions will be made from band A until only two candidates remain in the active band. At that point, band B, in its entirety, may be activated, including the two remaining individuals from band A for promotional consideration. The individuals from band A may not have to be interviewed a second time. Similarly, if band B is reduced to two candidates, band C may be activated for promotional consideration.

4. The Sheriff has final authority of promotions to the rank of lieutenant.

5. The Sheriff may, at any time based on the needs of the Office, appoint a sworn employee to the rank of lieutenant.

6. Candidates who are disqualified or are not promoted may reapply during the next announced promotional process as long as the candidate meets the basic eligibility requirements.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1003.6 PROMOTION PROCESS FOR COMMAND STAFF

(a) The prerogative to promote sworn personnel to command level rank rests entirely with the Sheriff. Command Staff members are confidential employees, and serve in this capacity at the leisure of the Sheriff.

(b) Commanders may be selected from sworn personnel serving in the rank of lieutenant.

(c) Bureau Chiefs may be selected from sworn personnel serving in the rank of commander.

(d) Command staff assignments are based upon rank; therefore, once appointed to command staff rank, a person is eligible for assignment to any position where a requirement exists for that rank.

(e) Qualified personnel from all divisions and bureaus are eligible to compete for promotion to command staff rank. Specific criteria shall be announced, if appropriate.

(f) The Sheriff may, at any time based on the needs of the Office, appoint outside agency personnel to command staff rank.

1003.7 ADMINISTRATIVE PROBATIONARY PERIOD

Newly promoted personnel, or those newly hired, shall be placed on an administrative probationary period for 6 or 12 months from the date of promotion or hire, dependent upon the position they have been hired for.

(a) During this review period, supervisors shall document the performance of the employee. If the employee is performing unsatisfactorily at any time during this period, he/she shall be notified in writing, as soon as the supervisor deems the performance unsatisfactory.

1. Supervisors shall counsel the employee regarding the unsatisfactory performance. If needed, and with input from the employee, the supervisor shall formulate and implement a corrective action plan. The corrective action plan should include, any and all, training the employee should receive to correct the unsatisfactory performance. The corrective action plan will include any and all, steps the supervisor takes to assist and train the employee.

2. In the event an employee fails to timely respond to corrective efforts in a satisfactory manner, the affected employee's chain of command shall make a recommendation to the Undersheriff.

3. The Undersheriff may, after consideration of the recommendation, take the following steps. However, the Undersheriff is not required to do any of the following.

   (a) Extend the administrative probationary period, based on the corrective plan; or

   (b) In the case of a promotion, return the affected employee to the previous rank; or

   (c) In the case of a new assignment, return the employee to their previous position, if a vacancy is available or to a position similar in nature.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Promotions

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Grievance Procedure

1004.1 PURPOSE AND SCOPE

To establish policy concerning the appropriate handling of employee grievances in a quick and equitable manner.

1004.1.1 GRIEVANCE DEFINED

A formal complaint on the part of a member, of an action or omission that violates policy in such a way as to adversely affect the member.

1004.2 POLICY

It is the policy of the Sheriff's Office to have a formal and open grievance procedure designed to improve management practices, increase member confidence, and reduce personnel dissatisfaction.

1004.3 INITIAL PROCEDURE

Informal resolution of employee grievances concerning non-disciplinary work related matters is encouraged. Members with grievances are encouraged to resolve the matter as close to its point of origin as possible. Grievances will first be addressed to the immediate supervisor. If the grievance concerns the immediate supervisor, the next supervisor in the chain of command will receive the grievance for resolution and investigation. Grievances must be presented in writing and include a statement of facts, allegation, and the resulting harm, along with a suggested remedy or adjustment sought.

Grievances must be filed within five (5) working days of the incident for which relief is sought. In the event that a series of events or cumulative conduct is grieved, the last single incident may be used as the date of incident leading to the grievance. At each level of the chain of command that the grievance is presented for resolution, there will be an additional five (5) working day period for resolution of that grievance.

1004.4 MATTERS NOT ELIGIBLE FOR GRIEVANCES

An employee may not file a grievance for any of the following issues:

- Job re-classification and/or re-structuring
- Performance evaluations
- Assignment of duties
- Operational decisions
- Pay increases
- Promotions
- Discipline decisions

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1004.5 MATTERS ELIGIBLE FOR GRIEVANCES

An employee may file a grievance regarding, but not limited to, the following matters

- Disagreement, personality or supervisory/subordinate relationships
- Federal Labor Standards Act (FSLE)
- Issues related to the Americans with Disabilities Act of 1990 (ADA)
- Working conditions
- Leave time, to include vacation, sick and FMLA

1004.6 PROCEDURE AFTER SUBMISSION OF GRIEVANCE

Each supervisor receiving a grievance shall acknowledge receipt by noting the time and date, signing the written grievance, then providing the member with a photocopy of the acknowledgment. The grievance will be analyzed and the facts or allegations investigated. The supervisor must affirm or deny the grievance within five (5) working days and identify any adjustment or remedy to be made.

In the event that a resolution of the grievance is not met to the satisfaction of either party (supervisor and/or grievant), an appeal to the next step in the chain of command may be made within five (5) working days, by either party.

Once the next step in the chain of command receives the appeal, that position will decide if the appeal has a basis, and will either affirm the appeal, or reach a different decision. The next step in the chain of command may ask for, or complete additional investigation, prior to rendering a decision. The decision will be made in writing within 10 business days following the receipt of the appeal.

1004.7 GRIEVANCE RECORDS

All original documents concerning grievances will be forwarded to the Professional Standards Unit Lieutenant, who is responsible for maintenance, control and security of grievance records. Only the Professional Standards Unit shall have immediate access to grievance records. The grievant shall have access through the Professional Standards Unit to only those grievances that the grievant is directly associated. This will only be for the purpose of review and/or copy.

1004.8 REPORT TO THE SHERIFF

Every January, the Professional Standards Unit Lieutenant shall analyze all the grievances filed in the preceding year and furnish the Sheriff and the Undersheriff a report of grievances by January 31 for use in planning by the command staff.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Anti-Retaliation

1005.1 PURPOSE AND SCOPE

This policy prohibits retaliation against members who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety or well-being of members.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit members' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of a member pursuant to any applicable federal law, provision of the U.S. Constitution, law or ordinance.

1005.2 POLICY

The 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.

1005.3 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1005.4 COMPLAINTS OF RETALIATION

Any member who feels he/she has been retaliated against in violation of this policy should promptly report the matter to any supervisor, command staff member, Sheriff or the Office of the County Attorney.

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. 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.

1005.5 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 policy.

(b) Receiving all complaints in a fair and impartial manner.

(c) Documenting the complaint and any steps taken to resolve the problem.

(d) Acknowledging receipt of the complaint, notifying the Undersheriff 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1005.6 COMMAND STAFF RESPONSIBILITIES

The Sheriff should communicate to all supervisors the prohibition against retaliation.

Command staff shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

(a) Communicating to all members the prohibition against retaliation.

(b) The timely review of complaint investigations.

(c) Remediation of any in appropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.

(d) The timely communication of the outcome to the complainant.

1005.7 RECORDS RETENTION AND RELEASE

The Office of the County Attorney shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Reporting of Employee Convictions

1006.1 PURPOSE AND SCOPE

Convictions of certain offenses may restrict or prohibit an employee's ability to properly perform official duties. Therefore, all employees shall be required to promptly notify the Office of any past and current criminal convictions.

1006.2 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 (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 a supervisor.

1006.3 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)).

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.

1006.3.1 COURT ORDERS

All employees 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).

1006.4 REPORTING PROCEDURE

All employees of this office with an identification card issued the Office shall promptly notify their immediate supervisor in writing of the following:

- Issuance of a summons for a misdemeanor, or an unclassified misdemeanor such as, but not limited to, careless driving, reckless driving, driving while impaired, and driving under the influence (if not Colorado, similar to offense classification in Colorado)
- Any arrest for either a misdemeanor or a felony
- Any conviction for a misdemeanor crime, unclassified misdemeanor crime, or felony

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

- The employee becomes the restrained party in a domestic violence protective order, or similar court order.

Report shall occur within 48 hours of any of the above incidents, when reasonably possible

1006.5 FAILURE TO REPORT

Any employee who fails to provide written notification pursuant to this policy shall be subject to discipline for failure to report.

1006.6 ADMINISTRATIVE LEAVE FOR CRIMINAL MATTERS

Any member charged with a crime that is a felony shall be immediately placed on administrative leave during the pendency of the investigation, and until resolution of the disciplinary process.

1006.7 REPORT OF CRIMINAL MATTERS TO THE OFFICE OF THE DISTRICT ATTORNEY FOR PLACEMENT ON THE LIST OF "NOTICE OF ADDITIONAL DISCOVERY"

The County Attorney assigned to the Sheriff's Office shall notify the Office of the District Attorney of any pending unclassified misdemeanor, misdemeanor, or felony matter for consideration of placement on the list of "notice of additional discovery." Notification is required pursuant to Brady v. North Carolina, and United States v. Bagley.

Once the criminal matter is resolved, the employee shall report within 48 hours of the result, in writing, to the Professional Standards Unit, and their immediate supervisor, the result of the criminal matter.

Once the criminal matter is resolved, the Office of the District Attorney shall be notified of the result. Depending on the result, the District Attorney may exercise discretion to remove the matter from the "notice of additional discovery."

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Drug- and Alcohol-Free Workplace

1007.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace.

1007.2 POLICY

It is the policy of this Office to provide a drug and alcohol-free workplace for all members.

1007.3 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. Such use shall not be tolerated (41 USC § 8103).

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 appropriate supervisor as soon as the member is aware that he/she 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, he/she shall be immediately removed and released from work.

1007.3.1 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 of medical marijuana or being under the influence of marijuana on or off-duty is prohibited and may lead to disciplinary action.

1007.4 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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).

1007.5 EMPLOYEE ASSISTANCE PROGRAM

There is available a voluntary employee 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. Employees should contact Human Resources, their insurance providers or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

1007.8 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).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Leave

1008.1 PURPOSE AND SCOPE

To provide guidance on the use of leave and the regulations that may apply to the different types of leave.

1008.2 POLICY

It is the policy of the Sheriff's Office to encourage employees to take vacations each year, to promote a healthy workforce, support Military obligations, and encourage those employees that suffer a non-duty related injury or illness to take the necessary time off to recuperate.

1008.3 VACATION LEAVE

Vacation leave is earned by full-time County Employees. Sheriff's Office Employees, both sworn and unsworn, will earn vacation according to the following schedule:

Rank below Lieutenant

Years of Continuous Fulltime employment	Vacation Hours Accrued bi-weekly	Vacation Hours Accrued Annually
0-4	3.6924	96
5-9	5.5386	144
10-14	6.4616	168
15+	7.3847	192

Rank of Lieutenant (Lieutenant Equivalent) and Above (*Change Effective January 1, 2016)*

Years of Service	Vacation Hours Accrued bi-weekly	Vacation Hours Accrued Annually
0-4	4.6155	120
5-9	6.1536	160
10-14	7.6924	200
15+	9.2309	240

1008.3.1 VACATION LEAVE SPECIFICATIONS

(a) Employees are not eligible to use or be paid for vacation leave in advance of earning leave. When vacation is scheduled, the Office will consider the needs and services of the Office prior to scheduling vacation leave.

(b) Holidays will not be charged as vacation leave.

(c) Closure for adverse weather will not be charged as vacation leave for those employees who are not sworn and non-safety essential. Sworn and safety essential personnel will be required to report on said day.

(d) Maximum Earned Leave:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Employees hired prior to January 1, 2006, who have less than fifteen (15) years of continuous full-time employment with the County, may earn a maximum of two hundred eighty (280) hours of vacation leave. Employees with fifteen (15) or more years of continuous full-time employment may earn a maximum of four hundred and ten (410) hours.

(b) Employees hired on or after January 1, 2006, may earn a maximum of two hundred and eighty (280) hours of vacation leave, regardless of years of service.

(e) Vacation leave cannot at any time exceed the established maximums as set forth above.

(f) The forfeiture of vacation leave will not apply if an administrative error has occurred by departmental management. The Sheriff has the discretion, in conjunction with the Human Resources Director to determine the authorization for the employee to retain more than the above outlined maximum hours.

(g) Temporary or part-time employees who become full-time employees will become eligible for vacation leave on their full-time hire date. Prior service as a temporary or part-time employee will not be credited to leave as set forth above.

(h) Any employee who becomes incapable of performing his or her normal work duties as a result of illness or injury incurred within the scope of employment and who is receiving Workers' Compensation benefits is not eligible to use earned vacation leave.

(i) If an employee becomes ill or injured while on vacation, the employee may convert vacation leave for sick leave. The employee must notify the immediate supervisor at the time of the illness or injury. The immediate supervisor may request that the employee submit a health care provider's statement specifying the nature of the illness or injury and a medical release stating when the employee can return to work.

(j) Employees who separate from County employment, including retirement, will be paid for the unused balance of their earned vacation leave, up to the maximum set forth above. In the event of an employee's death while in County employment, the employees estate will receive payment for all unused earned vacation leave.

1008.4 SICK LEAVE

Sick leave will be used for absences caused by illness, injury, temporary disability (including pregnancy), medical exams or medical treatment of the employee or the employee's dependent(s). The Sheriff or chain of command may request a written health care provider's statement relating to the illness of the employee or employee's dependent(s).

Sick leave is granted only to Full-time County Employees. Employees will earn sick leave in accordance with the following schedule:

Years of Continuous Full-Time Employment	Sick Hours Earned Bi-Weekly	Sick Hours Accrued Annually
0-4 years	3.6924	96.00
5 or more years	4.6155	120.00

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1008.4.1 SICK LEAVE SPECIFICATIONS

(a) Employees are not eligible to use or be paid for sick leave in advance of earning leave.

(b) Holidays and other designated County office closures, such as closures for adverse weather, unless employee is already on approved sick leave, will not be charged as sick leave.

(c) Maximum Earned Leave:

(a) Employees hired prior to January 1, 2003, may earn up to a maximum of one thousand four hundred and forty (1,440) hours of sick leave. Employees who have a balance of more than seven hundred and twenty (720) hours of sick leave may convert the excess amount to vacation leave at any time during the year. Every two (2) hours of sick leave may be converted to one (1) hour of vacation leave. An employee must submit a request to convert the employee's time to the Budget Administration Department - Finance Division for approval.

(b) Employees hired on or after January 1, 2003, will earn a maximum of two hundred and sixty (260) hours of sick leave.

(c) Sick leave cannot at any time exceed the established maximums as set forth above. Employees will not earn sick leave above the set maximums. Earned sick leave will resume when the employee is not at the maximum sick leave level.

(d) The chain of command of an employee, may require an employee to submit a statement from a health care provider to verify any absence that is to be deducted from sick leave and to verify the employee's ability to return to work. The employee may be required to keep their supervisor and/or Human Resources advised of their condition while on leave.

(e) An employee may utilize earned sick leave to accompany his or her dependent or spouse to a medical appointment or to care for his or her sick spouse or dependent. The chain of command of an employee may require the employee to provide verification from the health care provider of such illness or medical appointment.

(f) Sick leave will only be granted up to the amount earned by the employee at the time sick leave is requested. When an employee has utilized all earned sick leave, any additional absence will be deducted from vacation or personal leave, if the employee has any such earned leave. After utilization of all earned paid leave, an employee who remains medically unable to return to work, as documented by a health care provider's report, may apply, if eligible, for short term disability, long term disability, or a leave of absence without pay.

(g) Employees hired by El Paso County prior to January 1, 2003 who terminate voluntarily, not including retirement, or involuntarily from County employment and have five (5) or more years of continuous full-time service with the County will be paid for fifty percent (50%) of their earned sick leave, up to a maximum of seven hundred twenty (720) hours.

(h) Employees hired by El Paso County on or after January 1, 2003 with five (5) years or more of continuous full-time service will be paid fifty percent (50%) of the unused sick leave earned during their tenure with El Paso County when employment is terminated,

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

not including retirement, only if the employee has earned the maximum amount of two hundred sixty (260) hours at the time of termination. If the terminating employee does not have the earned maximum of two hundred sixty (260) sick leave hours at the time of termination, the terminating employee will not be eligible for any payout of sick leave upon termination.

(i) Retiring employees are entitled to payment of sick leave, up to a maximum total of 1,080 accumulated hours, in accordance with the following schedule:

YEARS OF SERVICE	PAID SICK LEAVE
5	50%
10	55%
15	60%
20	65%
25	70%
30	75%

(j) Temporary or part-time employees who become full-time employees will become eligible for sick leave on their full-time employment date. Prior service as a temporary or part-time employee will not be credited with leave as set forth in above.

(k) In the event of an employee's death while employed with the County, the employee's estate will receive payment for fifty percent (50%) of the employee's earned sick leave, up to a maximum of seven hundred twenty (720) hours, provided the employee had five (5) years or more of continuous full-time County employment.

(l) Any employee who becomes incapable of performing his or her normal work duties as a result of illness or injury incurred within the scope of employment and who is receiving Worker’s Compensation benefits may be required to use earned sick leave for the first three (3) days in accordance with Colorado State Law.

1008.5 MILITARY LEAVE

Military leave will be assessed and granted in accordance with the provisions of the Uniformed Services Employment and Reemployment Rights Act (USERRA). However, as a matter of policy, employees who are Reservists shall be granted leave of absence, not exceeding 15 days in any calendar year. The employee will not incur loss of pay, seniority status, sick leave or other benefits during the time when he/she is engaged in training, or active or emergency service. Any active or emergency service in excess of 15 days shall be without pay with right to reinstatement as mandated by law and the Reservist will:

1. Submit a request for leave to his/her supervisor as soon as the dates of the training are made known.
2. The appropriate military orders will be submitted with the request, or as soon as the military orders become available. The Reservist is not required to possess written orders at the time leave is requested.The dates for training are often known well in advance and the request should be made as soon as the dates are known.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

3. Have the opportunity to take vacation leave just prior to or after the two (2) week training, provided the Reservist requests the leave when they submit their request for vacation. Because of the potential for an extended absence, the Reservist is requested to limit the time of the vacation and annual training to not more than four (4) weeks. To deny a Reservist leave prior to, or after annual training would violate the "incident or advantage" of employment protection; however, nothing prevents the Sheriff's Office from requesting, but not mandating, a limitation on the total time of absence.

For more information about what additional leave benefits may be offered, contact Human Resources.

1008.6 JURY DUTY/COURT LEAVE

A. The Office recognizes jury duty as a civic responsibility. When summoned for jury duty, an employee will be granted leave to perform his/her duty as a juror. If the employee is excused from jury duty during regular work hours, the employee is expected to report to work promptly. Employees receive regular pay for the first ten days of jury duty if they were scheduled to work and provide confirmation of juror service. Any compensation received for such service during paid working hours will be turned over to the County, except for verified parking expenses and mileage allowance.

B. An employee who is subpoenaed to appear as a witness in a case that relates directly to Sheriff's Office duties, except for jury duty, will be granted court leave with pay on the condition that any compensation received for such services during working hours will be turned over to the County, except for verified parking expenses and mileage allowance.

C. An employee who is required to appear in court on matters that do not relate directly to Sheriff's Office duties, except for jury duty, will not be granted court leave. The employee will be allowed to utilize accrued compensatory leave, vacation or personal leave, or request leave without pay.

D. An employee will immediately notify the supervisor when a jury duty summons is received so that adequate shift planning and scheduling can occur.

1008.7 LEAVE FOR DOMESTIC VIOLENCE

Eligible employees may take up to three (3) business days of leave each year (12-month period) for specific reasons related to domestic abuse, sexual assault, stalking, or any other crime, the underlying factual basis of which has been found by a court on the record to include an act of domestic violence. In order to be eligible, employees must be a victim of “domestic abuse.” A victim of domestic abuse is defined as any person who has suffered or been threatened with an act of violence by another person who:

(a) is currently or formerly related to the victim;

(b) is currently or has formerly been domiciled with the victim; or

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) is currently or has formerly had an intimate relationship with the victim. It also includes any act or threatened act of violence against the minor children of either the victim or the abuser.

Domestic violence leave can be taken only for the following four reasons:

(a) to obtain a restraining order;

(b) to obtain medical care, including mental health care, for the employee or his or her children;

(c) to make the home secure or obtain new housing; and

(d) to seek legal assistance or attend court proceedings related to domestic violence.

In general, these three (3) days of leave are unpaid; however, the Office requires employees to exhaust all accrued paid leave before taking unpaid domestic violence leave. Except in cases of imminent danger, employees are required to provide the supervisor with "appropriate advance notice" of the need for the leave. The employee must provide documentation regarding the need for the leave. There will be no breach of confidentiality when taking measures to notify others for protection purposes.

1008.8 BEREAVEMENT/FUNERAL LEAVE

A. Full-time employees will be authorized three (3) business days absence from work with full pay, in the event of the death of a member of the family defined as: spouse, children, step-children, children-in-law, parents, step-parents, parents-in-law, siblings, step-siblings, siblings-in-law, grandparents, step-grandparents, grand-parents-in-law, great-grandparents, step-great-grandparents, grandchildren, step-grandchildren, foster parents, or one in loco parentis. In the event of a death of a near relative, full-time employees are granted up to one (1) paid day to attend a funeral. Near relatives include the employee’s aunts, uncles, nieces, and nephews.

B. Bereavement leave in excess of three (3) days may be granted by the Sheriff or his designee. Bereavement leave in excess of three (3) days will be deducted from sick leave. If sick leave is not available, the employee will use vacation leave. If vacation leave is not available the employee may request a leave of absence without pay. If the employee does not have the accrued leave available in excess of the authorized bereavement leave, it is the discretion of the Sheriff or his designee to authorize the employee leave with or without pay.

1008.9 VOTING

A. Voting is an important responsibility we all assume as citizens. The Sheriff's Office encourages employees to exercise their voting rights in all municipal, state and federal elections.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

B. Under most circumstances, it is possible for employees to vote either before or after work. If it is necessary for employees to arrive late or leave work early to vote in any election, employees should arrange with their supervisors/managers no later than the day prior to Election Day.

C. Any employee whose work schedule effectively prevents voting before or after work hours shall be permitted paid leave not exceeding two (2) hours for the purpose of voting. No such paid leave shall apply to any employee whose work schedule is such that there are three (3) or more hours between the time of opening and the time of closing of the polling site during which the employee is not required to be on the job.

1008.10 PAID HOLIDAYS

A. The following holidays will be observed by the County and Sheriff's Office and will be granted with pay to all regular full time employees. Because of the necessity of schedule planning and shift planning, employees may be required to schedule holiday time in advance. This is necessary in order to continue to provide 24/7 service to the citizens of El Paso County.

Holiday	Date Off
New Year's Day	January 1st
Martin Luther King, Jr. Day	Third Monday in January
President's Day	Third Monday in February
Memorial Day	Last Monday in May
Independence Day	July 4th
Labor Day	First Monday in September
Veteran's Day	November 11th
Thanksgiving Day	Fourth Thursday in November
The day after Thanksgiving	Fourth Friday in November
Christmas Eve Day	December 24th
Christmas Day	December 25th
Personal Days	Full-time employees are eligible for a minimum of three days per year.

B. Personal Days:

1. Full-time employees beginning employment with the County between January 1st and April 30th of each calendar year will receive three (3) personal days to be used at any time within the calendar year.

2. Employees beginning employment with the County between May 1st and August 31st of each calendar year will receive two (2) personal days to be used at any time within the remainder of the calendar year.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

3. Employees beginning employment with the County between September 1st and December 31st of each calendar year will receive one (1) personal day to be used at any time within the remainder of the calendar year; however, employees hired between December 1st and December 31st will have until the following January 31st in their first year of employment to use their personal day.
4. Full time employees will receive an additional personal day for every five (5) years of consecutive service with the County.
5. Personal Days may not be carried over to the next calendar year, subject to the exception noted in 1008.10 (B)(3). Employees who voluntarily or involuntarily terminate from the County within ninety (90) days of their full-time hire date, will not be paid for unused personal days.
6. Employees who voluntarily or involuntarily terminate employment with the County (including retirement) on or before January 31st of the calendar year will not be eligible for payment of unused Personal Days.

1008.11 WORKER'S COMPENSATION RELATED ABSENCES

A. Any employee who becomes incapable of performing his or her normal work duties as a result of illness or injury incurred within the scope of employment will be deemed to be on work-related absence until the employee is medically released to resume normal work duties or modified work duties as may be allowed. Sheriff's Office employees who sustain a work-related illness or injury are eligible to receive statutory benefits pursuant to the Colorado Workers' Compensation Act, C.R.S. § 8-40-101, et seq.

B. The Colorado Workers' Compensation Act provides that an employee will not receive wage loss benefits for the first three (3) working days of absence due to the work-related illness or injury unless the period of the employee's absence from work lasts longer than two (2) weeks from the day the injured employee leaves work. If an injured employee returns to work before two (2) weeks from the date the employee initially left work, the employee must either deduct the first three (3) days of absence from accrued leave or take the three (3) days without pay.

C. Injured employees eligible to receive wage loss benefits under the Colorado Workers' Compensation Act and who have not been medically released to return to any work will receive sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wage, not to exceed a specific maximum weekly amount calculated by the State of Colorado on an annual basis.

D. Absence due to a work-related illness or injury will be authorized only in those cases where:

1. The employee has reported the injury to Human Resources and a first report of injury has been completed by Human Resources; and
2. An employee obtains a written statement from a designated health care provider concerning the employee's medical treatment and inability to return to work.

E. An employee who is absent from work due to a work-related illness or injury may be required to undergo a periodic medical examination at the County's request. Failure to

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

comply with such a request may result in the loss of workers' compensation benefits, including wage loss benefits.

F. All employees will cooperate in the completion of necessary reporting forms required by the County or Sheriff's Office.

G. During the period an employee is absent from work due to a work-related injury or illness, the employee must notify Human Resources, who will notify Employee Risk Management (ERM) of his or her return to work status on a regular basis. The required notification will be a minimum of one time per week.

H. Employees who have been released by their designated provider to return to full or modified duty will immediately notify and provide written documentation verifying his or her release to the Sheriff or designee, and Human Resources.

I. An employee who sustains a work-related injury that qualifies as a "serious health condition" under the Family and Medical Leave Act (FMLA) will be placed on that leave on the date the employee qualifies for the leave.

J. It is the policy of the Sheriff's Office to return employees injured on the job to full or modified duty, as soon as medically available. Accordingly, employees who have been released by their designated provider to return to full or modified duty will immediately notify and provide written documentation verifying their release to Human Resources who will then notify Human Resources.

1008.13 FAMILY AND MEDICAL LEAVE (FMLA LEAVE)

Family and medical leave will be assessed and administered in accordance with the provisions of USERRA and the Family and Medical Leave Act (FMLA). Employees may take leave for reasons including, but not limited to, any of the following:

(a) The birth of the employee's child or the placement of a child with the employee for adoption or foster care.

(b) The care of a spouse, a domestic partner, a child (under 18 years of age, unless disabled), or parent (not parent-in law or grandparent) with a serious health condition.

(c) An employee's serious health condition.

(d) To care for a family member injured in the line of active military service and those members whose pre-existing injuries were aggravated in the line of duty ("military caregiver leave").

(e) Leave needed as a result of a "qualified exigency" arising from a family member's military active duty or call to active duty in a foreign country ("active duty leave" or "military exigency leave").

1008.13.1 HOW MUCH LEAVE MAY BE TAKEN

An eligible employee is entitled to take up to twelve (12) workweeks of unpaid leave during a rolling twelve-month (12-month) year for the birth or placement of a child; to care for a spouse, child, or parent with a serious health condition; for the employee's own serious health condition; or to deal with a "qualifying exigency" arising out of the fact that the spouse, son, daughter, or parent

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

of an eligible employee is on active duty or has been called to active duty in a foreign country. Leave for birth and care, or placement for adoption or foster care, must conclude within twelve (12) months of the birth or placement.

1008.13.2 HOW MUCH LEAVE MAY BE TAKEN- MILITARY CAREGIVER LEAVE

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member may take twenty-six (26) work weeks of unpaid leave during the twelve-month (12-month) calendar year to care for the service member. A “covered service member” is defined as a member of the Armed Forces, “who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.” Military Caregiver Leave requires the serious injury or illness to have occurred in the line of duty or to have been aggravated in the line of duty if it existed prior to active duty service and must render the service member medically unfit to perform the duties of his or her office, grade, rank, or rating.

Eligible employees who need to take military caregiver leave can take no more than twenty-six (26) weeks of leave in a twelve-month (12-month) calendar year for all FMLA-qualifying reasons. That is, if an employee takes the full twenty-six (26) weeks of military caregiver leave in the twelve-month (12-month) calendar year, the employee is not entitled to any additional FMLA leave for another qualifying reason (such as his or her own serious health condition) during the same twelve-month (12-month) calendar year.

1008.13.3 INTERMITTENT LEAVE

Employees may take intermittent leave. Intermittent leave is leave taken in separate blocks of time. A reduced work schedule is a leave schedule that reduces an employee's usual number of hours per workweek or hours per workday.

Leave to care for a newborn or for a newly-placed child may not be taken intermittently or on a reduced work schedule unless the Office agrees to such an individual leave request.

If an employee takes leave intermittently or on a reduced schedule basis, the employee must, when requested, make a reasonable effort to schedule the leave so as not to unduly disrupt the Office operations. When an employee takes intermittent or reduced work schedule leave for foreseeable planned medical treatment, the Office may temporarily transfer the employee to an alternative position with equivalent pay and benefits for which the employee is qualified and which better accommodates recurring periods of leave.

1008.13.4 EMPLOYEE ELIGIBILITY

Family leave is available to employees who have worked at least twelve (12) months for the County (this time does not have to be consecutive) and/or have worked more than one thousand two hundred-fifty (1,250) hours in the previous twelve (12) months. The County requires that you exhaust your accrued sick leave, compensatory time, accrued vacation, and personal days as part of the twelve/twenty-six (12/26) weeks of leave. An absence related to an employee’s Workers Compensation injury will count against FMLA leave entitlement.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

The County has adopted a rolling twelve (12) month period. Therefore, subject to the requirements of this policy, each employee will be entitled to twelve/twenty-six (12/26) weeks of leave measured backward from the date the employee uses such leave.

If an employee and his or her spouse are both employed by the County, the total amount of leave available for both employees is twelve/twenty-six (12/26) weeks. Employees with pregnancy-related disabilities may have the right to take a pregnancy disability leave in addition to a family leave.

Employees who are on a FMLA-qualified leave may not engage in any form of self-employment or perform work for any other employer during that leave, except when the leave is for military or public service or when the employment has been approved by the Sheriff's Office, and the employee's reason for leave does not preclude outside employment.

1008.13.5 NOTICE, CERTIFICATION, AND REPORTING REQUIREMENTS

If the need for the leave is foreseeable, an employee must provide thirty (30) days' written notice prior to the requested start of the leave. If thirty (30) days' notice is not provided, the start of the leave may be delayed. An employee who does not give thirty (30) days' notice must explain why such notice was not practicable. If the need for the leave is not foreseeable, the employee or a member of his or her household must notify his or her Supervisor of the need for leave as soon as possible before their usual reporting time. The failure to provide notice may result in the leave not being designated as FMLA leave.

If the need for leave is foreseeable due to a planned medical treatment or supervision, the employee must make a reasonable effort, when possible and practical, to schedule the treatment or supervision in order to avoid disruptions to the operations.

An employee requesting leave for his or her own serious health condition, to care for a family member with a serious health condition, or military caregiver leave must provide a health care provider's certification of the health condition. These certification forms are available from Human Resources.

In addition, an employee requesting an intermittent leave or a reduced work schedule must provide a health care provider's certification. These forms are also available from Human Resources.

During any leave, an employee must provide periodic reports regarding the status of leave and any change in the employee's plans on returning to work.

1008.13.6 BENEFITS DURING LEAVE

An employee taking leave under this policy will continue to receive coverage under the County's health plan for up to a maximum of twelve/twenty-six work weeks per calendar year at the same level of employment and under the same conditions of coverage as if the employee had continued in employment continuously for the duration of such leave. The County will continue to make the same premium contribution as if the employee had continued working, and the employee is responsible for reimbursing the Country for contributions in premiums that he or she would normally be required to pay. Under most circumstances the County will not make premium

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

contributions for a period longer than twelve/twenty-six work weeks during the calendar year. If an employee fails to return following the leave, the employee may be required to repay the premiums paid by the County during the leave.

Colorado state law requires that as an Employer covered by the FMLA, the Sheriff's Office allows employees eligible for FMLA leave to take up to twelve (12) weeks of job protected leave to care for a partner in a civil union or a domestic partner (as defined in the state statute) who has a serious health condition.

This leave does not count against the leave to which an employee would be entitled under the FMLA. However, if an employee has exhausted all available leave under the FMLA, he or she is not entitled to additional leave to care for a partner in a civil union or domestic partner. Also, an employee is entitled to take only the equivalent of the amount of unused leave under the FMLA to care for a partner in a civil union or domestic partner.

All definitions, rights and obligations, including notice and medical certification provisions in the FMLA, apply to leave taken under Colorado law.

1008.13 EMPLOYEE RESPONSIBILITIES

Colorado Peace Officers Standards and Training mandates each sworn employee receive 24 hours of specific training between January and December each year. Employees who anticipate an extended leave or are placed on light or modified duty should contact the Training Section regarding their responsibilities on meeting the mandatory POST training.

1008.14 ADMINISTRATIVE LEAVE

Administrative Leave may be with or without pay.

Sworn personnel will be automatically placed on three (3) days of paid administrative leave if they are the primary Deputy/Deputies in a critical incident. The critical incident may include deadly force incidents, suicides, etc. During this time, Deputies are encouraged to utilize all available resources to include the Staff Psychologist and the Employee Assistance Program. Paid Administrative leave under these circumstances may be extended up to six (6) additional days by the employee’s Command Staff. If the employee desires additional time beyond the authorized Paid Administrative Leave, the leave will be deducted from the employee’s available sick and/or vacation balance.

1008.15 COLORADO PREGNANCY PROTECTION ACT

Colorado state law prohibits discrimination on the basis of pregnancy, childbirth and related conditions. Reasonable accommodations that do not create an undue hardship on the employer are required for these conditions. The Sheriff's Office will follow C.R.S. §24-34-402.3. Personnel desiring accommodations are advised to contact the Administrator without delay in order to facilitate timely coordination.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Communicable Diseases

1009.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of Office members contracting and/or spreading communicable diseases.

1009.1.1 DEFINITIONS

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 Sheriff's Office.

1009.2 POLICY

The Sheriff's Office is committed to providing a safe work environment for its members. Members should be aware that they are ultimately responsible for their own health and safety.

1009.3 EXPOSURE PREVENTION AND MITIGATION

1009.3.1 GENERAL PRECAUTIONS

All members are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes, but is not limited to:

(a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks or other specialized equipment in the work area or Office vehicles, as applicable.

(b) Wearing Office-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes and non-intact skin can be reasonably anticipated.

(c) Heavy duty utility gloves may be used for the handling, cleaning, decontamination, or disinfection of potentially contaminated equipment.

(d) Facial protection will be used in any situation where splash involving the face is possible. Facial protection may be afforded using both a facemask and eye protection or by using a full-face shield.

(e) Fluid resistant gowns are designed to protect clothing from splashes. Under certain circumstances, head covers and/or shoe covers will be required to protect personnel from potential contamination.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(f) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.

(g) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.

(h) Using an appropriate barrier device when providing CPR.

(i) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.

(j) Decontaminating non-disposable equipment (e.g., flashlight, control devices, clothing and portable radio) as soon as possible if the equipment is a potential source of exposure.

  (a) Clothing that has been contaminated by blood or other potentially infectious materials shall be removed immediately or as soon as feasible and stored/ decontaminated appropriately.

(k) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.

(l) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.

(m) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

  (a) Biohazard disposal areas are located at:

    (a) Intake/Release

    (b) Medical Unit in CJC

1009.3.2 IMMUNIZATIONS

Members who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster from the County Medical Clinic.

1009.4 POST EXPOSURE

1009.4.1 INITIAL POST-EXPOSURE STEPS

Members who experience an exposure or suspected exposure shall:

(a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).

(b) Obtain medical attention as appropriate.

(c) Notify a supervisor as soon as practicable.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1009.4.2 REPORTING REQUIREMENTS

The supervisor on-duty shall investigate every exposure or suspected exposure that occurs as soon as possible following the incident. The supervisor shall ensure the following information is documented:

(a) Name of the member exposed

(b) Date and time of the incident

(c) Location of the incident

(d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)

(e) Work being done during exposure

(f) How the incident occurred or was caused

(g) Actions taken post-event (e.g., clean-up, notifications)

The supervisor shall advise the member that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. The supervisor should complete the incident documentation in conjunction with other reporting requirements that may apply.

1009.4.3 MEDICAL CONSULTATION, EVALUATION AND TREATMENT

Office members shall have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

County Safety and Risk and/or Human Resources should request a written opinion/evaluation from the treating medical professional that contains only the following information:

(a) Whether the member has been informed of the results of the evaluation.

(b) Whether the member has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials which require further evaluation or treatment.

1009.4.4 COUNSELING

The Office shall provide the member, and his/her family if necessary, the opportunity for counseling and consultation regarding the exposure.

1009.4.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed member or when it is otherwise appropriate. Source testing is the responsibility of the Exposure Control Officer (ECO). If the ECO is unavailable to seek timely testing of the source, it is the responsibility of the exposed member’s supervisor to ensure testing is sought.

Source testing may be achieved by:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Obtaining consent from the individual.

(b) Working with the Colorado Department of Public Health and Environment or local health officers through their authority to investigate and control communicable diseases (CRS § 25-1.5-102; CRS § 25-4-506; CRS § 25-4-408; CRS § 25-4-412; CRS § 25-4-413).

(c) Obtaining a court order for exposures related to assault offenses (CRS § 16-3-303.8; CRS § 18-3-202; CRS § 18-3-203; CRS § 18-3-204; CRS § 18-3-415).

Since there is the potential for overlap between the different manners in which source testing may occur, the ECO is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The ECO should seek the consent of the individual for testing and consult the County Attorney to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if he/she refuses.

1009.5 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and shall not be disclosed to anyone without the member’s written consent (except as required by law).

Test results from persons who may have been the source of an exposure are to be kept confidential as well.

1009.6 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Smoking and Tobacco Use

1010.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by members and others while on duty or while in Sheriff's Office facilities or vehicles.

For the purposes of this policy, smoking and tobacco use includes, but is not limited to, any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches and chewing tobacco, as well as any device intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

1010.2 POLICY

The 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 and tobacco use, with the exception of chewing tobacco, is prohibited by members in all Office facilities, buildings and vehicles, and as is further outlined in this policy.

1010.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by members is prohibited anytime members are in public view representing the Sheriff's Office.

It shall be the responsibility of each member to ensure that no person under his/her supervision smokes or uses any tobacco product inside County facilities and vehicles.

1010.4 ADDITIONAL PROHIBITIONS

No person shall smoke or use any tobacco product, with the exception of chewing tobacco, inside Office facilities and no member shall smoke tobacco products within 15 feet of an entryway of any Office building (CRS § 25-14-204).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

1011.1.1 DEFINITIONS

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and Regulations set forth in 49 CFR 571.213 (CRS § 42-4-236).

1011.2 POLICY

It is the policy of the Sheriff's Office that members use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

1011.3 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.

1011.4 TRANSPORTING CHILDREN

All children younger than 8 years of age shall be restrained in a child restraint system (CRS § 42-4-236).

Rear seat passengers in a cage-equipped vehicle may have reduced clearance, which requires careful seating and positioning of seat belts. Due to this reduced clearance, and if permitted by law, children and any child restraint system may be secured in the front seat of such vehicles provided this positioning meets federal safety standards and the vehicle and child restraint system manufacturer’s design and use recommendations. In the event that a child is transported in the front seat of a vehicle, the seat should be pushed back as far as possible and the passenger-side airbag should be deactivated. If this is not possible, members should arrange alternate transportation when feasible.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1011.5 TRANSPORTING SUSPECTS, PRISONERS OR ARRESTEES

Suspects, prisoners and arrestees should be in a seated position and secured in the rear seat of any Office vehicle with a prisoner restraint system or, when a prisoner restraint system is not available, by seat belts provided by the vehicle manufacturer. The prisoner restraint system is not intended to be a substitute for handcuffs or other appendage restraints.

1011.6 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.

1011.7 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.

1011.8 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Disciplinary/Corrective Action and Disciplinary Action Board

1012.1 PURPOSE AND SCOPE

This policy provides guidelines for the reporting, investigation and disposition of complaints regarding the conduct of members of the 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.

1012.2 POLICY

It is the policy of the Sheriff’s Office to objectively teach, address and correct the inappropriate behavior of its members through fair and consistent disciplinary sanctions, without regard to race, creed, color, gender, age, sexual identity, disability, religious affiliation or national origin. This will be accomplished by conforming to the established due process requirements. Only through a defined and formal process, can the high standards of the Sheriff's Office be maintained.

It is the policy of the Sheriff’s Office that there shall be no retaliation against any person who supplies information, or cooperates with a Professional Standards investigation, or chain of command investigation or Title VII investigation.

See attachment: County Personnel Manual Chapter 10.pdf

1012.3 DEFINITIONS

ADMINISTRATIVE LEAVE: To be temporarily relieved from duty with or without pay. Placement on administrative leave does not indicate fault, nor should it be considered a negative action about the employee.

CHAIN OF COMMAND INVESTIGATION: Internal investigation conducted and documented by the subject employee’s chain of command.

CORRECTIVE ACTION: A supervisory action intended to correct and improve behavior through educational activities. No Pre-Corrective Conference or appeal is available for corrective action. Corrective Actions include letter of counseling and remedial training.

DISCIPLINARY ACTION: A necessary action, in response to a serious violation of policy, intended to modify a specific type or pattern of behavior. Intermediate appeal and Termination appeal is available to the subject employee for disciplinary action that results in a loss of a property right and is limited to suspension and demotion.

DISCIPLINARY ACTION BOARD (DAB): A board made up of sworn members of the Office tasked with conducting disciplinary process for sworn members. The DAB shall have five members. Primary members shall serve a period of one year which may be extended by the Sheriff or Undersheriff. The Sheriff reserves the right to change primary board members when

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

it is needed, based on his discretion. Primary members are appointed by the Sheriff to include one non-involved Bureau Chief, one Commander, and two Lieutenants. One additional “choice member” shall be present. The “choice member” shall be a Sergeant or a Lieutenant, chosen by the subject employee. There shall be “replacement members” that are trained, and are available to substitute for the primary member when necessary. Should a primary member need to recuse, a replacement member shall take that place. A replacement member shall be of the same rank. Should a primary member be unavailable, a replacement member shall fulfill the duty.

DISCIPLINARY DEMOTION: A demotion may be decided by the Disciplinary Action Board. A demotion reduces the classification and salary grade of an employee due to the employee’s failure to maintain satisfactory job performance or for other disciplinary reasons. An intermediate appeal is available to the subject employee. This disciplinary decision may be made by the Disciplinary Action Board, after procedures are followed with respect to the DAB. Demotion may also occur after a Level II Chain of Command Investigation. Demotion is not available for a Level III violation. The Sheriff retains the right to demote any member of his staff or a Sergeant for unsatisfactory job performance or when he loses confidence in the staff member’s ability to lead, or further the mission and values of the office, or fails to discharge his duties as a confidential staff member with integrity, honesty and loyalty to the organization.

INTERMEDIATE APPEAL: An opportunity for subject employee to write a memo to the Undersheriff or Sheriff (must choose one) indicating why the disciplinary matter should be reconsidered. The member may meet with the Undersheriff or Sheriff, at the discretion of the Undersheriff or Sheriff. Focus of the intermediate appeal is based on 1) whether the subject employee received due process, procedure was followed, and whether employee had a meaningful, respectful opportunity to be heard and 2) is there credible evidence to support the finding made by the Discipline Action Board. This level of appeal is available only for a loss of a property right, and is limited to suspension and demotion. It is not available to letters of reprimand, or corrective action which includes letters of counseling, remedial training or supervisory discussions. Memorandum requesting appeal must be filed within 48 hours (excluding weekends and holidays) of delivery of written communication. Deadline for appeal will be clearly stated on the written decision. If no memorandum is filed, the appeal is waived.

LEGAL ADVISOR: Attorney employed by the Office of the County Attorney, assigned to represent the Office of the Sheriff.

LETTER OF COUNSELING: A formal memorandum documenting the subject employee’s policy violation. The employee's supervisor will prepare the Letter of Counseling. A Letter of Counseling will be formatted as a memorandum and contain a brief explanation of the circumstances surrounding the policy and procedure violation. Any supervisor may issue a Letter of Counseling for a supervisory issue – the supervisor is not required to conduct a level III investigation. All memoranda documenting the subject employee’s letter of counseling will be submitted to the Personnel file for inclusion into the subject employee’s personnel file maintained by the County. If there is a Professional Standards investigation, and the matter is assigned a PS number, a copy

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

of the Letter of Counseling will kept by Professional Standards, and subject to the Professional Standards retention schedule.

LETTER OF REPRIMAND: A written warning given to an employee for failing to respond to prior discipline, for conduct of a serious nature, or whenever appropriate as determined by the Disciplinary Action Board, or by the chain of command. The employee receiving the written reprimand may submit comments within one (1) working day following receipt. The employee is required to sign a document stating that a written reprimand occurred. The employee's signature is not to be construed as an admission. A copy of the written reprimand will be placed in the employee's personnel file, and may be subject to removal/suppression after a period of five years from the date the letter was issued. Application must be made for this removal/suppression. If the letter of reprimand results from a Level I, or Level II investigation that was investigated by Professional Standards, and was assigned a number (PS2016-xx), a second copy of the written reprimand will be submitted to the Professional Standards Unit to be placed into the employee's Professional Standards file. The Commander will prepare the written reprimand. Written reprimands are subject to the retention schedule of professional standards records adopted by the Sheriff's Office. Written reprimands are disciplinary actions and a copy will remain in the personnel file, unless application is made for removal/suppression and the application is granted. Retention schedule for personnel files will dictate the date of destruction.

LEVEL I COMPLAINTS: Serious policy violations such as, but not limited to; Violation of Laws, Use of Force, misuse of lawful authority, departing from the truth related to official matters, retaliation related to cooperating with an investigation or other matters that are sufficiently serious and have the potential to, or have caused serious harm to another or to the professional functioning of the agency. Before sending a matter to the DAB for decision, an objective initial determination shall be made by the Undersheriff regarding whether there is enough evidence to move forward, in good faith. Matters that, after investigation, do not rise to a threshold level of evidence shall be unfounded and shall not be decided by the Board. Title VII matters and Civil Rights Violations are significant and serious, and shall be handled through the Office of the County Attorney, with the final decision regarding discipline being made by the Undersheriff. The right of appeal to the Sheriff remains in place for Title VII investigations. The DAB will not hear Title VII matters. See definition of Title VII and Civil Rights Matters.

LEVEL II COMPLAINTS: Policy violations such as, but not limited to, Disobedience to Orders, Performance of Duty, Conduct Unbecoming an Officer, willful misconduct, or repeated Level III complaints of the same type.

LEVEL III COMPLAINTS: Complaints such as, but not limited to, rudeness, disrespect, or impartiality. Also includes procedural complaints specifically related to the subject employee's duty assignment such as handcuffing procedures or traffic stops or supervisory issues such as tardiness, minor policy and procedure violations, traffic incidents, or failure to report for court.

MAJOR DISCIPLINE: Discipline imposed for any reason that resulted in suspension, or demotion.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

PREPONDERANCE OF THE EVIDENCE: To prove something by preponderance of the evidence means to prove that it is more probably true than not. If the proof weighs so evenly that the decision maker is unable to articulate that there is a preponderance on either side, the matter has not been proven.

PROBATION: Period of time where the Sheriff's Office is closely monitoring subject employee's ability to perform duties. Probation may be imposed by the Disciplinary Action Board, or a supervisory staff member. Probation does not indicate a contract of employment. Probation shall not be less than 30 days and shall not exceed 180 days. If an employee is demoted, 180 day disciplinary probation period shall be imposed from the date of demotion. When an employee is placed on disciplinary probation, performance evaluations will be conducted at least once every 30 days until the end of the probation period, unless the Commander or Bureau Chief directs otherwise. The probation period may be extended one time, in writing, for a period equal to or less than half of the original probation period. Should probation be imposed, a written corrective action plan shall be presented to the subject employee.

PROFESSIONAL STANDARDS INVESTIGATION: Internal investigation conducted and documented by the Professional Standards Unit. Professional Standards shall investigate Level I complaints. The Undersheriff may direct Professional Standards to investigate Level II complaints, when the matter is complex, crosses bureaus, or circumstances dictate the need, based on discretion of the Undersheriff/Sheriff.

REMEDIAL TRAINING: A form of corrective action intended to correct or improve unsatisfactory job performance. The training will address the specific performance deficiency, and training shall complete a memorandum stating training occurred, and the employee's response and understanding of the training. Remedial training may be ordered by a supervisor or the DAB, when it is appropriate and needed. There does not need to be a policy violation prior to the ordering of the training.

RESTITUTION: Restitution may be ordered in circumstances of loss or damage to Sheriff's Office property. Restitution may be ordered when the subject employee is found to be negligent or at fault in circumstances that lead to the loss or damage to El Paso County property. The restitution may be less than, but will not exceed the current county deductible. The County Risk Management Office or the County Administrator will set the county deductible.

STAFF: A confidential employee who has received an appointment to a position within the Sheriff's Office of lieutenant or higher. This confidential employee serves at the pleasure of the Sheriff, and should the employee fail to satisfactorily perform assigned duties, or fail to act as a leader, or fail to further the mission and values of the office, or fail to discharge his duties as a confidential staff member with integrity, honesty and loyalty to the organization, the Sheriff retains the right to terminate employment pursuant to CRS 30-10-106, or to demote to a non-leadership position.

SUPERVISORY DISCUSSION: A supervisory discussion between the employee and his/her supervisor, intended to correct behavior. This is documented by the supervisor. The yearly evaluation should include the fact that a supervisory discussion occurred and whether the

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

employee altered, or improved the behavior that was the basis of the discussion. Once the matter is included in the evaluation, the underlying documentation may be shredded.

SUSPENSION WITHOUT PAY: Relieved from duty for a specified amount of time without pay or any other type of monetary compensation. This is used when the Disciplinary Action Board, the Undersheriff or the Sheriff, or the chain of command review determines that stronger disciplinary action is deemed appropriate. An intermediate appeal is available to the involved employee. An employee suspended during a period including an authorized holiday will be paid for that holiday. An employee may not use any accrued leave during a suspension without pay.

TERMINATION: Termination of employment with Office. Only the Sheriff or the Undersheriff when designated by the Sheriff may terminate an employee of the Sheriff's Office. If termination is recommended by the Disciplinary Action Board, the employee shall have an opportunity to meet with the Sheriff or Undersheriff prior to processing the termination. The Sheriff or Undersheriff reserves the right to terminate an employee for a serious violation of policy or law at any time through the procedure in C.R.S. 30-10-506. The Sheriff does not give up his right to terminate under C.R.S. 30-10-506 by adopting the Disciplinary Action Board Process. The Sheriff retains his right to utilize his power under title 30 at all times, to include application to members of his Staff and Sergeants.

TERMINATION APPEAL: An opportunity for subject employee to meet with the Sheriff in reference to a termination recommendation by the Disciplinary Action Board. This appeal process fulfills the statutory requirement of C.R.S. § 30-10-506. If termination is recommended, the Lieutenant of Professional Standards will facilitate setting the meeting with the Sheriff (or the Undersheriff as designated). This meeting shall be set as soon as practical, depending on the schedule and availability of the Sheriff.If an employee resigns pending an investigation, the investigation is completed and the employee waives his/her right to appeal.

TITLE VII AND CIVIL RIGHTS MATTERS: Internal workplace matters that form a basis of unlawful discrimination prohibited by Title VII of the Civil Rights Act of 1964, by the Age Discrimination in Employment Act of 1967 and by the Americans with Disabilities Act of 1990 and state civil rights laws. This includes harassing behavior, or discriminatory behavior that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age or disability. This also includes harassing behavior that is based on the characteristics of an individual’s relatives, friends or associates. Matters relating to harassment, discrimination, and retaliation (based on the reporting of discrimination or harassment) shall be investigated by the Office of the County Attorney. County procedure shall be followed. Once findings are recommended, a decision shall be made with respect to whether the Sheriff's Office policy has been violated. Discipline will then be decided. Discipline range will include all options available under a Level I investigation. The DAB process will not be utilized for these matters in order to ensure confidentiality, and immediate response to these matters.

TRAFFIC INCIDENT: Damage or injury caused by the movement of a motor vehicle.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

TRAFFIC INCIDENT REVIEW BOARD: A Board made up of three primary members. The three members shall be the Traffic Sergeant and two driving instructors. There shall be three alternate members, who may step in and fulfill the duty if a primary member must recuse, or is unavailable. The mission of this Board is to act as decision maker with regard to traffic incidents, and to decide discipline. If the discipline decision is greater than corrective action and/or letter of reprimand, the matter shall be presented to the Disciplinary Action Board (DAB), who will make final decision as to discipline action. Not all traffic incidents that occur will necessitate discipline. Restitution and corrective action may be utilized.

1012.4 PROCEDURE

- Calling the Board to Action: When it appears that the Disciplinary Action Board or Traffic Incident Review Board is necessary, either the Commander in the subject employee's chain of command, or the Professional Standards Unit shall begin the review process.
  - (a) Professional Standards Unit Investigations: The legal advisor, or the legal advisor's representative, and the Professional Standards representative shall agree as soon as practicable to determine a date for the Board, and notify appropriate Board members. The date shall not be set sooner than four business days from the date of the meeting between the legal advisor and the Professional Standards representative.
  - (b) Chain of Command Investigations, where the Board is required, the commander shall contact the Lieutenant in Professional Standards to determine a date for the Board, and notify appropriate Board Members. The date shall not be set sooner than four business days from the date of the meeting between the commander and the Professional Standards representative.
  - (c) Traffic Related Incidents where the Traffic Incident Review Board recommends discipline greater than a letter of reprimand, the traffic sergeant shall contact Professional Standards to determine a date for the matter to be heard by the Disciplinary Action Board. The date shall not be set sooner than four business days from the date of the meeting between the legal advisor and the traffic sergeant.
- Once the date is determined, and members of the Board are assigned, a notification letter shall be sent to the subject employee by the Professional Standards Unit. The notification letter shall include:
  - (a) The date, place, and time of the board hearing.
  - (b) The subject employee's responsibility of selecting their representative.
  - (c) A copy of this policy outlining procedures for the hearing.
  - (d) A brief statement of the alleged violation and reference to applicable policy.
  - (e) Information on how to request copies of the summary of investigation.
- Upon receipt of the notification letter the subject employee will select their representative that will sit on the board.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. The subject employee's representative must be a sergeant or lieutenant.
2. The subject employee is responsible to provide the legal advisor the name and rank of their representative within two business days of receipt of the notification letter.
3. The representative shall not be an eye or ear witness to the matter at issue.
4. The subject sworn employee is authorized, at his/her own expense, to have an attorney present during the hearing; however, the attorney may not make any statements or objections. The subject employee may consult with their privately retained attorney throughout this process.
5. The representative does not act as an advocate for the employee. The representative is a voting member of the Board and must apply independent judgment to any applicable decisions.

1012.5 PREPARATION OF THE DESIGNATED BOARD

1. Electronic access to the full investigative record will be granted to the assigned board members and the legal advisor. Full investigative record includes the investigation that is appropriate to the matter at issue (includes chain of command, professional standards, traffic incident investigation).
2. Relevant materials will be provided to the assigned board members, a minimum of 72 hours, and prior to the hearing.

1012.6 HEARING PROCEDURES

(a) Introductory Matters: The highest ranking Board Member (called the Chair) shall call the Board to order and implement the following procedure:

(a) The Chair shall introduce the other members of the Board, and shall make a brief statement with respect to procedure. The Chair shall make the following statement with respect to confidentiality of the hearing procedures: *The allegation, the investigation, and the presentations during this hearing are confidential and shall remain confidential. It is an order that the substance of this hearing shall not be relayed to any person outside this hearing, unless there is written consent by the Chair, or by Court order. The Undersheriff, and/or Sheriff, through their responsibility to oversee the entire EPSO organization may review the Professional Standards record, and may receive a briefing from the Chair and/or legal advisor. This consultation, should it occur, is part of the deliberative privilege, solely for the purposes of oversight and appeal. This hearing will be documented as to procedure and results. The documentation shall remain with the Professional Standards Record of the subject employee.*
You will notice that the legal advisor is taking notes. These are for her use in the attorney client relationship and for purposes of providing legal representation and advice.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

You, (name of involved employee), are also bound by this order of confidentiality. Should you have any questions about confidentiality, you should contact the Professional Standards representative or the legal advisor.

(b) If the sworn employee has a privately retained attorney present, the Chair will inform the attorney they may not make any statements or objections; however, they can consult with the subject employee throughout this process.

(c) The Chair will then allow the presenting Office representative to state his/her name, and rank.

(d) The Chair will then allow the subject employee to state his/her name and rank.

(e) The Chair will introduce the legal advisor, and the Professional Standards person who will keep a brief record of events. The legal advisor will take notes for use in the attorney client relationship and for purposes of providing legal representation and advice.

(f) Any subject employee who appears in front of a Board will not possess a firearm or weapon at the time of the Board hearing. Any firearm must be securely placed in a locked location.

(g) All persons involved in the Board hearing shall act professionally, shall not interrupt, and shall follow the direction of the chair or legal advisor. The rules of evidence shall not apply.

(h) The legal advisor and the chair will keep the matter on track, and will not allow non-relevant material to be addressed at the hearing.

(b) Determination of the facts:

1. Statement of the matter:

(a) The presenting Office representative shall make the first statement. This representative will present a synopsis of the facts, as derived from the investigation. The synopsis shall be a neutral representation of the evidence. This representation must include all relevant facts necessary for the fair determination of the issue in question. The presentation shall not be slanted to favor any particular interest, affect any particular outcome or shield any relevant facts from disclosure, whether those facts exculpate, or incriminate the subject employee.

(b) The subject employee shall make the second statement. This statement shall be limited to factual information, or communication of any concerns related to the investigation. Should the subject employee desire to make an admission to any violation, that admission will be received by the Board, and will be conclusive evidence that the violation occurred. The subject employee may waive this statement. If the statement is waived, the Board will not hold the subject employee’s silence against the subject employee.

2. Determination of whether the Violation has been proven:

(a) The presenting Office representative has the burden of presenting enough information/evidence to allow the Board to decide if the violation can be

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

supported by preponderance of the evidence. The Board will make the determination if the presenting Office representative, after review of the investigation materials and listening to the initial statement, has proven the allegation.

(b) The Board shall determine a single violation separately and a separate decision must be reached as to whether there is a preponderance of evidence establishing that the alleged violation occurred. The sustaining of any one violation does not compel the sustaining of other rule violations. The Board will decide which section(s) of the policy are applicable and whether or not it shall be sustained. The Board is limited to decisions regarding the subject matter as defined by dates in the investigation. A separate vote will be taken in writing for each applicable policy. The decision will be made by the majority.

(c) Independent decision by each board member is required. Each board member must carefully consider the recommendations and opinions of other board members, but he/she is entitled to give them whatever weight, if any, he/she believes they reasonably deserve based on the evidence. As a finder of fact, the board member is entitled to independently assess the evidence and reach his/her own independent findings in accordance with all of the instructions given herein and a fair consideration of all the evidence presented.

(d) In making the determination, the Board shall not consider:

1. Any information that is not contained in the investigation record, or presented by the involved employee at the time of the hearing.
2. Guess or speculation.
3. Sympathy, bias, or prejudice for or against the subject employee, any witness, and any other person involved the Office or its administration, or any other person or entity having an interest in the case.
4. Assessment of the subject employee’s reputation, work history or discipline history is not relevant to the determination of a sustained finding, however it may be considered for purposes of assessing credibility.
5. The rank of the subject employee unless rank is an element of the alleged violation.
6. The anticipated or perceived effect which the finding may have on the subject employee.
7. The anticipated or perceived effect which the finding may have on any witness or other involved person, the Office or its administration, the public or public opinion, or any other person or entity having an interest in the case.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

8. Information known to a member of the Board regarding the matter or the person(s) involved in the matter if that information has not been formally submitted.

(e) In making the determination, the Board shall consider:

1. The investigative record, and any reasonable inferences drawn from that record, with respect to the investigation at issue.
2. The statement and information provided by the subject employee, and any reasonable inferences drawn from that statement and information.
3. The collective common sense and life experiences of the Board when acting as finders of fact. However, the Board may not base any conclusions on information known to a member of the Board regarding the matter if that information has not been formally submitted.
4. The credibility and weight to be given to statements as presented by the Professional Standards Representative. In doing so, consideration shall be given to the author of the statement's means of knowledge, strength of memory and opportunities for observation; reasonableness or unreasonableness of statements, consistency or lack of consistency in statements, motives, whether the statement has been contradicted or supported by other evidence; any bias, prejudice or interest; manner and demeanor while making the statements; and all other facts and circumstances shown by the evidence which affects the credibility of the statement. The Board shall apply the same criteria to all statements gathered by the Professional Standards Unit, whether the statement was made by a civilian, deputy, supervisor, command officer, or inmate. The Board shall not afford any special consideration to the author of the statement solely because it is made by a deputy, or a person of rank.
5. All considerations stated in this policy, and all facts, circumstances and evidence in the case and the fact finders may believe all, part or none of any witness statements. The fact finders may determine what weight, if any, to give to any witness' statements.
6. The number of witnesses for one side or another is not determinative of the issue.
7. The policy, procedure, rule, regulation or directive found to be applicable and apply it to the facts as the fact finders determine them to be. The fact finders must do so without regard for whether the fact finders personally agree with the particular policy, procedure rule, regulation or directive or whether the fact finders believe it should be amended or repealed.

(c) Rendering decision with respect to alleged violation. For each violation, one of the following must be determined:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) **Exonerated:** The investigation indicates that the alleged actions of the subject employee were within the policies, procedures, rules, regulations and directives of the Office.

(b) **Unfounded:** The investigation indicates that the subject employee alleged actions relating to the Office policy, procedure, rule, regulation or directive in question did not occur.

(c) **Not sustained:** If, by preponderance, the evidence fails to establish the subject employee has committed the violation in question, or if the evidence is so balanced that preponderance cannot be determined, the allegation must not be sustained. The evidence was insufficient to either prove or disprove the allegation.

(d) **Sustained:** If, by preponderance, the evidence establishes that the subject employee's actions were found to have been in violation of the Office policy, procedure, rule, regulation, or directive in question.

(d) Determination of discipline and/or corrective action if policy violation is sustained.

(a) The presenting Office representative will present a brief summary of information relevant to the discipline decision. This shall include, but not be limited to, employment history (positive and negative), and resulting harm caused by the subject employee.

(b) The subject employee shall present a brief summary of information relevant to the discipline decision. The subject employee may, if desired, suggest a discipline response for the Board to consider.

(c) Members of the Board may ask relevant questions of the Office official or the subject employee.

(d) The Board will deliberate in private. Decision will be made by majority of the Board. Voting will occur in writing. The legal advisor will be present for the deliberation and voting, but shall not vote.

(e) The Board shall determine discipline in accordance with the factors outlined in policy. Discipline must be imposed for a legitimate purpose reasonably related to the misconduct being addressed.

(a) Purposes of discipline in a particular case are dependent on all the facts and circumstances of that case. These purposes may include, but are not limited to, the nature and seriousness of the misconduct, the circumstances under which the misconduct was committed, the harm, risk of harm, or prejudice arising form the misconduct, the effect of the misconduct on the Office's values, and the existence of any relevant mitigating or aggravating circumstances.

(b) The disciplinary matrix will be utilized.

1. The matrix lists a minimum, a presumption, and a maximum discipline action for each level of offense.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

2. If the minimum is used, it must be supported by additional findings by the Board.
3. If the maximum is used, it must be supported by additional findings by the Board.
4. The presumptive range of discipline actions has been set based on direction by the Sheriff. This presumptive range illustrates a typical violation, with no prior sustained findings/discipline action within the last five calendar years.

(c) Demotion: carries a long term penalty for the subject employee. When the Board considers demotion, consideration should be given to the following factors before imposing demotion;

1. After consideration of all facts and circumstances surrounding an incident, it is determined that the subject employee lacks the ability, willingness, or worthiness to perform in the current rank.
2. The effect on the Office if the subject employee is allowed to remain in his/her current position with the current rank.
3. The importance of the ability to perform the duties and responsibilities of the rank in a credible and professional manner is key to the character and trust of the Office, Supervisory and Command officers must lead by example and maintain a culture in which all Office employees act with prudence, justice, courage, intellectual honesty, responsibility, self-effacement of interests and trustworthiness, and where these virtues can be continuously exercised as standard operating procedure.

(d) Termination: this is the most significant of discipline action. When the Board considers termination, consideration should be given, but not limited to, the following factors:

(a) The act(s) calls into serious question the subject employee's trustworthiness and/or integrity so as to interfere with the continued performance of his/her assigned duties and responsibilities, or which demonstrate a serious lack of the ethics, character or judgment necessary to hold a position of trust.

(b) The retention of the subject employee would clearly cause a continuing disruptive effect on the efficient and/or safe operations of the Office or clearly constitute a substantial risk to subject employee, other employee(s), inmate or public safety.

(c) The act(s) constitutes a course of conduct characterized by a continued inability or unwillingness on the part of the subject employee to conform to the expected standards of conduct.

(d) The act(s) creates a serious legal or financial risk for the Office or the County or as a result of which, retention of the subject employee

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

could create a serious legal or financial risk for the Office or the County.

(e) The act(s) constitute a violation of law, rule or policy that results in the death or serious bodily injury of any deputy, employee, inmate or member of the public (excludes legal and necessary use of force situations).

(f) The act(s) demonstrates a willful disregard of the Mission and Values of the Office; abusive conduct including abuse of authority, or are substantially contrary to the standards of conduct reasonably expected of one whose duty is to uphold the law and to provide for the care and custody of inmates in a professional manner.

(g) The act(s) involves the use of unnecessary or excessive force, regardless of the extent of injury, where the level of force is significantly disproportionate to the threat posed or where the totality of the circumstances indicate the force was used in whole or in part for reasons other than legal, legitimate correctional or law enforcement objectives, including, but not limited to punishment, retaliation, discrimination, coercion or the unjustified infliction of pain.

(h) The totality of the circumstances and the history of the subject employee indicate that a lesser corrective or punitive action will not be effective or depreciate the seriousness of the misconduct or its relationship to the Office Mission and Values.

(i) The act(s) constitutes the failure to adhere to any legally mandated or Office created condition of employment.

(j) The act(s) substantially violated the constitutional rights of an individual, and the violation was done knowingly with willful disregard of the constitutional rights of another.

(k) The failure to dismiss the subject employee would erode deputy or public confidence in the effectiveness or integrity of the discipline system.

1012.7 TERMINATION PROCEDURES

(a) Once the determination is made, the Board recommendation regarding termination will be made in writing to the Sheriff or his designee. The Professional Standards Unit will deliver the recommendation and set an appointment for the subject employee to meet with the Sheriff or his designee.

(b) The subject employee may choose to resign in lieu of termination. If this choice is made, it shall be communicated to the Professional Standards Unit who shall inform the Sheriff and begin the procedure for termination of employment.

(c) If the subject employee chooses to meet with the Sheriff, the meeting shall occur in the Office of the Sheriff. A Professional Standards member or another member of Office

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

will be present for the meeting. Following the meeting, the decision by the Sheriff shall be implemented and is final.

(d) The Sheriff, in his absence, may designate the Undersheriff to meet with the employee.

1012.8 SHERIFF'S AUTHORITY

Sheriff's Prerogative: The Sheriff retains the right to revoke the appointment of any deputy at any time after following the procedure outlined in C.R.S. § 30-10-506. This right shall be used sparingly, and in such circumstances where the actions of the subject employee put the Office's well-being at risk, as determined by the Sheriff. Further, the Sheriff retains the right to remove a member of his staff or a sergeant via demotion or termination, if the Sheriff decides, within his discretion, that the command staff member or sergeant has lost the ability to lead, and/or follow the mission and values of the organization, and/or discharge his duties as a confidential staff member with integrity, honesty and loyalty to the organization.

1012.9 DISCPLINARY RESOURCES

See attachment: Discipline Matrix 2.pdf

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Complaint Handling/Investigation Procedures

1013.1 PURPOSE

To provide guidance for the proper and consistent handling of both internal and external complaints.

1013.2 DEFINITIONS

ADMINISTRATIVE INSIGHT: Memorandums from the accused employee's chain of command, which state the findings of the investigation and recommend any disciplinary or corrective actions.

CORRECTIVE ACTION: A supervisory action intended to correct and improve behavior.

DISCIPLINARY ACTION: A necessary action in response to a violation of policy, intended to modify a specific type or pattern of behavior.

EXTERNAL COMPLAINT:Complaints made by civilians. All complaints will be accepted whether in person, by third party, over the telephone, mailed or phoned in anonymously, or through the media.

PROFESSIONAL STANDARDS INVESTIGATION: Investigations conducted and documented by the Professional Standards Unit.

INTERNAL COMPLAINT:Complaints made by an employee or member of the Sheriff's Office.

PERSONNEL INVESTIGATION: Investigations conducted and documented by the accused employee's immediate supervisor and/or chain of command.

PRELIMINARY INVESTIGATION: The initial gathering of memorandums, reports and any other evidence used to establish the validity of the complaint and identify the investigating authority.

1013.3 PROCEDURE

It is the policy of the Sheriff's Office to conduct fair and impartial investigations of all complaints. The Office is committed to clear employees who are falsely accused and discipline those who violate policy and procedures and/or standard operating procedures.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1013.3.1 RECEIPT OF A COMPLAINT

(a) Upon receipt of a complaint, a supervisor will complete a Complaint Receipt Form. If the complaint is made in person, the supervisor will attempt to have the complainant complete and sign the statement portion of the form. If the complaint is made anonymously via mail or phone call, the supervisor will complete a Complaint Receipt Form.

(b) The supervisor receiving the complaint will give a copy of the complaint form to the complainant. If the complaint is received by mail or telephone, a copy does not need to be provided to the complainant.

(c) The supervisor will forward the complaint and any information gathered to the accused employee’s Division Commander via the chain of command.

(d) The Division Commander will review the information and determine if further investigation is necessary. After the incident has been investigated, the Division Commander shall forward the associated paperwork.

  (a) If no further investigation is necessary, the Division Commander shall forward all information to the Professional Standards Unit for review and filing.

  (b) If further investigation is necessary, the Bureau Chief or Division Commander of the affected employee will forward the information to the accused employee’s immediate supervisor or the Professional Standards Unit, depending on the seriousness of the allegation(s) and with the concurrence of the Undersheriff.

  (c) At any point during the investigation, and with the concurrence of the Undersheriff, the accused employee's Bureau Chief or Division Commander may forward the complaint to the Professional Standards Unit for further investigation.

1013.3.2 INVESTIGATIVE AUTHORITY

1. Level I: Serious policy violations such as, but not limited to: Serious policy violations such as, but not limited to; Violation of Laws, Use of Force, misuse of lawful authority, departing from the truth related to official matters, retaliation related to cooperating with an investigation or other matters that are sufficiently serious and have the potential to, or have caused serious harm to another or to the professional functioning of the agency. Level I investigations will be investigated by the Professional Standards Unit.

2. Level II: Policy violations such as, but not limited to: Disobedience to Orders, Performance of Duty, Conduct Unbecoming an Officer, willful misconduct, or repeated Level III complaints of the same type. Level II investigations may be investigated by the Professional Standards Unit or the accused employee's chain of command.

3. Level III: Complaints such as, but not limited to, rudeness, disrespect, or impartiality. Also includes procedural complaints specifically related to the subject employee’s duty assignment such as handcuffing procedures or traffic stops or supervisory issues such as tardiness, minor policy and procedure violations, traffic incidents, or failure to report for court. Level III investigations will be investigated by the accused employee's chain of command.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1013.3.3 PROCEDURES FOR DOCUMENTATION OF LEVEL III COMPLAINTS

(a) Level III complaints and traffic crash investigations may be documented in memorandum form.

(b) The immediate supervisor of the accused employee will have the accused employee respond to the allegations in memorandum form.

(c) If necessary, the supervisor will investigate the complaint further.

(d) Each supervisor in the accused employee's chain of command will review the documentation and submit their memorandum of findings and recommendations.

(e) Each supervisor will review the information and enter their findings on the Disposition of Allegation Form.

(f) The Bureau Chief shall have final review authority over Level III complaints.

  (a) Upon completion, all documentation including the action taken, if any, will be forwarded to the Professional Standards Unit for review and uploading into the IA Pro System.

  (b) If disciplinary or corrective action is taken, copies will be forwarded to Human Resources Office for inclusion into the employee's personnel file.

1013.3.4 NOTIFICATION

Upon completion of the investigation the accused employee, the chain of command and the complainant shall be notified in writing of the results of the investigation. The Professional Standards Unit will complete this letter. A copy of the notification of finding letter will be placed in the employee’s Professional Standards file and the IA Pro System. The Human Resources Office will receive a memorandum of any disciplinary or corrective action. This applies to all levels of investigation.

1013.3.5 RECORDS

(a) A record of all complaints against the agency or employees will be made and investigated.

(b) All records resulting from complaints against the agency or employees will be secured in the Professional Standards Unit. Access to these files is gained through the Professional Standards Unit on a “need to know” basis. Any member of an accused employee’s chain of command may review their employee’s Professional Standards file.

(c) All archived files will be secured in the Professional Standards Unit.

1013.3.6 RESPONSE

Professional Standards investigators will respond to the following incidents:

1. Deputy involved shootings resulting in death or serious bodily injury.
2. Use of force which results in death or serious bodily injury.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

3. Weapon discharge which results in death, serious bodily injury, or damage to the personal property of another.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Internal Investigative Rules

1014.1 PURPOSE

To provide guidelines to employees on the Sheriff's Office internal investigation rules and procedures.

1014.2 DEFINITIONS

SWORN EMPLOYEE: Employee who does possess a Deputy Sheriff commission.

CIVILIAN EMPLOYEE: Employee who does not possess a Deputy Sheriff commission.

MEMBER: A volunteer, cadet, reserve deputy, or chaplain who donate their time to the Sheriff's Office.

CONTRACT EMPLOYEE: A civilian employed by an independent contract who provides services to the Sheriff's Office. The contract employee is not a member of the Sheriff's Office; however, the employee is affiliated with the Sheriff's Office because of the contractual service they provide.

NON-TESTIMONIAL EVIDENCE: A blood test, urine test, physical or photo lineup, breath test, photos or video, phone records, and/or other records related to the investigation.

1014.3 POLICY

It is the policy of the Sheriff's Office to investigate allegations of misconduct by any employee, in a fair and thorough manner. The Sheriff's Office will respect the rights of the employee, while not jeopardizing the investigation.

1014.4 PROCEDURE

1014.4.1 CONFIDENTIALITY

1. Employees or members will not discuss or attempt to solicit any details of a matter under investigation.
2. Internal investigations will be treated in strict confidence. Information will be disseminated and used on a "need to know" basis.
3. When an investigation is forwarded through the chain of command for review, each reviewing member is responsible for maintaining the confidentiality and security of that investigation, to include storing it in a secure location.

1014.4.2 NOTIFICATION OF INVESTIGATION

(a) The "Notification of Investigation" letter will be issued to the accused employee and their chain of command prior to a formal interview, if the investigator is not within the accused employee's chain of command. This does not preclude a supervisor or professional standards investigator from conducting a preliminary interview. The letter shall disclose the following information:

(a) The name of the complainant

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) The date of the alleged incident(s)

(c) Any possible policy violation(s)

(d) Any report numbers and/or summons

(e) A brief summary of the allegation

1014.4.3 INTERVIEWS

(a) All employees involved in an investigation, either as an accused or witness, shall be required to submit written statements and/or be interviewed. Failure to provide a statement or submit to an interview will result in termination.

(b) Before interviewing any accused employee, the employee will be given a Garrity Advisement Statement that he/she will read, have explained if necessary, and sign. In an interview with an employee, the questions shall be narrowly and directly related to the matter under investigation.

(c) The accused employee may record the contents of the interview or request an audiotape copy of the interview if recorded by the investigator.

(a) The investigator may record the interview of the accused employee and/or any witness(es). If the interview is recorded, the investigator will notify the accused employee and/or the witness(es) prior to any recording.

(b) If an accused employee chooses to tape a formal interview, they will advise the interviewer of the tape prior to any recording.

(c) If the taped interview is transcribed, the accused employee may request a copy of their interview unless the investigation pertains to a Title VII matter and is conducted by the Investigative Specialist with the Office of the County Attorney. In these investigations, no copies will be provided.

(d) An accused employee may have legal representation present during a formal interview. The cost of the representation will be at the employee's expense and the legal representative will comply with the following guidelines:

(a) The attorney will not interfere with any portion of the actual interview.

(b) The attorney will not answer any questions for the accused employee.

(c) The attorney may not cross-examine, at any time, the accused employee or the authority conducting the interview.

(d) If the attorney has any procedural questions of the investigator, he/she may ask these questions following the interview.

(e) An employee or member may be ordered, to truthfully answer questions and cooperate with an internal investigation.

(f) Employees will be interviewed on duty whenever possible. If the employee's interview is conducted during off-duty time, the time will be compensated. If the employee participates in the appeal process or the pre-disciplinary conference, such time will be compensated if conducted during off-duty time. Any employee suspended without

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

pay prior to an investigation, and found in violation as accused, will not be entitled to overtime compensation.

(g) If criminal violations are apparent, the investigator will immediately suspend the investigation and advise the supervisor in charge of the Professional Standards Unit.

1014.4.4 POLYGRAPHS/COMPUTER VOICE STRESS ANALYSIS (CVSA)

All employees of this Office must submit to a polygraph or CVSA examination when ordered by the Sheriff, Undersheriff or designee. Any employee, who refuses to submit to a polygraph or CVSA examination when so ordered by the Sheriff, Undersheriff, or designee, may be terminated for disobedience of an order.

1014.4.5 SEARCHES

(a) A sworn member may be ordered to submit to a blood test, urine test, physical or photo lineup, breath test, being photographed, or other non-testimonial evidence procedures. Refusal to submit can result in disciplinary action up to and including termination. If criminal prosecution of the employee is contemplated, the employee shall be entitled to counsel or other representation present where provided by law.

(b) An employee's or member’s personal property shall not be subject to search and seizure without probable cause and a warrant where required by law. Sheriff’s Office property, such as vehicles, work areas, stations or lockers, may be searched without consent at any time, even if assigned to or used exclusively by a single employee.

(c) Office communication facilities may be monitored at any time under conditions permitted by law. Other communications or conversations may be monitored at any time under conditions permitted by law.

(d) If the investigation determines that there are additional acts of misconduct on the part of the employee that are not included in the original complaint, these acts will be included as a part of the investigation.

1014.4.6 CONCLUSION OF THE INVESTIGATION

(a) Internal investigations will be completed timely manner.

(b) Accused employees or members will be notified in writing at the conclusion of the investigation. The document will include the following:

    (a) Findings of each allegation.

    (b) A brief statement summarizing the allegation as it relates to policy violation.

    (c) Intent of disciplinary action, if any.

(c) The complainant will be notified in writing upon conclusion of the investigation.

1014.4.7 RECORDS

(a) Records of all complaints that result in a Professional Standards investigation or a Personnel Investigation will be securely stored within the Professional Standards Unit.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) All investigations will be considered confidential.

(c) Employees or members will not be authorized to review these investigations.

(d) Active employee or members may inquire as to their own professional standards history. They will be provided the following information:

(a) Date of the investigation

(b) Case number

(c) Allegations

(d) Findings of the investigation

(e) Disciplinary action received, if any.

1014.4.8 INVESTIGATIONS INVOLVING CONTRACT EMPLOYEES

(a) When a complaint about a contract employee involves a security matter, or may compromise the integrity of the Sheriff’s Office, the Professional Standards Unit will conduct a preliminary investigation to determine if the allegation pertains to a policy or criminal violation.

(b) The investigative procedure for Sheriff’s Office sworn and civilian employees does not apply to a contract employee. The interview with the accused contract employee will be conducted as a voluntary interview. The accused employee will not be given the Garrity advisement, since the contract employee is not a member of the Sheriff’s Office.

(c) If the preliminary investigation determines there is a policy violation, the findings will be forwarded to the respective Sheriff’s Office Contract Administrator, who will determine whether or not the contract employee will be allowed to continue access to Sheriff’s Office facilities. If the preliminary investigation determines a criminal act occurred, the investigation will be referred to the Investigations Division and the Professional Standards Unit will inform the contract administrator of the referral.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Investigation of Personnel Matters Related to Discrimination

1015.1 PURPOSE

To provide a guideline for the neutral investigation of internal workplace matters that form a basis of unlawful discrimination prohibited by Title VII of the Civil Rights Act of 1964, by the Age Discrimination in Employment Act of 1967 and by the Americans with Disabilities Act of 1990 and state civil rights laws.

1015.2 APPLICABILITY

This policy applies to employees who are appointed pursuant to C.R.S. 30-10-506 and civilian employees who work for the Sheriff's Office.

1015.3 DEFINITIONS

INVESTIGATIVE SPECIALIST: Employee of the Office of the County Attorney, assigned to investigate workplace complaints related to Title VII, Civil Rights and Retaliation matters.

TITLE VII AND CIVIL RIGHTS MATTERS: Internal workplace matters that form a basis of unlawful discrimination prohibited by Title VII of the Civil Rights Act of 1964, by the Age Discrimination in Employment Act of 1967 and by the Americans with Disabilities Act of 1990 and state civil rights laws. This includes harassing behavior, or discriminatory behavior that denigrates or shows hostility or aversion toward an individual because of his or her race, color, religion, gender, national origin, age or disability. This also includes harassing behavior that is based on the characteristics of an individual's relatives, friends or associates. Matters relating to harassment, discrimination, and retaliation (based on the reporting of discrimination or harassment) shall be investigated by the County Attorney's Office/Human Resources. County procedure shall be followed. Once findings are recommended, a decision shall be made with respect to whether the Sheriff's Office policy has been violated. Discipline will then be decided.

PRELIMINARY COMPLAINT/INVESTIGATION: Information provided that indicates a Title VII, Civil Rights or retaliation concern may be at issue. This may be received in memo form, or verbally. Once the initial information is received; a preliminary investigation may take place to establish if Title VII, Civil Rights or retaliation concerns are involved.

PREPONDERANCE OF THE EVIDENCE: To prove something by preponderance of the evidence means to prove that it is more probably true than not. If the proof weighs so evenly that the decision maker is unable to articulate that there is a preponderance on either side, the matter has not been proven.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

WORKPLACE INVESTIGATION: Formal investigation by the Investigative Specialist, on behalf of the County, to determine factual information about Title VII, Civil Rights and retaliation matters. This investigation is confidential, is not subject to release pursuant to the Colorado Open Record Act.

1015.4 PROCEDURE

1015.4.1 MAKING A COMPLAINT

(a) Any employee may lodge a complaint related to a Title VII, Civil Rights or retaliation matter by contacting any one of the following individuals

  (a) Any supervisor, civilian or sworn, need not be in the direct chain of command

  (b) By contacting the County Attorney's Office and requesting to speak with the Investigative Specialist

  (c) By contacting El Paso County Human Resources and requesting to speak with an employment specialist.

  (d) By contacting a member of the Office of the County Attorney

  (e) By contacting a member of the Professional Standards Unit.

(b) The preliminary complaint is encouraged to be written, but it is not required

(c) Prompt reporting is encouraged.

(d) Matters reported must be truthful. It is a violation of policy for anyone acting knowingly and/or recklessly to make a false complaint of discrimination, harassment, sexual harassment, and/or retaliation. It is a violation of policy to provide false information regarding a complaint.

1015.4.2 RECEIPT OF A PRELIMINARY COMPLAINT

1. Any individual authorized to receive a complaint and any supervisor who observes discrimination, harassment, sexual harassment and/or retaliation shall report to the Undersheriff as soon as practical. If the Undersheriff is not available, the Investigation Specialist shall be contacted. If the complaint is received/observed on a weekend, or evening, contact dispatch to reach the Undersheriff/Investigative Specialist.

2. Any individual authorized to receive a complaint should accept basic information, write a written memo of the information to the Office of the County Attorney, keep all matters confidential, and notify the reporting party that someone will be contacting them within 24 hours, when practical.

1015.4.3 INTAKE OF COMPLAINT

1. The investigative specialist will call the reporting person within 24 hours, when practical, and arrange for a preliminary investigation interview. If the information is sufficient on its face to warrant an investigative investigation, the Undersheriff will move to step 2 and direct a formal workplace investigation.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

2. The investigative specialist will consult with the Office of the County Attorney, and the Undersheriff, to determine if the matter meets the definition of a Title VII, Civil Rights or retaliation matter. If it does, the investigative specialist will continue with a formal workplace investigation. If it does not, the Undersheriff will decide how the matter will be investigated based on policy.

1015.4.4 LEGAL ADVICE

The Office of the County Attorney will provide confidential legal advice to the Sheriff's Office and the investigative specialist regarding these matters.

1015.4.5 INVESTIGATIVE PROCESS

1. The investigative process shall be confidential.
2. The accused employee(s) shall be served a notice of investigation by Professional Standards.
3. Any witness shall receive a letter and order of confidentiality.
4. Interviews will be conducted in the Human Resources Office area at International Circle or the County Attorney’s Office.
5. Interviews will be audio recorded, and the audio shall be preserved.
6. Accused employee(s) shall be given involuntary statement protection pursuant to Garrity.
   (a) Professional Standards will do the advisement and receive a signature on the written advisement form. The employee will be given a copy. A PDF copy will be emailed to
   the investigative specialist.
7. Investigative specialist will request any needed additional information from Professional Standards or as directed by the Undersheriff.
8. Undersheriff and/or Sheriff may be briefed on the progress of the investigation and estimated time frame.

1015.4.6 COMPLETION OF THE WORKPLACE INVESTIGATION

1. All documents, video, and information provided by any person interviewed shall be maintained by the Investigative Specialist.
2. Investigative Specialist will make findings, based on a preponderance of the evidence standard, regarding specific questions within the scope of the investigation.
3. An executive summary will be prepared for purposes of giving legal advice, and will be submitted to the Office of the County Attorney.
4. The investigative specialist, legal advisor, and employment lawyer will meet with the Undersheriff and present findings.
5. Based on the findings, the Undersheriff will determine if any policy(s) have been violated and will determine reasonable corrective/disciplinary action. The DAB process

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

will not be utilized for these matters in order to ensure confidentiality and immediate response to these matters.

6. Undersheriff will prepare a notification of discipline, meet with the accused employee, and deliver the findings. Legal advisor may be present, as requested.
7. Employee shall have a right to appeal as described in the applicable discipline policy. For sworn employees, see Sheriff's Office Policy. For civilian employees, see El Paso County Personne Policies Manual (PPM), chapter 7.

1015.4.7 CONCLUSION OF THE WORKPLACE INVESTIGATION

1. An in person meeting, if reasonable and appropriate, will occur with the complainant and investigative specialist.
    1. No information will be given about the details of the investigation.
    2. The complainant will be advised of continued confidentiality and that any perceived retaliation should be reported.
    3. The complainant will be instructed retaliation is prohibited and the complainant should contact the investigative specialist if the complainant perceives any retaliation action occurring against the complainant.
    4. The complainant will be advised, via letter/email, that the matter has been concluded, from the investigative specialist.

1015.4.8 RECORDS

1. All matters related to the investigation will be kept by the investigative specialist in separate confidential file. It will not be kept in the personnel record of any employee.
2. Attorney client material, to include findings and executive summary, shall be kept by the Office of the County Attorney, as the matter is protected under attorney client privilege and/or work product privilege.
3. Each investigation shall be assigned a specific number by Investigative Specialist.
4. No records related to these matters, nor the existence of records, will be released to the press or the public. Release of records shall only occur via court order.
5. Confidential Investigative Records will be maintained indefinitely.
6. An employee who receives formal discipline shall have the discipline documented, and it shall be placed in the personnel file. This document shall not be reviewed as part of an outside background investigation, unless permission is granted by the Office of the County Attorney, a signed current release of information is on file, and redactions of names of complainant and witnesses, if listed, occurs.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Staff Inspection/Line Inspection

1016.1 PURPOSE

To provide guidance for the proper and consistent coordination of Staff/Line Inspections.

1016.2 DEFINITIONS

INSPECTOR: An employee(s) that is responsible for conducting an inspection.

LINE INSPECTION: An inspection conducted by supervisory personnel who have direct supervisory authority over the persons, facility, or area being inspected.

PROFESSIONAL STANDARDS AUDIT: A formal review of compliance with Sheriff's Office Policy and Procedure and contractual agreements.

STAFF INSPECTION: An inspection conducted by personnel who do not have direct supervisory authority over the persons, facilities, or area being inspected.

1016.3 POLICY

It is the policy of the Sheriff's Office to conduct systematic and objective inspections of Sheriff's Office personnel, facilities, equipment, and procedures. The inspection process will allow the Sheriff's Office the opportunity to make a positive impact on personnel and procedures, recognize areas of outstanding performance, and take corrective action to improve deficient areas.

1016.4 INSPECTIONS

1016.4.1 STAFF INSPECTIONS

1. Inspection Authority: The Professional Standards Unit will be responsible for conducting Staff Inspections. The inspector should not have direct supervisory authority over the personnel or facilities being inspected. Staff Inspections will be conducted on a periodic basis or if directed by the Sheriff or Undersheriff. Any member of the Sheriff's Office may request an inspection in memorandum form, forwarded through their respective chain of command to the Undersheriff.
2. Inspection Notification: A Staff Inspection notification will be sent to the affected bureau, division, section, and/or unit ten (10) working days prior to the inspection. The notification may contain a request for information or documents necessary to complete the inspection.
3. Areas of inspection: All aspects of procedures, facilities, and personnel may be inspected to ensure the Office is operating at optimum levels. Staff Inspections may include, but are not limited to, the following:
    1. Administration:
        (a) Personnel utilization
        (b) Overtime

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) Inter-Office cooperation

(d) Inter-agency cooperation

(e) Financial information

2. Operations:

(a) Facilities and equipment

(b) Quality of service

(c) Adherence to procedures

(d) Briefings

(e) Scheduling

3. Personnel

(a) Appearance

(b) Conduct

(c) Job performance

(d) Job knowledge

4. Inspection Procedure: The inspector shall become familiar with the operating requirements and procedures of each area to be inspected. The inspector shall review procedures, observe performance and appearance of personnel, and question personnel to determine job knowledge. The inspector may review any information that he/she feels appropriate to conduct a thorough and complete inspection. The inspector will document the findings of the inspection and make recommendations for changes, if necessary. The inspector should meet with the affected chain of command before submitting the final report to the Undersheriff. The affected chain of command shall approve recommended changes before they are implemented.

5. Inspection Records: The Professional Standards Unit will maintain records of all Staff Inspections.

1016.4.2 LINE INSPECTIONS

1. Inspection Authority: All levels of supervisory personnel will be responsible for conducting Line Inspections. The inspector should have direct supervisory authority over the personnel or facilities being inspected.

2. Areas of Inspection: Line Inspections may include, but are not limited to, the following:

1. Operations: Vehicles and assigned equipment will be inspected for functionality on a daily basis by the officer to whom it is assigned. The vehicles and equipment should be inspected monthly by the first line supervisor and any deficiencies noted on a vehicle inspection form.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

2. Personnel: The following area will be informally inspected on a daily basis by first line supervisors and deficient areas corrected and documented in the yearly evaluation.
   (a) Appearance
   (b) Conduct
   (c) Job performance
   (d) Job knowledge

3. Inspection Procedure: The inspector shall become familiar with the operating requirements and procedures of each area to be inspected. The inspector may review procedures of each area to be inspected. The inspector may review procedures, observe performance and appearance of personnel, and question personnel to determine job knowledge. The inspector may review any information that he/she feels appropriate to conduct a thorough and complete inspection. If required, the inspector will document the findings of the inspection and make recommendations for changes, if necessary.

4. Required Reports: Line Inspections that reveal deficiencies requiring corrective action will be documented and forwarded as necessary through the chain of command. the report should detail deficiencies, make recommendations for corrections, and explain corrective action, if any has been taken.

5. Inspection Records: Each division commander or designee will maintain records of Line Inspections of vehicles and equipment.

1016.4.3 PROFESSIONAL STANDARDS AUDITS

An audit is a formal review of compliance with Sheriff’s Office policy and procedures and contractual agreements.

1. Required Documentation: The written report of the audit can be submitted as a memorandum. If the audit is comprehensive, all supporting documents will be indexed with a summary of findings. The summary will outline the reason for the audit and the findings.

2. The respective chain of command for the bureau, division, section or unit that was audited will review the audit and submit a memorandum either acknowledging the results of the audit or submit action plans to correct the deficiencies identified.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Body Armor

1017.1 PURPOSE AND SCOPE

The purpose of this policy is to provide law enforcement officers with guidelines for the proper use of body armor.

1017.2 POLICY

It is the policy of the 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.

1017.3 ISSUANCE OF BODY ARMOR

The Administrative Services Division shall ensure that body armor is available to all deputies assigned to Law Enforcement and Detention Bureaus.

Personnel working an extra duty position or is assigned to a detail which could cause the individual to take action can obtain body armor from the Training Section. When issued, the body armor meets or exceeds the standards of the National Institute of Justice.

The Administrative Services Division 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.

If, for any reason, a member of the Law Enforcement Bureau or working extra-duty cannot wear a bullet resistant vest, he/she will obtain a medical waiver from their physician. The Law Enforcement Bureau Chief shall review each medical waiver. Any uniformed member assigned to any of the above mentioned function(s), that for any reason cannot wear a bullet resistant vest and receives a medical waiver, will immediately be transferred to an assignment that does not mandate the wearing of the vest.

1017.3.1 USE OF SOFT BODY ARMOR

Generally, the use of body armor is required subject to the following:

(a) Deputies shall only wear agency-approved body armor.

(b) Deputies shall wear body armor anytime they are in a situation where they could reasonably be expected to take enforcement action.

(c) Deputies may be excused from wearing body armor when they are functioning primarily in an administrative or support capacity and could not reasonably be expected to take enforcement action.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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.

1017.3.2 INSPECTIONS OF BODY ARMOR

Supervisors should ensure that body armor is worn and maintained in accordance with this policy through routine observation and periodic documented inspections. Annual inspections of body armor should be conducted by an authorized designee for fit, cleanliness and signs of damage, abuse and wear.

1017.3.3 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.

1017.4 ADMINISTRATIVE SERVICES DIVISION RESPONSIBILITIES

The Administrative Services Division 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Personnel Records

1018.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual member's name.

1018.2 POLICY

It is the policy of this Office to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of Colorado (CRS § 24-72-301 et seq.)

1018.3 OFFICE FILE

The Office file shall be maintained as a record of a person's employment/appointment with this Office. The Office file shall be maintained by El Paso County Human Resources and should contain, at a minimum:

(a) Personal data, marital status, names of family members, educational and employment history or similar information.

(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.

(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.

1018.4 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

the completion of timely performance evaluations. Once the yearly or probationary performance evaluation is completed, the Division file should be destroyed.

1018.5 TRAINING FILE

An individual training file shall be maintained by the Training Director 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 qualifications. Training records may also be created and stored remotely, either manually or automatically (e.g., Daily Training Bulletin (DTB) records).

(a) The involved member is responsible for providing the Training Director or immediate supervisor with evidence of completed training/education in a timely manner.

(b) The Training Director or supervisor shall ensure that copies of such training records are placed in the member’s training file.

1018.6 INTERNAL AFFAIRS FILE

Internal affairs files shall be maintained under the exclusive control of the Professional Standards Unit. Access to these files may only be approved by the Sheriff or Undersheriff or the Professional Standards Unit supervisor.

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

(b) Unfounded

(c) Exonerated

1018.7 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1018.8 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 County Administrator, County Attorney or other attorneys or representatives of the County in connection with official business.

1018.8.1 REQUESTS FOR DISCLOSURE

Any member receiving a request for a personnel record shall promptly notify the Sheriff's Office Legal Advisor or another 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.

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.

1018.8.2 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.

1018.8.3 RELEASE OF FILES TO AUTHORIZED AGENCIES

Upon receipt of a valid waiver, the supervisor of the affected area, 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 supervisor 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).

1018.9 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

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

(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.

(i) Materials used by the Office in conducting pre-employment background investigations.

1018.10 RETENTION AND PURGING

Unless provided otherwise in this policy, personnel records shall be maintained in accordance with the established records retention schedule.

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Commendations and Awards

1019.1 PURPOSE AND SCOPE

Special recognition may be in order whenever an employee performs his/her duties in an exemplary manner. Citizens may at times perform a meritorious act that deserves recognition. This policy provides general guidelines for commending exceptional employee performance or meritorious acts by citizens.

1019.2 DEFINITIONS

ACHIEVEMENT: The act of finishing or accomplishing something that has been accomplished successfully by means of persistent endeavor.

BODILY INJURY: Physical pain, illness, or any impairment of physical or mental condition. (C.R.S. 18-1-901)

CITATION: A document which describes and commends the actions of medal and/or award recipients.

EXTRAORDINARY: Beyond what is common or usual, very exceptional.

EXTREME RISK: A condition or circumstance which may cause death.

MERITORIOUS: Deserving praise or reward.

SERIOUS BODILY INJURY: Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

SIGNIFICANT RISK: A condition which involves personal danger but is not likely to cause death.

1019.3 POLICY

It is the policy of the Sheriff’s Office to maintain an internal awards program to recognize those deserving individuals or groups of individuals. All Sheriff’s Office personnel have a duty to report exceptional service and/or performance of other employees and/or citizens. Supervisors are mandated to acknowledge and recognize the efforts of their subordinates and submit them for the appropriate form of recognition.

1019.4 AWARD DESCRIPTIONS

The Sheriff’s Office expects a high level of professional conduct from all employees. However, personnel frequently perform their duties in a manner exceeding the highest expectation of the Sheriff’s Office. When such conduct occurs, official commendations will be presented. Commendations may originate from citizens or employees within the Office. Additionally, the Office will honor those citizens of the community who assist the

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Office extraordinarily, beyond their normal civic responsibilities. The awards committee will be responsible for evaluating and classifying commendation reports and for recommending the appropriate action to the Sheriff.

1019.4.1 SWORN AWARDS, DESCRIPTIONS AND PRECEDENCE

(a) Medal of Honor: This medal will be awarded to a member who loses their life honorably while in the performance of duty. The loss of life may be due to hostile or non-hostile action, but must occur as a direct result of law enforcement or detention service, either on or off duty. The Medal of Honor is a red, white and blue ribbon with medal attached, accompanied by a certificate, a citation and a red, white and blue award bar.

(b) Medal of Valor: The highest living award for those sworn personnel who perform service above and beyond the scope of their duties under conditions that manifest an extreme risk of serious bodily injury. The recipient demonstrates extraordinary heroism and courage through voluntary action in an extremely dangerous situation. The Medal of Valor is a blue and white ribbon with medal attached, accompanied by a certificate, citation, and a white award bar, with the word “valor” in blue.

(c) Distinguished Service Medal: This award is given to a sworn member of the office who through the performance of their duties is placed in significant risk of serious bodily injury, or is injured in the line of duty under honorable conditions. The Distinguished Service Medal is a blue and gray ribbon with medal attached and is accompanied by a certificate, citation, and a blue, gray and white award bar.

(d) Purple Heart: Awarded to sworn personnel who suffer serious bodily injury (as defined in Colorado Revised Statute (CRS) 18-1-901) or bodily injury caused by the use of a deadly weapon (as defined in CRS 18-1-901) during the performance of their assigned duties or called to action during an emergency. The injury must be the result of an overt and aggressive action on the part of the offender. The injury must not be the result of, or occur concurrently with any conduct that is deemed less than acceptable by Sheriff’s Office standards and/or Colorado Revised Statutes. The injury may not be the result of an accident which occurred during training. The Purple Heart is a purple ribbon with medal attached accompanied by a certificate, citation, and a purple and white award bar.

(e) Life Saving Medal: Awarded to sworn members of the Sheriff’s Office who through an extraordinary effort contribute to the saving of a human life. Additionally, the member’s actions significantly assist the life saving effort and based on a totality of the circumstances, death appears imminent. The Life Saving Medal is a green and white ribbon with medal attached and is accompanied by a certificate, citation, and a green and white award bar.

(f) Sheriff’s Star: Awarded to sworn and/or civilian personnel who suffer “serious bodily injury” during the performance of their assigned duties or called to action during an emergency. The injury must be the result of an overt and aggressive action on the part of the offender and not the result of an accident or incidental action of the offender. The injury must not be the result of, or occur concurrently with, any conduct that is deemed less than acceptable by Sheriff’s Office standards and/or Colorado Revised Statutes. The injury may not be the result of an accident which occurred during training. The

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Sheriff's Star may be considered for non-employees who suffer serious bodily injury while assisting members of our Office during emergent conditions.The Sheriff's Star is awarded as a certificate accompanied by a citation and a red and white award bar.

(g) Meritorious Service Award: Awarded to any member for an idea, act or device submitted and accepted which demonstrates an exemplary display of leadership, initiative or innovation. The award recognizes that the individual identified a need and implemented a remedy which significantly contributed to the furtherance of the mission of the Sheriff's Office. The Meritorious Service Award is awarded as a certificate accompanied by a citation, a blue award bar and a plaque.

(h) Achievement Award: The award is given to a sworn member of the office who demonstrates an exceptional sustained level of performance, going above and beyond the normal scope of their duties or who in the normal course of their duties, goes above and beyond the scope of those duties, in an act or series of acts that significantly benefits the victim/victims of a case. Additionally, the act(s) creates a strong benefit of public safety for the community, or significantly impacts the level of customer service to the community. The Achievement Award is awarded as a certificate accompanied by a citation and a blue and white award bar.

(i) Leadership Award: This award is given to a sworn member of the Office who exhibits outstanding leadership qualities on a regular basis. Candidates for this award will be chosen by the Command Staff and this award will be presented by the Sheriff or the Undersheriff in the form of a citation, and a certificate, accompanied by a blue Leadership bar.

(j) Unit Commendation: An annual award recognizing a unit, shift, section, or team for an outstanding achievement by a team of individuals. This award will be nominated by bureau chiefs or division commanders and submitted to the Awards Committee. This recognition is in the form of a certificate for each individual, a citation, and a traveling trophy.

(k) Commanders Citation: The award is given by a division commander, when the member demonstrates exemplary service, above and beyond the normal scope of their duties, on a case, incident, special project, or quality of life issue, which significantly impacts the community, or service to the community by the Office. This recognition is in the form of a certificate accompanied by a citation.

1019.4.2 CIVILIAN AWARDS, DESCRIPTION, AND PRECEDENCE

The Sheriff's Office realizes effective public safety is the result of a proactive partnership between members of the community and law enforcement professionals. With this in mind, the Sheriff's Office strives to recognize the efforts of those citizens and civilian members whose actions help to maintain the high quality of life we all enjoy

(a) Life Saving Award: Awarded to civilian members of the Sheriff's Office who, through an extraordinary effort, contribute to the saving of a human life. Additionally, the member's actions significantly assist the life saving effort and based on a totality of the circumstances, death appears imminent. The Life Saving Award is accompanied by a certificate, citation, a pin matching the color of the sworn award bar and a plaque.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Meritorious Service Award: Awarded to for an idea, act or device submitted and accepted which demonstrates an exemplary display of leadership, initiative or innovation. The award recognizes that the individual identified a need and implemented a remedy which significantly contributed to the furtherance of the mission of the Sheriff's Office. The Meritorious Service Award is awarded as a certificate accompanied by a citation, plaque and a pin matching the color of the sworn award bar.

(c) Civilian Distinguished Service Award: This award is given to any civilian member of the office, or member of the community, who responds to a situation which requires assistance and as a result, places the member at significant risk of serious bodily injury; or, when a member engages in an action(s) which significantly impacts the safety of the community or of a private citizen; or, through a heroic act, the member is directly responsible for the saving of a human life. Members of the medical community who are in the performance of their normal duties are not eligible for this award. The Civilian Distinguished Service Award is awarded as a certificate accompanied by a citation, plaque and a pin matching the colors of the sworn award bar.

(d) Civilian Achievement Award: Award is granted to a member of the community, or a Sheriff's Office civilian employee, who provides significant assistance to a Deputy, Citizen, or the Office, and as a result significantly impacts the safety of the community; or, who engages in an act which demonstrates selfless behavior in emergency or critical situations, or whose action results in the saving of a human life. This award may also be granted to a citizen who performs an outstanding or heroic act worthy of the Office recognition. It may be awarded as a certificate and accompanied by a letter of explanation or as a certificate accompanied by a citation, plaque and a pin matching the colors of the sworn award bar.

(e) Leadership Award: This award is given to a civilian member of the Office who exhibits outstanding leadership qualities on a regular basis. Candidates for this award will be chosen by the Command Staff and this award will be presented by the Sheriff or Undersheriff in the form of a citation, and a certificate, accompanied by a blue Leadership bar

(f) Unit Commendation: An annual award recognizing a unit, shift, section or team for an outstanding achievement by a team of individuals. This award will be nominated by bureau chiefs or division commanders and submitted to the Awards Committee. This recognition is in the form of a certificate for each individual, a citation and a traveling trophy

(g) Commanders Citation: The award is given by a division commander, when the member demonstrates exemplary service, above and beyond the normal scope of their duties, on a case, incident, special project, or quality of life issue, which significantly impacts the community, or service to the community by the Office. This award is given when the act or action does not meet the level of Office recognition. This recognition is in the form of a certificate and a citation.

(h) Community Recognition: An award recognizing an entire community organization or unit for extraordinary service or support to the Sheriff's Office and community. This recognition is in the form of a certificate accompanied by a letter of explanation.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(i) Honorary Deputy Commission: A special recognition granted to a citizen who has distinguished themselves in the law enforcement and surrounding community through extraordinary deeds or accomplishments, which support the mission of the Sheriff's Office. The granting of this award will be determined by the Command Staff. This award is purely ceremonial and shall remain in effect until the end of the Sheriff's term. The Honorary Deputy will have no law enforcement authority, except what is granted to all citizens by CRS 16-3-20. The Honorary Commission is not a concealed weapons permit.

(j) Tanya M. Bell Excellence in Professionalism Award: An annual award recognizing a civilian member of the Office who provides exceptional customer service and exhibits professionalism on a continuous basis. The member receiving this award is recognized as consistently assisting others in a friendly, professional and courteous manner throughout the Office and exceeding the expectations of those we serve. The award is in memory of the late Tanya M. Bell who believed we are "Ladies and gentlemen, serving ladies and gentlemen." The award will be nominated by a bureau chief or division commander and submitted to the Awards Committee. The recognition is in the form of a certificate accompanied by a citation and plaque.

1019.5 NOMINATIONS, WEARING AWARDS, AND AWARDS COMMITTEE

1019.5.1 WEARING AWARDS

(a) Recipients of an award shall wear the award centered, 1/4 inch above the name plate on the uniform shirt.

(b) Should multiple awards be worn, they will be stacked, each 1/4 inch above the other.

(c) The Achievement Award will be worn with the blue portion of the bar to the wearer's right. The white portion will be closest to the wearer's heart.

1019.5.2 MULTIPLE AWARDS

(a) The award with the highest precedence will always be worn above an award with lower precedence. For example, if a recipient has been awarded a Medal of Valor and a Lifesaving Medal, the Medal of Valor will be worn above the Lifesaving Medal.

(b) Gold stars represent multiple awards of the same type (i.e., one gold star represents the second award, a second gold star represents the third award, etc).

1019.5.3 NOMINATION FOR AWARDS

Any employee may nominate another employee or private citizen by submitting a nomination on an interoffice memorandum. The nomination must set forth specific actions that make the nominee eligible for the particular award for which he or she is being nominated. The nomination will be submitted through the proper chain of command to the Awards Committee Secretary, who will keep them on file for future meetings of the Awards Committee.

1019.5.4 AWARDS COMMITTEE

(a) The Awards Committee is comprised of the Undersheriff, one commander from the Detention Bureau, one commander from the Law Enforcement Bureau, one

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

lieutenant from the Administrative and Support Services Bureau, one sergeant, one law enforcement deputy, one detention deputy, one Administrative and Support Services Bureau deputy, and a member of the Citizens Advisory Committee (CAC).

(b) The Bureau Chief will appoint the members from their respective Bureau to the Awards Committee annually.

(c) The Awards Committee will meet quarterly to consider nominations for the awards. A group of five members must be present to make recommendations for awards. Awards will be granted by a majority vote of the committee members. The Undersheriff or his/her designee will act as the committee chairperson and, as such, will set the dates for committee meetings. The Undersheriff may call special meetings at his/her discretion.

(d) The vote of the Awards Committee on all nominations will be final and is not subject to appeal.

1019.5.5 ADMINISTRATION

(a) The Awards Committee Secretary will ensure that adequate supplies of awards are kept on hand.

(b) The Support Operations Division, with the assistance of the Awards Committee Secretary, will arrange the presentation of awards.

(c) The Manager of Public Relations shall be responsible for notifying the media and other interested parties.

(d) The Awards Committee Secretary will ensure the affected employee's Chain of Command is notified of the findings of the Awards Committee.

1019.5.6 OTHER OFFICE RECOGNITION

(a) Employee of the Month

(a) The Employee of the Month award will be nominated on a monthly basis.

(b) There will be one sworn and one civilian employee of the month.

(c) Employees desiring to nominate an individual should submit their nomination through their chain of command to the Employee Advisory Committee.

(d) The Employee Advisory Committee will review all candidates nominated for Employees of the Month and selects the sworn and civilian employee of the month, it is not sent to command staff for review or approval.

(e) Personnel receiving this recognition will be granted one paid day off, lunch with the Sheriff, and their name will be placed on a plaque that is displayed in the 3rd floor employee entrance foyer in the Office of the Sheriff and in the admin corridor of the Criminal Justice Center.

(b) Employee of the Year

(a) This award will be nominated on an annual basis and will consist of one (1) sworn and one (1) civilian employee. The Employee Advisory Committee will review the Employee of the Month recipients for the calendar year and make

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

a recommendation of three candidates to Command Staff. Command Staff will select from the three candidates to one (1) sworn and one (1) civilian Employee of the year.

(b) The employee receiving this recognition will receive a $500.00 check, a certificate with citation, an individual plaque and their name will be inscribed on the Employee of the Year plaque that is displayed in the 3rd floor employee entrance foyer in the Office of the Sheriff.

(c) Training Academy Recognition Awards

(a) Four plaques will be presented at the Academy graduation for the following:

(a) Top Academics

(b) Top Skills

(c) Top Leadership

(d) Distinguished Honor Graduate

(b) These awards will be determined by the following criteria:

(a) Top Academics: The deputy designee with the highest overall average score of weekly academy tests, including the final POST score.

(b) Top Skills: The deputy designee with the highest overall average score in three skills tests: driving, shooting, and defensive tactics.

(c) Top Leadership: The deputy designee with the highest score based on scores from both the academy peer and training staff review ratings of each class member.

(d) Distinguished Honor Graduate: The deputy designee, selected by the Training staff, that stands apart from their peers in the Basic Recruit Academy and upholds the tenets of the Sheriff's Office at a minimum, integrity, character, performance, and respect amongst their peers.

(c) In the event of a tie score, the training staff will make the selection based on the training staff reviews scores.

1019.5.7 RECORDS

A copy of any certificate and/or citation awarded will be copied and submitted to Human Resources to be placed in the employee’s file. The original memorandum submitted to the Awards Committee should accompany the documentation.

1019.5.8 ENDING EMPLOYMENT

An employee who ends their employment with the Sheriff’s Office and has been selected for an award prior to the Annual Awards Banquet, will receive the award on their last day of employment or be extended an invitation to attend the banquet.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Fitness for Duty

1020.1 PURPOSE AND SCOPE

All deputies are required to be free from any physical, emotional or mental condition that might adversely affect the exercise of peace officer duties. 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.

1020.2 EMPLOYEE RESPONSIBILITIES

(a) It shall be the responsibility of each member of this Office to maintain good physical condition sufficient to safely and properly perform essential duties of the position.

(b) Each member of this Office shall perform his/her respective duties without physical, emotional and/or mental constraints.

(c) During working hours, all employees are required to be alert, attentive and capable of performing assigned responsibilities.

(d) Any employee who feels unable to perform his/her duties shall promptly notify a supervisor. In the event that an employee believes that another employee is unable to perform his/her duties, such observations and/or belief shall be promptly reported to a supervisor.

1020.3 SUPERVISOR RESPONSIBILITIES

(a) A supervisor observing an employee, or receiving a report of an employee, who is perceived to be unable to safely perform his/her duties due to a physical, medical or mental condition shall take prompt and appropriate action in an effort to resolve the situation.

(b) Whenever feasible, the supervisor should attempt to ascertain the reason or source of the problem and in all cases a preliminary evaluation should be made to determine the level of inability of the employee to perform his/her duties.

(c) In the event the employee appears to be in need of immediate medical or psychiatric treatment, all reasonable efforts should be made to provide such care.

(d) In conjunction with the supervisor or the employee's Commander, a determination should be made whether the employee should be temporarily relieved from his/her duties.

(e) The chain of command shall be promptly notified in the event that any employee is relieved from duty.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1020.4 NON-WORK RELATED CONDITIONS

Any employee 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.

1020.5 WORK-RELATED CONDITIONS

Any employee 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 supervisor and with the concurrence of a Commander, any employee 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 well-being of the employee and until such time as the following may be completed:

(a) A preliminary determination that the employee's conduct appears to be in compliance with policy and law.

(b) If appropriate, the employee has had the opportunity to receive necessary counseling and/or psychological clearance to return to full duty.

1020.6 PHYSICAL AND PSYCHOLOGICAL EXAMINATIONS

(a) Whenever circumstances reasonably indicate that an employee is unfit for duty, the Sheriff or designee may serve that employee with a written order to undergo a physical and/or psychological examination in cooperation with Human Resources to determine the level of the employee'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 employee is either fit for duty or, if not, list any functional limitations that limit the employee's ability to perform job duties. If the employee 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 employee, 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 employee's private medical file.

(e) Any employee 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 employee to discipline, up to and including termination.

(f) Once an employee has been deemed fit for duty by the examining physician or therapist, the employee will be notified to resume his/her duties.

(g) If an employee is deemed unfit for duty by the Office, the employee may submit a report from his/her personal physician, psychiatrist, psychologist or other health care provider that will be taken into consideration.

(h) Prior to returning to duty, an employee may be asked to submit to a physical and/or psychological fitness for duty evaluation to ensure the employee is able to perform all essential functions of the employee's job as stated in the applicable job description.

1020.7 LIMITATION ON HOURS WORKED

Absent emergency operations, members should not work more than:

- 16 hours in one-day period (24-hour period)
- 30 hours in any two-day period (48-hour period)
- 84 hours in any seven-day period (168-hour period)

Except in very limited circumstances members should have a minimum of eight hours off between shifts. Supervisors should give consideration to reasonable rest periods and are authorized to deny overtime or relieve to off-duty status any member who has exceeded the above guidelines.

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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Meal Periods and Breaks

1021.1 PURPOSE AND SCOPE

This policy regarding meals and breaks, insofar as reasonably possible, shall conform to the policy governing all County employees.

1021.1.1 MEAL PERIODS

Certified employees and dispatchers shall remain on-duty subject to call during meal breaks. All other employees are not on-call during meal breaks unless directed otherwise by a supervisor.

Uniformed deputies shall request clearance from a supervisor prior to taking a meal break. Uniformed deputies shall take their breaks within the County limits and shall monitor their radios unless on assignment outside of the County.

The time spent for the meal break shall not exceed the authorized time allowed.

1021.1.2 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 a Sheriff's Office facility shall remain in or directly outside adjacent to the Sheriff's Office facility for their breaks. This does not prohibit employees from taking a break if they are outside the facility on official business.

Patrol deputies will take their breaks in their assigned areas, subject to call, and shall monitor their radios. When patrol deputies take their breaks away from their vehicles, they shall do so only with the knowledge and clearance of a supervisor.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Lactation Break Policy

1022.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

1022.2 POLICY

It is the policy of this Office to provide, in compliance with the Fair Labor and Standards Act and the Colorado Workplace Accommodations for Nursing Mothers Act, reasonable break time and appropriate facilities to accommodate any employee desiring to express breast milk for her nursing child for up to two years after a child's birth (29 USC § 207, CRS § 8-13.5-101 and CRS § 8-13.5-104(1)).

1022.3 LACTATION BREAK TIME

Employees wishing to express breast milk for their nursing child shall be permitted to do so during any authorized break. A break period should be permitted each time the employee has the need to express breast milk (29 USC § 207). Such breaks, if feasible, should be taken at the same time as the employee's regularly scheduled break or meal periods. 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 are reasonable.

While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled break time will be considered unpaid.

A reasonable period for such break should be consistent with existing law regulating work breaks under the FLSA, which are generally 5 to 20 minutes in duration (29 CFR § 785.18).

Employees desiring to take a lactation break shall notify 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.

1022.4 PRIVATE LOCATION

The Office will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in close proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from co-workers and the public (29 USC § 207).

The area assigned for this purpose should not be used for storage of any devices, supplies or expressed milk and should be returned to its original state after each use.

Employees 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 employees should avoid

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

1022.5 STORAGE OF EXPRESSED MILK

Any employee storing expressed milk in any authorized refrigerated area within the Office shall clearly label it as such. No expressed milk shall be stored at the Office beyond the employee's shift.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Payroll Record Procedures

1023.1 PURPOSE AND SCOPE

Payroll records are submitted to Administrative Services Division on a bi-weekly basis for the payment of wages.

1023.1.1 RESPONSIBILITY FOR COMPLETION OF PAYROLL RECORDS

Employees are responsible for the accurate and timely submission of payroll records for the payment of wages.

1023.1.2 TIME REQUIREMENTS

All employees are paid on a bi-weekly basis pursuant to schedule set by El Paso County. Payroll records shall be completed and submitted to Administrative Services Division no later than 9:00 a.m. on the Monday morning before the pay date unless specified otherwise.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Overtime Compensation Requests

1024.1 PURPOSE AND SCOPE

It is the policy of the Office to compensate non-exempt salaried employees who work authorized overtime either by payment of hourly wage payable at time and a half or by the allowance of accrual of compensatory time off. In order to qualify for either, the employee must complete and submit a Request for Overtime Payment as soon as practicable after overtime is worked.

1024.1.1 OFFICE 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.

Non-exempt employees are entitled to compensation for hours worked in excess of 40 hours per week for civilian personnel or 160 hours per work period for sworn personnel, per section 3.08 of the County Personnel Procedures manual.

Non-exempt civilian employees are generally those below the grade of 17. Non-exempt sworn personnel are deputies below the rank of lieutenant.

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 employee 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 employee to complete a request for such a period, the employee shall comply.

Supervisors are encouraged to minimize those occasions that place employees in a situation where they are required to work extensive consecutive hours of overtime.

1024.2 DEFINITIONS

Hours Paid- includes all hours designated on the time record as paid time under a policy included in this policy manual. Hours Paid therefore includes hours taken as vacation, sick, holiday, funeral leave, jury leave, compensatory time off and other leaves identified.

Hours Worked- includes all hours worked, which does not include hours taken as vacation, sick, holiday, funeral leave, jury leave, compensatory time off and other leaves.

1024.3 REQUEST FOR OVERTIME COMPENSATION

All personnel are required to get authorization from their supervisor before working overtime. This includes but is not limited to checking email on off duty time, doing research, reviewing cases, special events or any other normally compensated activity. Working overtime without authorization may be subject to disciplinary action.

Failure to submit a request for overtime compensation in a timely manner may be subject to disciplinary action.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1024.3.1 EMPLOYEE RESPONSIBILITY
All personnel, both sworn and civilian are reminded that, as Sheriff's Office employees, we are subject to recall 24 hours a day. You must make sure your supervisor has a current contact number and either answer or promptly return a phone call from your chain of command or dispatch. If this occurs, the time related to this call or call out is compensable time.

1024.3.2 SUPERVISOR RESPONSIBILITIES
The supervisor who verifies the overtime earned shall verify that the overtime was worked before approving the request.

After the entry has been made in the employee's payroll record, the overtime payment request will be forwarded to the employee's Commander for final approval.

1024.4 ACCOUNTING FOR OVERTIME WORKED
Employees are to record the actual time worked in an overtime status. Employees will enter the actual time worked via On Duty. Non-exempt employees will be compensated at the appropriate overtime rate for Hours Worked in excess of the normal Work Schedule.

1024.4.1 ACCOUNTING FOR PORTIONS OF AN HOUR
When accounting for less than a full hour, time worked shall be rounded up to the nearest quarter of an hour as indicated by the following chart:

TIME WORKED	INDICATE ON CARD
Up to 15 minutes	.25 hour
16 to 30 minutes	.50 hour
31 to 45 minutes	.75 hour
46 to 60 minutes	1.0 hour

1024.4.2 VARIATION IN TIME REPORTED
Where two or more employees are assigned to the same activity, case or court trial, and the amount of time for which payment is requested varies between the two, the approving supervisor may require each employee to include the reason for the variation on the back of the overtime payment request.

1024.4.3 OVERTIME CALCULATION PERIOD
Although sworn personnel work a 28 day cycle, the review period for overtime calculation and eligibility occurs every two weeks (80 hours).

1024.4.4 OVERTIME DISTRIBUTION
Management shall use their best efforts to distribute the opportunity to work overtime among qualified employees within the operational requirements of the Office and the work that needs to be performed.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1024.4.5 RELEASE FROM DUTY
A non-exempt employee's normal work schedule shall not be reduced without prior notice for the sole purpose of avoiding overtime compensation for hours that have been worked. The immediate supervisor may notify the employee in advance of a work schedule change in order to avoid a potential overtime situation.

1024.4.6 OVERTIME REFUSAL
An employee who is required to work overtime and refuses is subject to disciplinary action, up to and including termination.

1024.5 COMPENSATION TYPES

1024.5.1 COURT TIME COMPENSATION
Court time that falls outside the employee's normal work schedule will be compensated at 1 1/2 times the regular hourly rate for actual hours spent at court above Hours Paid during the Work Schedule or the appropriate overtime calculation period.

If the court time is less than two (2) hours, the employee will be compensated a minimum of two (2) hours.

1024.5.2 GRANT TIME
Grant time includes hours worked that are compensated through grants. Grant time is paid at the appropriate overtime rate when grant time hours exceed hours paid during the employee's normal work schedule or appropriate overtime calculation period.

1024.5.3 EXTRA DUTY TIME
Extra duty time includes time worked for the County in response to internal requests from various departments, not for private employers. Extra duty time for the County is paid at time and a half and is not included in hours worked.

Extra duty time for private employers is time charged to outside entities that want to hire extra duty deputies and will be paid at the prevailing extra duty rate. Extra duty time for private employers is not included in hours worked.

1024.5.4 OVERTIME WHILE TRAVELING
A non-exempt employee who is required to travel to a temporary job site or a directed training site will be compensated in accordance with the Fair Labor Standards Act.

1024.6 COMPENSATORY TIME OFF

A non-exempt employee who is eligible for overtime compensation, upon approval of the immediate supervisor, may elect to accrue compensatory time off in lieu of payment for overtime.

All compensatory time must be recorded.

Compensatory time off shall accrue at the appropriate overtime rate.

Use of compensatory time off must be approved in advance by the immediate supervisor.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Overtime Compensation Requests

Maximum balance shall not exceed 120 hours.

Overtime hours worked in excess of that amount shall be paid at the appropriate overtime rate.

The County reserves the right to direct an employee to take accrued compensatory time off.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Outside Employment

1025.1 PURPOSE AND SCOPE

To avoid actual or perceived conflicts of interest for Office employees engaging in outside employment, all employees shall initially obtain written approval from the Undersheriff prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the Undersheriff in accordance with the provisions of this policy.

1025.1.1 DEFINITIONS

Outside 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 employees who are self-employed and not affiliated directly with this Office for services, products or benefits rendered.

Extra Duty Time - Refers to any member of this Office who performs duties or services on behalf of an outside organization, company or individual within this jurisdiction on behalf of the Office. Such extra duty shall be requested and scheduled directly through this Office so that the Office may be reimbursed for the cost of wages and benefits.

1025.2 OBTAINING APPROVAL

No member of this Office may engage in any outside employment without first obtaining prior written approval of the Undersheriff. 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 employee must complete a memorandum that shall be submitted to the employee's immediate supervisor. The memorandum will then be forwarded through the appropriate chain of command to the Undersheriff for consideration.

If approved, the employee will be provided with a copy of the approved memorandum. Unless otherwise indicated in writing on the approved memorandum, an approved memorandum will be valid.

Any employee seeking approval of outside employment whose memorandum has been denied shall be provided with a written reason for the denial.

1025.2.1 APPEAL OF DENIAL OF OUTSIDE EMPLOYMENT

If an employee's memorandum is denied or rescinded by the Office, the employee may file a written notice of appeal to the Sheriff within 10 days of the date of denial.

1025.2.2 REVOCATION/SUSPENSION OF AN APPROVED OUTSIDE EMPLOYMENT APPLICATION

Any approved outside employment application may be revoked or suspended after the employee has received written notification of the reasons for revocation or suspension. Additionally,

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

revocation or suspension will only be implemented after the employee has exhausted the appeal process.

The outside employment may be revoked:

(a) If an employee'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 employee's performance. The Undersheriff may, at his/her discretion, notify the employee of the intent to revoke any previously approved outside employment application. After the appeal process has concluded, the revocation will remain in force until the employee'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 memorandum, an employee'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.

1025.3 PROHIBITED OUTSIDE EMPLOYMENT

The Office expressly reserves the right to deny any application submitted by an employee seeking to engage in any activity that:

(a) Involves the employee'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 employee's receipt or acceptance of any money or other consideration from anyone other than this Office for the performance of an act that the employee, 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 employee's duties as a member of this Office.

(c) Involves the performance of an act in other than the employee'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 employee of this Office.

(d) Involves time demands that would render performance of the employee's duties for this Office below minimum standards or would render the employee unavailable for reasonably anticipated overtime assignments and other job-related demands that occur outside regular working hours.

1025.3.1 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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 or Undersheriff in advance of the desired service. Such outside overtime will be monitored by the Extra-Duty Coordinator.

1025.3.2 OUTSIDE OVERTIME ARREST AND REPORTING PROCEDURE
Any employee 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.

1025.3.3 SPECIAL RESTRICTIONS
Except for emergency situations or with prior authorization from the Undersheriff, 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.

1025.4 EXTRA DUTY ASSIGNMENT

Any deputy working extra duty must complete specific extra duty training yearly. A deputy who completes extra duty training shall not receive regular compensation or complete training during on duty time.

(a) When working extra duty, any employee 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 extra duty during or at the site of a strike, lockout, picket or other physical demonstration of labor dispute.
4. Compensation for such approved extra duty shall be pursuant to normal extra duty procedures.
5. No deputy may engage in outside employment as a peace officer for any other public agency without prior written authorization of the Sheriff.

1025.5 OFFICE RESOURCES

Employees are prohibited from using any Office equipment or resources in the course of or for the benefit of any outside employment. This shall include the prohibition of access to official records or databases of this Office or other agencies through the use of the employee's position with this Office.

1025.5.1 REVIEW OF FINANCIAL RECORDS
Prior to providing written approval for an outside employment position, the Office may request that an employee provide his/her personal financial records for review/audit in order to determine whether a conflict of interest exists.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Failure of the employee 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 employee provide his/her personal financial records for review/audit. If the employee elects not to provide the requested records, his/her outside employment application may be revoked pursuant to this policy.

1025.6 CHANGES IN OUTSIDE EMPLOYMENT STATUS

If an employee terminates his/her outside employment during the period of an approved memorandum, the employee shall promptly submit written notification of such termination to the Undersheriff 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.

Employees shall also promptly submit in writing to the Undersheriff any material changes in outside employment including any change in the number of hours, type of duties or demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material shall report the change.

1025.7 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 Undersheriff whether such outside employment should continue or the approved memorandum be suspended or revoked.

In the event the Undersheriff determines that the outside employment should be discontinued or if the employee fails to promptly notify the supervisor of his/her intentions regarding the employment memorandum, a notice of intent to revoke the employee's memorandum will be forwarded to the involved employee and a copy attached to the original employment memorandum. The revocation process outlined in this policy shall be followed.

Criteria for revoking or suspending an approved outside employment memorandum 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 employee, 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 employee.

(c) The employee'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 employee is on administrative leave.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Occupational Disease and Work-Related Injury and Death Reporting

1026.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding the timely reporting of occupational diseases and work-related injuries and deaths.

1026.1.1 DEFINITIONS

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.

1026.2 POLICY

The 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.).

1026.3 RESPONSIBILITIES

1026.3.1 EMPLOYEES RESPONSIBILITIES

An employee sustaining any work-related injury, as well as any employee who is involved in any accident while on-duty, shall report such injury or accident in writing as soon as practicable to his/her supervisor. An employee sustaining any work-related illness shall report such illness to his/her supervisor in writing as soon as practicable but no later than four days after gaining knowledge of the illness (CRS § 8-43-102).

An employee must file a Workers' Claim for Compensation with the Colorado Division of Workers' Compensation within two years.

An employee observing or learning of a potentially hazardous condition is to promptly report the condition to his/her immediate supervisor.

An employee sustaining a work-related injury or illness that requires relief from duty is also required to comply with Office policies and directives relating to the duty to periodically call in during absences, in addition to the duty to notify the Office of any change in condition or anticipated duration of the absence.

When appropriate, an employee being treated for an on-duty injury should inform the attending physician that a modified-duty assignment may be available at the Office. Modified-duty may be available for employees whose injuries prevent resumption of regular duties.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

An injured employee or an employee who has suffered a work-related illness shall report as soon as practicable to Human Resources and his/her immediate supervisor the medical findings concerning the injury and the extent and duration of any work restrictions, if they are known. In addition, such employees are required to promptly submit all medical releases, whether partial or full releases, to their supervisor.

1026.3.2 SUPERVISOR RESPONSIBILITIES
If an employee is physically or mentally unable to provide notice of an injury or illness, his/her supervisor shall report such injury or accident in writing as soon as practicable (CRS § 8-43-102).

A supervisor learning of any work-related injury, illness or accident shall promptly prepare the Employers First Report of Injury Form as outlined in this policy. Updated copies of forms with instructions for completion provided by risk management are kept in the supervisor's office.

All work-related injuries or illnesses are to be reported, regardless of the severity of the injury. The completed form shall be forwarded to the supervisor's Commander through the chain of command.

Every injured employee must be provided with a Workers' Claim for Workers' Compensation Benefits Form within 24 hours, regardless of the nature of illness or injury.

Copies of any reports documenting the accident or injury should be forwarded to the Commander as soon as completed.

1026.3.3 COMMANDER RESPONSIBILITIES
The Commander receiving a report of a work-related accident or injury should review the report for accuracy and determine what additional action should be taken.

1026.3.4 SHERIFF RESPONSIBILITIES
The Sheriff or the authorized designee shall ensure that a printed card notifying employees 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.

The Sheriff or authorized designee shall review and forward copies of the Employers First Report of Injury Form to Risk Management. Any copies of the report and any related documents retained by the Office shall be filed in the employee's private medical file and not in the employee's personnel file.

1026.4 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 Commander through the chain of command and a copy sent to the Administrative Services Commander.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

1026.5 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.

1026.5.1 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Personal Appearance Standards

1027.1 PURPOSE AND SCOPE

To project uniformity and neutrality toward the public and other members of the Office, employees shall maintain their personal hygiene and appearance to project a professional image appropriate for this Office and for their assignment.

1027.2 GROOMING STANDARDS

Unless otherwise stated and because deviations from these standards could present officer safety issues, the following appearance standards shall apply to all employees, except those whose current assignment would deem them not appropriate, and where the Sheriff has granted exception.

1027.2.1 HAIR

Hairstyles of all members shall be neat in appearance. For male 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 six inches from the bottom of the collar. If the hair is longer, it must be secured to the back of the head by utilizing barrettes, pins, combs or ponytails.

Hairstyles must be neat and professional in appearance. Unnatural hair colors or eccentric styles (e.g., Mohawks, dreadlocks, shaven designs, etc.) are not permitted.

1027.2.2 MUSTACHES

A short and neatly trimmed mustache may be worn. Mustaches shall not extend below the corners of the mouth or beyond the natural hairline of the upper lip.

1027.2.3 SIDEBURNS

Sideburns shall not extend below the bottom of the outer ear opening (the top of the earlobes) and shall be trimmed and neat.

1027.2.4 FACIAL HAIR

Facial hair other than sideburns, mustaches and eyebrows shall not be worn, unless authorized by the Sheriff or the authorized designee.

1027.2.5 FINGERNAILS

Fingernails extending beyond the tip of the finger can pose a safety hazard to deputies or others. For this reason, fingernails should be trimmed so that no point of the nail extends beyond the tip of the finger.

1027.2.6 JEWELRY AND ACCESSORIES

Wearing of jewelry while in uniform is limited to the following: wristwatch, a maximum of two rings, a plain necklace and a medical identification type bracelet (if applicable).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Female sworn personnel may wear one pair of post type earrings, one (1) in each ear lobe. Earrings may not measure more than 1/8 inch in diameter.

Female civilian personnel may wear multiple earrings, bracelets, and necklaces as long as they are in good taste and convey and emphasize a professional, business casual look.

1027.2.7 COSMETICS
Cosmetics will present a professional appearance.

1027.3 TATTOOS

While on-duty or representing the Office in any official capacity, every reasonable effort should be made to conceal tattoos or other body art. At no time while on-duty or representing the Office in any official capacity, shall any offensive tattoo or body art be visible. Examples of offensive tattoos would include, but not be limited to, those which depict racial, sexual, discriminatory, gang related or obscene language.

1027.4 BODY PIERCING OR ALTERATION

Body piercing or alteration to any area of the body that is visible in any authorized uniform or civilian 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) Nose piercing

(c) The complete or transdermal implantation of any material other than hair replacement or breast augmentation

(d) Abnormal shaping of the ears, eyes, nose or teeth

(e) Branding or scarification

1027.5 CLOTHING

Clothing should not be too tight or too loose and should not reveal cleavage, stomachs, lower backs or buttocks. Length of skirts will not be shorter than the top of the knee when standing.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Uniform Regulations

1028.1 PURPOSE AND SCOPE

The uniform policy of the Sheriff's Office is established to ensure that uniformed deputies, special assignment personnel and Civilian employees will be readily identifiable to the public through the proper use and wearing of Office uniforms.

The 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.

1028.2 WEARING AND CONDITION OF UNIFORM AND EQUIPMENT

Sheriff's Office employees 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) Employees shall not loan any portion of the uniform to others.

(e) Employees 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 policy and procedures.

(g) All supervisors will perform periodic inspections of their personnel to ensure conformance to the Sheriff's Office uniform specifications and procedures.

(h) Civilian attire shall not be worn in combination with any distinguishable part of the uniform.

(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 vehicle, an outer garment should be worn over the uniform shirt so as not to bring attention to the employee while off-duty.

(k) Employees 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(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. A plain necklace
5. 1 pair of earrings

1028.2.1 OFFICE-ISSUED IDENTIFICATION

The Office issues each employee an official Office identification card bearing the employee's name, identifying information and photo likeness. All employees 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, employees 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 Commander.

1028.3 SWORN UNIFORM SPECIFICATIONS

1028.3.1 BASIC UNIFORM

(a) **Shirt (Long Sleeve)**:

1. The shirt will be gray with button down flap pockets, military creases and epaulets. BRAND: Blauer 8900 or similar or 8670 or similar. Blauer Armorskin long sleeve undershirt, model #8371-12 or similar is also authorized for wear with Blauer Armorskin vest carrier model #8370-12 or similar.
2. The shirt will be worn with all buttons buttoned, except the top button when worn without a tie. Sleeves will not be turned under or rolled up.
3. The shirt will be worn with the insignia of rank, badge, and nameplate.
4. The shirt will be worn with the Deputy Sheriff shoulder patch, one (1) on each sleeve. The patches will be centered and sewn ½ inch from the top of the seam.
5. The E.P.S.O. insignia, measuring 3/8 inch wide will be worn on both collars, one (1) inch from the front of the collar edge and centered between the top and bottom edges of the collar.
6. Optional Wear: A years of service tab may be worn on the left sleeve, sewn a 1/2 inch from the top seam of the cuff. The years of service tab is a cloth strip with star(s) with one star equivalent to 5 years of service with the Office. The tab and star(s) are for sworn service only with this Office.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) **Shirt (Short Sleeve):**

1. The shirt will be gray, with short sleeves, button down flap pockets, military creases and epaulets. All items authorized for wear with the long sleeve shirt will be worn with the short-sleeved shirt, with the exception of the “Years of Service” tab. BRAND: Blauer 8910. Blauer Armorskin short sleeve undershirt, model #8372-12 or similar is also authorized for wear with Blauer Armorskin vest carrier, model #8370-12 or similar.
2. The shirt will be worn with all buttons buttoned
3. The shirt will be worn with the insignia of rank, badge, and nameplate.
4. The shirt will be worn with the Deputy Sheriff shoulder patch, one (1) on each sleeve. The patches will be centered and sewn ½ inch from the top of the seam.
5. The E.P.S.O. insignia, measuring 3/8 inch wide will be worn on both collars, one (1) inch from the front of the collar edge and centered between the top and bottom edges of the collar.

(c) **Nameplates:**

1. Metal nameplates will be worn above the right pocket, aligned at the top edge of the seam, and centered. The nameplate will measure 2 inches by 3/8 inch, and include standard size Roman letters. The nameplate will display the deputy’s first initial and full last name. Personnel in the rank of sergeant and above will wear the nameplate in gold. BRAND: Blackington Model J4.
2. A skill identification plate shall be attached to the nameplate for those personnel serving as Field Training Officers (FTOs), Detention Training Officers (DTOs), HAZMAT, Honor Guard, Reintegration and Recovery (R&R) and years of service after 10 years.
3. Nameplates displaying, “serving since” with the deputy’s year of hire, deputy’s first name initial and full last name, can be worn instead of the standard metal nameplate. The deputy must have at least five (5) years of service in order to wear the nameplate. BRAND: Blackington Model J6.

(d) **Trousers:** Navy blue trousers with no leg striping will be worn. Trousers will be serviceable at all times, i.e. no holes or buttons missing. The trousers may either be polyester or polyester/wool blend. BRAND: “The Force” or Flying Cross 32230.

(e) **Hat:**

1. The uniform hat is the blue Stratton campaign style straw hat, S-40DB. The hat accessories are silver acorns for deputies, gold acorns for sergeants and above; a one piece strap wrapped around the base of the hat twice; a three piece head strap attached to the hat cord; and a silver hat insignia for deputies/gold hat insignia for sergeants and above. The hat insignia is an open-ended wreath with the word, “SHERIFF” inside. It will be worn in the space provided on the front of the hat, parallel to the brim. The hat will be worn squarely on the head with the brim parallel to the ground when the deputy is standing at attention. The hat will be worn with the Class A uniform and during ceremonial events, unless

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

otherwise directed by the Sheriff or his/her designee. Wearing the hat with the duty uniform is optional.

2. Mounted Unit Dress Hat (Stetson or Resistol): The hat may either be a Stetson or Resistol brand, 4X quality or better and black in color. The Stetson hat must be a Rancher or Merced model, and the Resistol hat must be a Cattleman 65 or Arena model. The width of the brim will be 3 ½ inches to 4 inches, and shaped with a medium roll. The height of the crown will be 4 5/8 inches or 5 inches. The hatband will be a plain black ribbon with no air vents or feathers authorized for wear. The prescribed hat badge will be worn on the left side; centered from front to rear with the pin post located 2 inches above the brim of the hat. The hat will be worn square on the head, not cocked back or to the side. The shape of the crown or brim will not be altered. When a rain cover is used it will be clear in color. The hat will normally be worn with the “Class A” uniform, unless otherwise directed by the Sheriff or his designee.

3. Mounted Unit Trooper Hat (Stratton): The trooper hat will be navy blue, with a 5 inch crown and 3 inch brim. The hat will have a silver acorn hat cord for Deputies or a gold acorn hat cord for supervisors.The hat will have black leather head and chin straps. The trooper hat is an alternate head cover for events

4. Knit Cap (Cold Weather): A plain black knit cap (no writing, insignia, or straps) may be worn during extreme cold weather. Knit caps purchased from the Sheriff’s Office store with EPSO embroidered are permitted. Line level will wear a black cap with silver lettering, supervisors and above will wear a black cap with gold lettering.

5. Helmet: Members of the Mounted Unit are authorized to wear the helmet when performing duties in the field. The helmet is blue in color with a gray visor. The chinstrap will be buckled when worn. The Mounted Unit supervisor will direct members when to wear the helmet.

6. Baseball Hat: The baseball cap will be worn as part of the utility duty uniform. The baseball cap is black with the Sheriff’s Office badge embroidered on the front of the cap. The silver embroidered baseball cap will be for line level personnel and civilians. The gold embroidered baseball cap will be for supervisory personnel. Examples of approved wear include, but are not limited to: road crews, crime scenes, traffic control, Air Force Academy games, and the Mounted Unit. The baseball caps will be worn in a professional manner. The baseball caps will not be worn backwards, off to the side, or slid back on the head.

1028.3.2 OTHER ITEMS AUTHORIZED FOR WEAR

(a) **Leather Jacket**: The leather jacket is an optional purchase item. It is black in color. The only items authorized on the jacket are nameplates and badges.

(b) **Jacket (All Season)**: A Black "New Generation," all season jacket is authorized for wear with the uniform. It will be worn with the Sheriff’s Office shoulder patch, one on each sleeve, the nameplate, and badge. Sergeants will wear the rank insignia on the sleeves of the jacket and personnel in the rank of lieutenant and above will wear

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

their respective rank insignia on the shoulder epaulets. BRAND: Horace Small New Generation (3).

(c) **Jacket (All Season)**: A Black "Spiewak, Weather Tech, Model #SH3465 and Model #SH3466," all season jacket is authorized for wear with the uniform. A black cloth, 1 inch name badge, with ½ inch white letters, will be worn over the right breast area. A cloth badge patch will be worn over the left breast area; silver for deputies and gold for supervisors. Shoulder patches are not required. Cloth rank insignia will be worn on epaulets (sergeants and above). Optional front and back ID flaps (SHERIFF), yellow in color, may be worn with the jacket. BRAND: Spiewak, Weather Tech.

(d) **Jacket (All Season)**: A Black "Spiewak, Weather Tech, Model #S3616 and Model #S318, #S327" all season jacket is authorized for wear with the uniform. A black cloth, 1 inch name badge, with ½ inch white letters, will be worn over the right breast area. A cloth badge patch will be worn over the left breast area; silver for deputies and gold for supervisors. Shoulder patches are not required. Cloth rank insignia will be worn on epaulets (sergeants and above). Name and badge patch will be worn on fleece liner if worn as a separate jacket. A white back patch, SHERIFF, for deputies and gold for supervisors will be sewn on the back of the fleece liner. BRAND: Spiewak, Weather Tech.

(e) **T-Shirt:** A black T-shirt is authorized for wear with the uniform year round at the deputy's option. The T-shirt's neck will present a snug appearance and not sag. White T-shirts are authorized provided they are of a v-neck style and not visible while wearing the uniform shirt.

(f) A black turtleneck is authorized for wear with the long sleeve shirt at the deputy's option. The turtleneck will present a snug appearance and not sag. An alternative black turtle neck with silver EPSO embroidered on the left side of the neck area can be worn. No other company logos will be visible. The turtle neck can be worn underneath the short sleeve shirt as long as the turtle neck is altered as a short sleeve shirt. The sleeve must be hemmed and may not extend past the short sleeve of the uniform shirt.

(g) **Sweater:** A navy blue, V-neck sweater is authorized for wear at the deputy's option. The sweater will be worn with the nameplate and badge only. Shoulder patches will not be worn on the sweater. When wearing the sweater the collars of the shirt will not be tucked in. BRAND: Blauer Lightweight V-Neck Sweater 205.

(h) **Raincoat:** A yellow raincoat is authorized for wear at the deputy's option. The raincoat may be either full or hip length.

(i) **Footwear:** Deputies may wear either shoes or boots at their option. The shoes or boots will be plain toe, black in color, leather. A plain toe is without any design on the toe area of the shoe or boot. All footwear will be polished and worn with the trousers over the top, not tucked into the boots. Socks shall be black or dark in color when worn with low quarter shoes in uniform. Tennis shoes or athletic footwear is not authorized with the uniform.

(j) **Bullet Resistant Vest:** Shall be worn by all uniformed members who are assigned to and/or supplementing the patrol function, court services and extra-duty, or any full time sworn member that has been fitted for and issued a ballistic vest (i.e.: Detention Deputies and Reserve Deputies participating in the ride-along program).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Staff members assigned to the Law Enforcement Bureau are required to have their bullet resistant vest immediately available to them when on duty. If, for any reason, a member cannot wear a bullet resistant vest, he/she will obtain a medical waiver from their physician. The Law Enforcement Bureau Chief shall review each medical waiver. Any uniformed member assigned to any of the above mentioned function(s), that for any reason cannot wear a bullet resistant vest and receives a medical waiver, will immediately be transferred to an assignment that does not mandate the wearing of the vest.

(k) **Gloves:** Deputies may wear black leather gloves, which do not restrict their ability to manipulate their duty weapon or any other carried equipment. Gloves must be full fingered and not leaded or padded in the knuckle area.

(l) **BDU Trousers:** These are considered to be utility trousers and are not to be worn as part of the “Class A” uniform. The following are authorized options for regular duty BDU Trousers: 5.11 Tactical Series Class B Pant. Men's Style:5.11 Stryke Class B PDU Cargo Pant. Women's Style: 5.11 Stryke Class B PDU Cargo Pant. Color: 750 Midnight Navy. Blauer Streetgear 8980 Sidepocket Trousers, Color: Dark Navy. Blauer model #8823/8823W, color: Dark Navy.

(m) **Polo Shirt:** These shirts are authorized for wear with the Class C uniform only. The following are the two options for wear: Blauer #8139 short sleeve polo shirt or Blauer #8149 Long sleeve polo shirt.

1028.3.3 WAIST LEATHER

(a) Waist leather will be black, basket weave, with the belt having a standard width of 2 1/4 inches.

(b) Holsters are limited to only those listed on the approved leather list (attached). Holsters may be customized to fit the individual's needs with only that specific manufacturer's compatible accessory. Examples of these include Safariland's QAS system (Quick Attachment System) and UBL system (Universal Belt Loop) system.

(c) The handcuff case must be covered with hidden snaps.

(d) Ammunition pouches will be designed to accommodate two (2) or three (3) magazines for a semiautomatic pistol. Ammunition pouches may be covered with hidden snaps or open style with friction pressure magazine retention system.

(e) Black bet keepers shall be worn as part of the leather system. For snaps that are visible, Deputies will display silver and Sergeants and above will display gold in color snaps.

(f) Holders for chemical agents and batons may be worn on either the left or right side and will be black in color.

Waist leather will be clean and highly polished at all times.

1028.3.4 APPROVED SAFARILAND AND BIANCHI ITEMS WITH MODEL NUMBERS

See attachment: Approved Leather List New.pdf

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1028.3.5 OTHER EQUIPMENT

The items listed below may not be all inclusive. The bureau chief or division commander may authorize other items for special circumstances or as the need arises.

1. Handcuffs may be Smith & Wesson, Peerless or Hyatt brand. They shall be a double locking style. The handcuffs may be chain or hinged style, unless otherwise indicated in divisional Standard Operating Procedure manuals.
2. Impact Weapons:
    1. Batons
        (a) Cannot exceed 36 inches in length or 1¼ inches in diameter.
        (b) Steel balls or rods of any kind cannot be added to any baton.
        (c) Modifications of any type are not authorized.
        (d) The baton can be an expandable steel baton (ASP).
        (e) Must be natural wood or black in color.
        (f) May be a factory manufactured collapsible style.
        (g) Can be made from any hard wood or manufactured synthetic material or metal.
    2. Flashlight:
        (a) Full-length flashlights including “Kel Lites” or “Mag Lights” may be carried.
        (b) They shall not be modified in any way from the factory specifications.
    3. Oleoresin Capsicum (OC) Spray: water based pepper spray only. Non-alcohol based OC spray may be carried by personnel that are trained in its use.
        (a) Cone, stream and fogger spray are authorized
        (b) Foam spray is not authorized
        (c) 10% maximum strength
    4. Electronics
        (a) M26/X26 TASER may be carried by personnel trained in the use of the M26/X26 TASERS.
3. The use of blackjacks, leaded gloves and saps are prohibited.

1028.3.6 BADGES

(a) Sworn personnel will be issued one (1) uniform badge.

(b) Plain clothes assignments which necessitate the use of a flat badge will be authorized for issuance. The respective division commander or their designee will maintain an inventory of the flat badges. An issued flat badge will be returned to the division commander or their designee when the employee transfers out of the respective assignment.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(c) Full-time sworn personnel who have completed their probationary employment period may be eligible to purchase a flat badge for off duty identification and carry purposes. Sworn employees wishing to do so must submit a memorandum of request through their chain of command to the Undersheriff. Approved requests will be kept on file in the training section for inventory purposes if issued and for documentation if purchased. Only one (1) flat badge may be issued to or purchased by a sworn employee. Upon separation from the Office, the flat badge will be returned unless purchased by the deputy.

If the employee is terminated or resigns under less than honorable circumstances or questionable circumstances or while the subject of an investigation, (s)he will relinquish the flat badge to the Office and will be reimbursed the purchase price.

1028.4 UNIFORM CLASSES

The various uniform specification classes are those identified in this policy.

1028.4.1 CLASS A UNIFORM

The Class A uniform for staff, supervisory, and line level deputies will be worn to all official functions such as funerals, awards presentations, group functions, or when directed by the Sheriff or his/her designee. Deputies testifying in court, when wearing the long sleeved shirt, shall wear the Class A uniform, unless dressed in civilian business attire.
The Class A uniform consists of:

(a) Long sleeve shirt, navy blue tie, trousers and leather gear.

(b) Polished shoes

The blue Stratton uniform hat will be worn with the Class A uniform and during ceremonial events, unless otherwise directed by the Sheriff or his/her designee.

The Class A formal uniform for Command Staff personnel consists of the Eisenhower Jacket, white shirt, navy blue tie and leather gear.

1028.4.2 CLASS B UNIFORM

All deputies will possess and maintain a serviceable Class B uniform at all times.

The Class B uniform will consist of the same garments and equipment as the Class A uniform with the following exceptions:

(a) The long or short-sleeve shirt may be worn with the collar open. No tie is required.

(b) All shirt buttons must remain buttoned except for the last button at the neck.

(c) Trousers or BDU trousers

(d) Polished shoes; approved all-black unpolished shoes may be worn.

(e) Leather gear

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1028.4.3 CLASS C UNIFORM

The Class C uniform for staff, supervisory, and line level deputies is an optional uniform which may be worn as a normal duty uniform unless otherwise mandated. The Class C uniform consists of:

(a) Blauer short sleeve #8139 polo shirt or Blauer long sleever #8149 polo shirt

(b) BDU trousers

(c) Polished shoes; approved all-black unpolished shoes may be worn.

(d) Leather gear

The Class C uniform is not authorized for wear by Court and Transport personnel.

The Class C uniform is not authorized for wear when personnel have been subpoenaed to court.

The Class C uniform will not be authorized for wear during certain events or occasions. For example; National Law Enforcement Week, periods when badges are shrouded, or when mandated by the Sheriff. Notifications will be made to all personnel of these specific times and events.

1028.4.4 SPECIALIZED UNIT UNIFORMS

The Sheriff may authorize special uniforms to be worn by deputies in specialized units, such as Canine Unit, SWAT, Mounted Unit and other specialized assignments.

1028.4.5 CIVILIAN UNIFORMS

Some positions within the Office require a civilian uniform (i.e., Detention Specialists, Intake and Release Specialists, Property Technicians, etc.). Please consult with the Division Commander for specifics regarding the types of uniforms and colors required as well as what type of equipment may be authorized to carry in conjunction with the uniform.

1028.4.6 DEPUTY DESIGNEE/RECRUIT UNIFORM

Deputy designees are required to maintain a professional appearance at all times and adhere to the uniform guidelines set forth:

1. The shirt will be a grey polo. Brand specified by Training.
2. The pants will be BDU trousers.
3. Polished shoes
4. Black, basket weave belt (from approved leather list).

1028.5 PLAIN CLOTHES PERSONNEL

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.

The following positions will be permitted to wear Business Casual attire during the course of their normal duties/assignment:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Sworn personnel whose current assignment authorizes the wearing of business attire during the course of their normal duties/assignments

(b) Deputies not on full duty status and not in uniform

(c) Deputies performing administrative assignments as approved by Division Commanders

(d) Civilian personnel not required to wear a civilian uniform

The following is a guidelines of clothing that may be worn in a business casual workplace environment:

(a) All employees 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:

1. Sport or suit jacket
2. Cotton, micro-fiber, khaki or suit pants, neatly pressed,
3. Long sleeve button shirt, polo shirts or knit shirts with collar (All shirts will be worn tucked in) and neatly pressed.
4. Sweater or sweater vest.
5. Leather shoes and belts
6. Tie optional

(c) All female administrative, investigative and support personnel who elect to wear civilian clothes to work shall wear:

1. Business suit, matched skirt and jacket
2. Khaki, corduroy, twill or cotton pants or skirts, neatly pressed.
3. Cotton, silk or blended shirt or blouse.
4. Sweater and sweater set.

(d) The following items shall not be worn on-duty:

1. T-shirt alone
2. Thong or flip-flop type shoes (this does not include dress sandals or open toed business casual shoes)
3. Swimsuit, tube tops or halter tops
4. Spandex/leggings type pants or see-through clothing unless worn with a shirt/ sweater/sweater dress that covers to mid-thigh.
5. Distasteful printed slogans, buttons or pins
6. Denim pants of any color (unless on an authorized "Jeans Day")
7. Shorts

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

8. Cargo style pants
9. Sweatshirts, sweatpants, yogapants or similar exercise clothing
10. "Sport" tank tops or spaghetti strap type shirts/dresses.
11. Sneakers, sandals, or mocassins.

(e) Variations from this policy are allowed at the discretion of the Sheriff or the authorized designee when the employee'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 Sheriff's Office or the morale of the employees.

(g) Certified employees carrying firearms while wearing civilian attire should wear clothing that effectively conceals the firearm when outside a controlled law enforcement facility or work area.

(h) Detectives called out after normal business hours may wear comfortable clean clothes, which are conducive to investigating and/or processing crime scenes.

(i) Business attire is required when the employee is conducting formal business including, but not limited to, meetings with citizen groups or professional organizations, on camera interviews, court appearances and times when it is in the best interest of the Sheriff’s Office.

1028.6 POLITICAL ACTIVITIES, ENDORSEMENTS, ADVERTISEMENTS OR OTHER APPEARANCES IN UNIFORM

Unless specifically authorized by the Sheriff, Sheriff's Office employees 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 employee, or identify him/herself as an employee of the 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

(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, any website or any other visual depiction

1028.7 OPTIONAL EQUIPMENT - MAINTENANCE AND REPLACEMENT

(a) Any of the items listed in the uniform and equipment specifications manual as optional shall be purchased at the expense of the employee.

(b) Maintenance of optional items shall be the financial responsibility of the purchasing employee (e.g., repairs due to normal wear and tear).

(c) Replacement of items listed in this order as optional shall be done as follows:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1. When the item is no longer functional because of normal wear and tear, the employee bears the full cost of replacement.
2. When the item is no longer functional because of damage in the course of the employee's duties, it may be replaced following the procedures for the replacement of damaged personal property outlined in the policy.

1028.8 UNAUTHORIZED UNIFORMS, EQUIPMENT AND ACCESSORIES

Sheriff's Office employees may not wear any uniform item, accessory or attachment unless specifically authorized in the uniform and equipment specifications manual or by the Sheriff or the authorized designee.

Sheriff's Office employees 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 or the authorized designee.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Sheriff's Cadets and Explorers

1029.1 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.

1029.2 EDUCATION REQUIREMENTS

Cadets and explorers are required to maintain a minimum grade point average of 2.0 ("C" grade) for all courses taken.

1029.3 PROGRAM COORDINATOR

The Law Enforcement Bureau will designate 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, school attendance and performance evaluations.

1029.3.1 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.

1029.4 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 Office 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.

1029.5 CADET AND EXPLORER UNIFORMS

Each cadet and explorer will be provided two uniforms meeting the specifications described in the uniform and equipment.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1029.6 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 Program Coordinator.

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.

1029.7 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 Program Advisor and the appropriate on-duty supervisor. Applicable waivers must be signed in advance of the ride-along. Cadets and explorers shall wear their uniform while participating in a ride-along.

1029.8 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Nepotism and Employment Conflicts

1030.1 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.

1030.1.1 DEFINITIONS

Relative - An employee's parent, stepparent, spouse, domestic partner, significant other, child (natural, adopted or step), sibling or grandparent.

Personal relationship - Includes marriage, cohabitation, dating or any other intimate relationship beyond mere friendship.

Business relationship - Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business, company, partnership, corporation, venture or other transaction where the employee's annual interest, compensation, investment or obligation is greater than $250.

Conflict of interest - Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

1030.2 RESTRICTED DUTIES AND ASSIGNMENTS

While the Office will not prohibit personal or business relationships between employees, the following restrictions apply:

(a) Employees are prohibited from directly supervising, occupying a position in the line of supervision or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.

1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor shall make every reasonable effort to defer matters involving the involved employee to an uninvolved supervisor.
2. When personnel and circumstances permit, the Office will attempt to make every reasonable effort to avoid placing employees in such supervisor/subordinate situations. The Office reserves the right to transfer or reassign any employee to another position within the same classification as it may deem necessary in order to avoid conflicts with any provision of this policy.

(b) Employees are prohibited from participating in, contributing to or recommending promotions, assignments, performance evaluations, transfers or other personnel

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

(c) Whenever reasonably possible, Training Officers (TOs) and other trainers will not be assigned to train relatives. TOs and other trainers are prohibited from entering into or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.

(d) To avoid actual or perceived conflicts of interest, members of this Office shall refrain from developing or maintaining personal or financial relationships with victims, witnesses or other individuals during the course of, or as a direct result of, any official contact.

(e) Except as required in the performance of official duties or in the case of immediate relatives, employees shall not develop or maintain personal or financial relationships with any individual they know or reasonably should know is under criminal investigation, or is a convicted felon, parolee, fugitive, registered offender or who engages in intentional violations of state or federal laws.

1030.2.1 EMPLOYEE RESPONSIBILITIES

All employees are required to adhere to state guidelines and to disclose conflicts of interest as required by law (Colo. Const. art. XXIX; CRS § 18-8-308; CRS § 24-18-104; CRS § 24-18-105).

Prior to entering into any personal or business relationship or other circumstance that the employee knows or reasonably should know could create a conflict of interest or other violation of this policy, the employee shall promptly notify his/her uninvolved, immediate supervisor.

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or provide other official information or services to any relative or other individual with whom the employee is involved in a personal or business relationship, the employee shall promptly notify his/her uninvolved immediate supervisor.

1030.2.2 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 chain of command of such actual or potential violations through the chain of command.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Office Badges

1031.1 PURPOSE AND SCOPE

A Sheriff's Office badge and uniform patch as well as the likeness of these items and the name of the El Paso County Sheriff's Office are property of the Office and their use shall be restricted as set forth in this policy.

1031.2 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.

1031.2.1 FLAT BADGE

Certified deputies, with the written approval of the Sheriff or the authorized designee, may purchase at their own expense a flat badge that can be carried in a wallet. The use of the flat badge is subject to all the same provisions of Office policy as the uniform badge.

(a) A deputy may sell, exchange or transfer the flat badge he/she purchased to another deputy within the Sheriff's Office with the written approval of the Sheriff or the authorized designee.

(b) Should the flat badge become lost, damaged or otherwise removed from the deputy's control, he/she shall make the proper notifications as outlined in policy.

(c) An honorably retired deputy may keep his/her flat badge upon retirement.

(d) The purchase, carrying or display of a flat badge is not authorized for Civilian Personnel.

(e) Full-time sworn personnel who have completed their probationary employment period may be eligible to purchase a flat badge for off duty identification and carry purposes. Sworn employees wishing to do so, must submit a memorandum of request through their chain of command to the Undersheriff. Approved requests will be kept on file in the training section for inventory purposes if issued and for documentation if purchased. Only one (1) flat badge may be issued to or purchased by a sworn employee.

(f) If the employee is terminated or resigns under (less than honorable circumstances) or (questionable circumstances), or while the subject of an investigation, (s)he will relinquish the flat badge to the Office and will be reimbursed the purchase price.

1031.2.2 CIVILIAN PERSONNEL

Badges and Office identification cards issued to Civilian Personnel shall be clearly marked to reflect the position of the assigned employee.

(a) Civilian Personnel shall not display any Office badge except as a part of his/her uniform and while on-duty or otherwise acting in an official and authorized capacity.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Civilian Personnel shall not display any Office badge or represent him/herself, on- or off-duty, in such a manner which would cause a reasonable person to believe that he/she is a certified deputy.

1031.2.3 RETIREE UNIFORM BADGE

Upon honorable retirement employees will be provided 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 and State law.

1031.3 UNAUTHORIZED USE

Except as required for on-duty use by current employees, no badge designed for carry or display in a wallet, badge case or similar holder shall be issued to anyone other than a current or honorably retired peace officer.

Office badges are issued to all certified employees 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.

Employees shall not loan the badge or identification card to others and shall not permit the badge or identification card to be reproduced or duplicated.

1031.4 PERMITTED USE BY EMPLOYEE GROUPS

The likeness of the Office badge shall not be used without the express authorization of the Sheriff or the authorized designee and shall be subject to the following:

(a) The employee associations may use the likeness of the Office badge for merchandise and official association business, provided it is used in a clear representation of the association and not the Sheriff's Office. The following modifications shall be included:

1. The text on the upper and lower ribbons is replaced with the name of the employee association.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Temporary Modified-Duty Assignments

1032.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law or County rules. For example, nothing in this policy affects the obligation of the Office to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

1032.2 POLICY

Subject to operational considerations, the Sheriff's Office may identify temporary modified-duty assignments for employees who have an injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the Office with a productive employee during the temporary period.

1032.3 PROCEDURE

The Sheriff’s Office is committed to providing modified duty to injured employees. Modified Duty is available to all employees whether the injury occurred on or off duty. In order to further this commitment, modified duty is permitted in the following circumstances and manner:

(a) An employee must be absent from work for a non-work related injury for more than five (5) working days before being eligible for modified duty.

(b) It is the employee's obligation to make a request for modified duty.

(c) The request for modified duty must be made to the Administrator.

(d) Eligibility for modified duty is based on the availability of appropriate modified duty assignments at the time of the request.

(e) If the employee is eligible for modified duty, placement of the employee within their respective division or Sheriff's Office will be first attempted. If modified duty cannot be accomplished within the employee's division or Sheriff's Office, an attempt will be made to place the employee within another County department or office.

(f) If the employee is eligible for modified duty, the employee cannot perform the same job for which he or she was hired to perform. Essential functions of the employee's job cannot be excused.

(g) Employees on Modified Duty are not eligible to work Extra Duty or overtime.

(h) Modified Duty will not exceed forty five (45) working days for civilian personnel; or ninety (90) working days for sworn personnel.

1032.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth or a related medical condition, the employee will be treated the same as any other temporarily disabled

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

employee (42 USC § 2000e(k); CRS § 24-34-401 et seq.). A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

1032.7.1 NOTIFICATION

Colorado state law prohibits discrimination on the basis of pregnancy, childbirth and related conditions. Reasonable accommodations that do not create an undue hardship on the employer are required for these conditions. Personnel desiring accommodations are advised to contact the Administrator without delay in order to facilitate timely coordination.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Employee Speech, Expression and Social Networking

1033.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with employee use of social networking sites and to provide guidelines for the regulation and balance of employee speech and expression with the needs of the Office.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech or expression that is protected or privileged under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of a deputy associations, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisor regarding any questions arising from the application or potential application of this policy.

1033.1.1 APPLICABILITY

This policy applies to all forms of communication including, but not limited to film, video, print media or public speech, use of all Internet services, including the World Wide Web, e-mail, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, wikis, video and other file sharing sites.

1033.2 POLICY

Public employees occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of this Office. Due to the nature of the work and influence associated with the law enforcement profession, it is necessary that employees of this Office be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the Sheriff's Office will carefully balance the individual employee's rights against the organization's needs and interests when exercising a reasonable degree of control over employee speech and expression.

1033.3 SAFETY

Employees should carefully consider the implications of their speech or any other form of expression when using the Internet. Speech and expression that may negatively affect the safety of Sheriff's Office employees, such as posting personal information in a public forum, can result in compromising an employee's home address or family ties. Employees should therefore not disseminate or post any information on any forum or medium that could reasonably be expected to compromise the safety of any employee, an employee's family or associates. Examples of the type of information that could reasonably be expected to compromise safety include:

- Disclosing a photograph and name or address of a deputy who is working undercover.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

- Disclosing the address of a fellow deputy.
- Otherwise disclosing where another deputy can be located off-duty.

1033.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the Office's safety, performance and public-trust needs, the following are prohibited unless the speech is otherwise protected (for example, an employee speaking as a private citizen or deputy associations, on a matter of public concern):

(a) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation or professionalism of the Sheriff's Office or its employees.

(b) Speech or expression that, while not made pursuant to an official duty, is significantly linked to or related to the Sheriff's Office and tends to compromise or damage the mission, function, reputation or professionalism of the Sheriff's Office or its employees. Examples include statements that indicate disregard for the law or the state or U.S. Constitution; expression that demonstrates support for criminal activity; participating in sexually explicit photographs or videos for compensation or distribution.

(c) Speech or expression that could reasonably be foreseen as having a negative impact on the credibility of the employee as a witness. For example, posting statements or expressions to a website that glorify or endorse dishonesty or illegal behavior.

(d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of the employees of the Office. For example, a statement on a blog that provides specific details as to how and when prisoner transportations are made could reasonably be foreseen to jeopardize employees by informing criminals of details that could facilitate an escape or attempted escape.

(e) Speech or expression that is contrary to the canons of the Law Enforcement Code of Ethics as adopted by the Sheriff's Office.

(f) Use or disclosure, through whatever means, of any information, photograph, video or other recording obtained or accessible as a result of employment with the Office for financial gain, or data classified as confidential by state or federal law, or any disclosure of such materials without the express authorization of the Sheriff or the authorized designee.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of Office logos, emblems, uniforms, badges, patches, marked vehicles, equipment or other material that specifically identifies the Sheriff's Office on any personal or social networking or other website or web page without the express authorization of the Sheriff's Office.

(h) Accessing websites for unauthorized purposes, or use of any personal communication device, game device or media device, whether personally or Office-owned, for personal purposes while on-duty, except in the following circumstances:

1. When brief personal communications may be warranted by the circumstances (e.g., informing family of extended hours).

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

2. During authorized breaks; such usage should be limited as much as practicable to areas out of the sight and sound of the public and shall not be disruptive to the work environment.

In addition, an employee is required to take reasonable and prompt action to remove any content that is in violation of this policy, whether posted by the employee and/or others, from any web page or website maintained by the employee.

1033.4.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of a deputy associations, employees may not represent the Sheriff's Office or identify themselves in any way that could be reasonably perceived as representing the Sheriff's 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, public broadcast or any website

Additionally, when it can reasonably be construed that an employee, acting in his/her individual capacity or through an outside group or organization is affiliated with this Office, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the Sheriff's Office.

Employees retain their right to vote as they choose, to support candidates of their choice and to express their opinions as private citizens, including as authorized members of a deputy associations, on political subjects and candidates at all times while off-duty. However, employees may not use their official authority or influence to interfere with or affect the result of an election or a nomination for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command or advise another employee to pay, lend or contribute anything of value to a party, committee, organization, agency or person for political purposes (5 USC § 1502).

1033.5 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 (e.g., Facebook, Twitter) that is accessed, transmitted, received or reviewed on any Office technology system.

1033.5.1 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.

1033.6 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the Sheriff or authorized designee should consider include:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.

(b) Whether the speech or conduct would be contrary to the good order of the Office or the efficiency or morale of its members.

(c) Whether the speech or conduct would reflect unfavorably upon the Office.

(d) Whether the speech or conduct would negatively affect the member's appearance of impartiality in the performance of his/her duties.

(e) Whether similar speech or conduct has been previously authorized.

(f) Whether the speech or conduct may be protected and outweighs any interest of the Office.

(g) Whether the speech would create a violation of the Fair Campaign Act.

1033.7 TRAINING

Subject to available resources, the Office should provide training regarding employee speech and the use of social networking to all members of the Office.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Illness and Injury Prevention

1034.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for members of the Sheriff's Office.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, it may be supplemented by procedures outside the Policy Manual.

This policy does not supersede, but supplements any related county wide safety efforts.

1034.2 POLICY

The Sheriff's Office is committed to providing a safe environment for its members and visitors and to minimizing the incidence of work-related illness and injuries. The Office partners with Risk Management Office to establish and maintain an Illness and Injury Prevention program and will provide tools, training and safeguards designed to reduce the potential for accidents, illness and injuries. It is the intent of the Office to comply with all laws and regulations related to occupational safety.

1034.3 ILLNESS AND INJURY PREVENTION PLAN

The Administrative Services Commander is the liaison to Risk Management and will work with Risk Management to develop and/or implement.

(a) Workplace safety and health training programs.

(b) Post or distribute safety information.

(c) A system for members to inform management about workplace hazards.

1034.4 ADMINISTRATIVE SERVICES COMMANDER RESPONSIBILITIES

The responsibilities of the Administrative Services Commander include, but are not limited to:

(a) Coordinating with Risk Management to reduce the incidence of member illness and injury.

(b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and members.

(c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all members.

(d) Taking reasonable steps to ensure that all members comply with safety rules in order to maintain a safe work environment. This includes, but is not limited to:

  (a) Informing members of the illness and injury prevention guidelines.

  (b) Ensuring Office compliance to meet standards regarding the following:

    (a) Communicable diseases

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) Personal Protective Equipment (PPE)

(e) Making available a form to document inspections, unsafe conditions or work practices, and actions taken to correct unsafe conditions and work practices.

(f) Making available a form to document individual incidents or accidents.

(g) Making available a form to document the safety and health training of each member. This form will include the member's name or other identifier, training dates, type of training and training providers.

1034.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include, but are not limited to:

1. Ensuring member compliance with illness and injury prevention guidelines and answering questions from members about this policy.
2. Training, counseling, instructing or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate under the Standards of Conduct Policy.
3. Establishing and maintaining communication with members on health and safety issues.
4. Notifying the Administrative Services Commander when:
   (a) New, previously unidentified hazards are recognized.
   (b) Occupational illnesses and injuries occur.
   (c) Workplace conditions warrant an inspection.

1034.6 HAZARDS

All members should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices or procedures in a timely manner. Members should make their reports to a supervisor.

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering members or property, supervisors should protect or remove all exposed members from the area or item, except those necessary to correct the existing condition.

Members who are necessary to correct the hazardous condition shall be provided with the necessary protection.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1034.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards.

The person conducting the inspection shall ensure that the appropriate documentation is completed for each inspection.

1034.7.1 EQUIPMENT

Members are charged with daily vehicle inspections of their assigned vehicles and of their PPE prior to working in the field. Members shall notify a supervisor if an unsafe condition cannot be immediately corrected.

1034.8 INVESTIGATIONS

Any member sustaining any work-related illness or injury, as well as any member who is involved in any accident or hazardous substance exposure while on-duty shall report such event as soon as practicable to a supervisor. Members observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

(a) A visit to the accident scene as soon as possible.

(b) An interview of the injured member and witnesses.

(c) An examination of the workplace for factors associated with the accident/exposure.

(d) Determination of the cause of the accident/exposure.

(e) Corrective action to prevent the accident/exposure from reoccurring.

(f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report an on-duty injury, as required under the Occupational Disease and Work-Related Injury and Death Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

1034.9 TRAINING

The Training Director should occasionally provide all members, including supervisors, with training on general and job-specific workplace safety and health practices. Training shall be provided:

(a) To supervisors to familiarize them with the safety and health hazards to which members under their immediate direction and control may be exposed.

(b) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard.

(c) Whenever the Office is made aware of a new or previously unrecognized hazard.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1034.9.1 TRAINING TOPICS

The Training Director shall ensure that training includes:

(a) Reporting unsafe conditions, work practices and injuries, and informing a supervisor when additional instruction is needed.

(b) Use of appropriate clothing, including gloves and footwear.

(c) Use of respiratory equipment.

(d) Availability of toilet, hand-washing and drinking-water facilities.

(e) Provisions for medical services and first aid.

(f) Handling of bloodborne pathogens and other biological hazards.

(g) Identification and handling of hazardous materials, including chemical hazards to which members could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).

(h) Mitigation of physical hazards, such as heat and cold stress, noise, and ionizing and non-ionizing radiation.

(i) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.

(j) Avoidance of slips and falls.

(k) Fre prevention.

(l) Other job-specific safety concerns.

1034.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Line-of-Duty Deaths

1035.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance to members of the 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 in situations where members are injured in the line of duty and the injuries are life threatening.

1035.1.1 DEFINITIONS

Line-of-duty death - The death of a sworn member during the course of performing law enforcement related functions while on or off-duty, or a civilian personnel member during the course of performing their assigned duties.

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.

1035.2 POLICY

It is the policy of the 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.

1035.3 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 chain of command as soon as practical.

  1. Communication of information concerning the member and the incident should be restricted to avoid interception by the media or others.

(b) The supervisor should ensure that notifications are made in accordance with the Officer-Involved Shootings and Deaths and Major Incident Notification policies as applicable.

(c) If the member has been transported to the hospital, the supervisor or the authorized designee should respond to the hospital to assume temporary responsibilities as the Office Liaison.

(d) The Sheriff or the authorized designee should assign members to handle survivor notifications and assign the Office Liaison as soon as practicable.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1035.4 NOTIFYING SURVIVORS

Survivors should be notified as soon as possible in order to avoid the survivors hearing about the incident in other ways.

Notification should not be excessively delayed because of attempts to assemble a notification team.

The Sheriff, or authorized designee, should select at least two members to conduct notification to survivors, one of which may be the Office Chaplain or Staff Psychologist.

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 conditions of survivors or language barriers.

(d) Offer to transport survivors to the hospital, if appropriate. Survivors should be transported in Office vehicles.

(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.

(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, if known, and the Office Liaison.

(k) Provide their contact information to the survivors before departing.

1035.4.1 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) The Office Liaison should contact the appropriate jurisdiction and provide the assisting agency with the name and telephone number of the Office liaison 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.

1035.5 NOTIFYING OFFICE MEMBERS

Supervisors or members designated by the Sheriff are 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 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 group, 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.

1035.6 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) Survivor Support Liaison.

(c) Critical Incident Stress Management (CISM) coordinator.

(d) Funeral Liaison.

(e) Finance and benefit coordinator.

Liaisons and coordinators will be directed by and report to 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1035.6.1 OFFICE LIAISON

The Office Liaison should be a Commander or Lieutenant so as 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.

(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 security checks of the member's residence as necessary and reasonable.

1035.6.2 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:

- An individual the survivors know and with whom they are comfortable working. The deceased member's 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. However, this does not preclude a close friend from being appointed as the Survivor Support Liaison.
- 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) 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. 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).
3. Items not retained as evidence should be delivered in a clean, unmarked box.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(d) 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.

(e) Working with the CISM coordinator to ensure that survivors have access to available counseling services.

(f) Briefing survivors on investigative processes related to the line-of-duty death, such as criminal, internal and administrative investigations.

(g) 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).

(h) Inviting survivors to Office activities, memorial services or other functions as appropriate.

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.

1035.6.3 CRITICAL INCIDENT STRESS MANAGEMENT (CISM) COORDINATOR

The CISM coordinator should work with the Sheriff or the authorized designee, Office Liaisons and staff psychologist to make CISM and counseling services available to members and survivors who are impacted by a line-of-duty death. The responsibilities of the CISM coordinator 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 CISM 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) Ensuring that members who were involved in or witnessed the incident are relieved of Office responsibilities until they can receive CISM support as appropriate and possible.

(c) Ensuring that CISM and counseling resources (e.g., peer support, debriefing, grief counselors) are available to members as soon as reasonably practicable following the line-of-duty death.

1035.6.4 FUNERAL LIAISON

The Funeral Liaison should ideally be the Honor Guard supervisor and 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) Working with the funeral director regarding funeral arrangements and briefing them on law enforcement funeral procedures.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(b) 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

(c) Briefing the Sheriff and command staff concerning funeral arrangements.

(d) Assigning a deputy to remain at the family home during the viewing and funeral.

(e) Arranging for transportation of the survivors to and from the funeral home and interment site using Office vehicles and drivers.

1035.6.5 BENEFITS LIAISON

The Benefits Liaison should provide survivors with information concerning available benefits and 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.

(b) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Public Safety Officers' Benefits (PSOB) Programs.
2. Public Safety Officers' Educational Assistance (PSOEA) Program.
3. Social Security Administration.
4. Department of Veterans Affairs.

(c) Researching and assisting survivors with application for state and local government survivor benefits.

1. Survivor or domestic partner pension benefits (CRS § 31-31-807 et seq.; CRS § 14-15-107)
2. Disability benefits (CRS § 31-31-803)
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:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

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.

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.

1035.6.6 FINANCE AND BENEFIT COORDINATOR

The finance and benefit coordinator should work with the Sheriff and the Office Liaison to manage matters related to the line-of-duty death. The 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. Funeral and memorial costs.
3. Related funding or accounting questions and issues.

(c) Establish a process for the receipt of public donations to the deceased member’s survivors.

(d) Confirming the filing of workers’ compensation claims and related paperwork.

(e) Researching and assisting survivors with application for federal government survivor benefits, such as those offered through the:

1. Social Security Administration.
2. Department of Veterans Affairs.

(f) Researching and assisting survivors with application for state and local government survivor benefits.

1. Survivor or domestic partner pension benefits (CRS § 31-31-807 et seq.; CRS § 14-15-107)
2. Disability benefits (CRS § 31-31-803)
3. Educational benefits (CRS § 23-3.3-205)
4. Insurance benefits (CRS § 31-31-902; CRS § 31-31-903)

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(g) Researching and assisting survivors with application for other survivor benefits such as:

1. Private foundation survivor benefits programs.
2. Survivor scholarship programs.

(h) Maintaining contact with the survivors and assisting with subsequent questions and processes as needed.

1035.7 MEDIA RELATIONS MANAGER

In the event of a line-of-duty death, the Office's Media Relations Manager should be the Office's contact point for the media. As such, the Media Relations Manager 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 Media Relations Manager.

(c) Prepare necessary press releases and coordinate with other entities having media roles (e.g., outside agencies involved in the investigation or incident).

(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.

(f) Release information regarding memorial services and funeral arrangements to Office members, other agencies and the media as appropriate.

(g) 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 Media Relations Manager should request that the media withhold the information from release until proper notification can be made to survivors. The Media Relations Manager should ensure that media are notified when survivor notifications have been made.

1035.8 OFFICE CHAPLAIN

The Office chaplain may serve a significant role in line-of-duty deaths. His/her 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1035.9 INVESTIGATION OF THE INCIDENT

The Sheriff shall ensure that line-of-duty deaths are investigated thoroughly and use the investigation process outlined in the Officer-Involved Shootings and Deaths Policy.

1035.10 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.

1035.11 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.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Job Classifications/Assignments

1036.1 POLICY

It is the policy of the Sheriff's Office to ensure that every position within the Sheriff's Office has a written job description. The job description shall be grouped in a grade.

1036.2 DEFINITIONS:

CLASS: A grouping of jobs for which duties and responsibilities, qualifications and conditions of employment are sufficiently alike to justify the same treatment with respect to personnel practices.

JOB: One or more positions with duties and responsibilities that are identical in all significant aspects, so that a single job description title can be used to identify the job.

JOB DESCRIPTION: A written guideline describing the essential functions of a job, including a list of general duties, responsibilities, requirements and physical demands.

POSITION: The duties and responsibilities that may be assigned to a person of a particular job classification.

1036.3 PROCEDURE

(a) JOB DESCRIPTIONS

1. All job assignments will have written descriptions of the duties, responsibilities and physical demands associated with the position. Job descriptions should be reviewed on an annual basis. Job descriptions are available for viewing upon request in the County Human Resources Office.
2. All components of the Sheriff's Office shall have a statement of responsibility. These statements shall be available to all personnel through the Policy manual and the Standard Operating Procedure (SOP) manuals.

(b) JOB TASK ANALYSIS- A written job analysis shall be maintained for every position and reflected in the job description. The job analysis shall include, at a minimum:

1. Duties, responsibilities and tasks
2. The frequency that each task is performed
3. Minimum qualifications or level of proficiency necessary in the job related skills, knowledge, ability and behavior.

(c) The objective of the job analysis is to serve as the basis for the position classification, while providing guidance to members and their supervisors concerning the essential functions and physical demands of the individual positions. It also assists in the establishment of training curriculum and provides a basis for minimum requirements

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

in recruitment, examination, selection, appointment, promotion, and performance evaluation.

(d) The development of a job description will be the responsibility of the assigned division commander or his/her designee. Once developed, they will be submitted to the Personnel Services Lieutenant. Upon review, the approved job description will be forwarded to the County Human Resource Office for classification or reclassification and formatting.

(e) Selection of personnel for assignments within a given classification will be based on specific criteria:

1. Selection of personnel for assignments within a given classification will be based on specific criteria:
2. Formal education requirements
3. Length of experience
4. Past performance

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Honor Guard

1037.1 PURPOSE

To establish guidelines for the selection, training, and deployment of an Honor Guard detail.

1037.2 POLICY

The Honor Guard Unit will represent the Sheriff's Office at all ceremonies/functions requiring a formal presence.

1037.3 DEFINITIONS

COLOR GUARD: A detail consisting of four (4) or five (5) individuals whose purpose is to guard and carry/post the National, State and/or Office flags at formal functions.

FIRING DETAIL: A detail consisting of seven (7) individuals whose purpose is to fire three (3) volleys (a 21 gun salute) at an internment or memorial ceremony.

FORMAL FUNCTION: Ceremonies that require the national and state flags to embellish the event and preserve traditions.

1037.4 PROCEDURE

(a) The Sheriff's Office will select Honor Guard members using the following criteria:

1. Deputies seeking appointment to the Honor Guard must submit a memorandum through their chain of command.
2. In order to be eligible for the Honor Guard, applicants must be a Deputy II or above and not be on any type of probation. In addition, applicants must be recommended by their chain of command for a position on the Honor Guard.
3. The Community Relations Sergeant will review the personnel files of all applicants to ensure they are not on probation and/or involved in a current disciplinary action.
4. The Community Relations Sergeant will forward his/her recommendation regarding the applicant to the Administrative Services Division Commander, through the chain of command, for final approval.

(b) Training: Members of the Honor Guard will receive eight (8) hours of compensable training each month. It shall be the discretion of the Honor Guard member's immediate supervisor to determine the method of compensation for training (pay, compensatory time, schedule adjust, etc.).

(c) Utilization Guidelines: As a guideline for decision making, the following represents some typical situations where the Honor Guard may be utilized:

1. Funerals/Internments
2. Memorial Ceremonies
3. Firing Details

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

4. Parades
5. Recruit Academy Graduations
6. Awards Ceremonies
7. Formal Functions
8. Any events requiring a color guard.

(d) Notification/Deployment: All requests seeking the participation of the Honor Guard will be forwarded to the Community Relations Sergeant as soon as possible.

1. Upon notification, the Community Relations Sergeant, or his/her designee will prepare a memorandum outlining the particular event and submit the memorandum to the Administrative Services Division Commander through the chain of command for approval.
2. In the event that “time is of the essence” regarding a request for the Honor Guard, the Community Relations Sergeant, or his/her designee, will make the necessary arrangements and notify the Administrative Services Division Commander at the earliest possible opportunity.
3. The Administrative Services Division Commander will notify the Sheriff, through the chain of command, of all approved Honor Guard missions.
4. Once a request for the Honor Guard has been approved, the Community Relations Sergeant, or his/her designee will assemble and deploy an appropriate team.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Employee Drug Testing

1038.1 POLICY

It is the policy of the Sheriff's Office that the critical mission of law enforcement justifies the expectations of a drug free work environment through the use of a reasonable suspicion employee drug-testing program. The law enforcement profession has several uniquely compelling interests that justify the use of employee drug-testing. The public has a right to expect that those who protect and serve them are, at all times, both physically and mentally prepared to assume these duties. There is sufficient evidence to conclude that the use of controlled substance and other forms of drug and alcohol abuse will seriously impair an employee's physical and mental health, and thus, their job performance. If law enforcement officials participate in illegal drug use and drug activity, the integrity of the law enforcement profession and community confidence is destroyed. This confidence is further eroded by the potential for corruption created by drug use. Therefore, in order to ensure the integrity of the Sheriff's Office, and to preserve public trust and confidence in a fit and drug-free law enforcement profession, the Sheriff's Office shall implement a drug-testing program to detect prohibited drug and alcohol use by its' employees.

1038.2 DEFINITIONS

CIVILIAN EMPLOYEE: Employees who are not appointed pursuant to C.R.S.30-10-105.

DRUG TEST: The compulsory submission to a blood, urine or breath test, by an employee in accordance with Sheriff's Office procedures for chemical analysis to detect prohibited drug or alcohol usage.

PBT: Preliminary breath test.

PROBATIONARY EMPLOYEE: For the purposes of this policy only, a probationary employee shall be considered to be any person who is conditionally employed with the Sheriff's Office as a sworn employee.

REASONABLE SUSPICION: That quantity of proof or evidence that is more than a hunch, but less than probable cause. Reasonable suspicion must be based on specific, objective facts and any rationally derived inferences from those facts about the conduct of an individual that would lead the reasonable person to suspect that the individual is or has been using or is under the influence of drugs while on or off duty, or alcohol while on duty.

SWORN EMPLOYEE: Employees appointed pursuant to CRS 30-10-105.

1038.3 PROCEDURE

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1038.3.1 PROHIBITED ACTIVITY

The following rules shall apply to all applicants, probationary, deputies, civilian employees, and reserve deputies while on and off duty:

(a) No employee shall illegally possess any controlled substance. No employee shall purchase, manufacture, distribute, dispense, possess or use controlled substances or alcohol on office premises or on office time (41 USC sec. 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.

(b) No employee shall consume or possess any form of Medicinal or Recreational Marijuana.

(c) No employee shall ingest any controlled or other dangerous substance, unless as prescribed by a licensed medical practitioner.

    (a) Employees shall notify their immediate supervisor when required to use prescription medicine, which they have been informed, has the potential to impair their job performance. The employee shall advise the supervisor of the known side effects of the prescribed medication, and the prescribed period of use.

    (b) The supervisor shall document this information through the use of an interoffice memorandum and forward it through the chain of command to their division commander who shall determine whether the employee will be permitted to work in their assigned duty.

    (c) The employee may be temporarily reassigned to other duties, where appropriate or placed on sick leave.

(d) No employee shall ingest any prescribed or over the-counter medication in amounts beyond the prescribed or recommended dosage.

(e) Any employee who unintentionally ingests, or is made to ingest a controlled substance shall immediately report the incident to their supervisor so that appropriate medical action may be taken to ensure the members health and welfare.

(f) No employee shall report for duty while under the influence of alcohol or any substance.

(g) Any employee having a reasonable basis to believe that another employee is illegally using, or in possession of any controlled substance, or is under the influence of alcohol shall immediately report the facts and circumstances to their supervisor. Employees shall notify a supervisor immediately, and document, if they observe behavior or other evidence that they believe demonstrates that a fellow employee poses a risk to the health and safety of the member or others due to drug or alcohol use.

(h) 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 sec. 8103).

(i) Violation of this policy may result in disciplinary action up to and including termination.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1038.3.2 APPLICANT DRUG TESTING

(a) All Applicants applying for a sworn or civilian position with the Sheriff's Office shall be required to take a drug test as a condition of employment during a pre-employment medical examination.

(b) Applicants shall be disqualified from further consideration for employment under the following conditions:

  (a) Refusal to submit to a required drug test.

  (b) A confirmed positive drug test indicating drug use prohibited by this policy.

1038.3.3 EMPLOYEE DRUG TESTING

Impairment: Alcohol testing shall be conducted by a Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT). Any employee who is tested at 0.02 BAC (Blood Alcohol Content) or more shall be deemed impaired by alcohol. Any employee who provides a positive test, pursuant to the standards set by the testing facility, for an illegal drug will be deemed to have illegally used drugs. Any employee who provides a positive test for a controlled substance, marijuana or medical marijuana, will be deemed impaired.

1038.3.4 REHABILITATION

An employee may enter into drug or alcohol rehabilitation using the County's health plan. Please see the EAP for assistance.

Employees may also find assistance for those who voluntarily wish to seek help for alcohol and drug problems (41 USC sec 8103) through their insurance provider.

It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance concerns.

1038.3.5 TESTING-GENERAL

The Sheriff's Office will conduct breath, urine, and/or blood tests to determine the presence of controlled substances, marijuana and medical marijuana, illegal drugs, or alcohol under the following circumstances:

- When reasonable suspicion exists to believe that an employee is impaired by controlled substances, marijuana, medical marijuana, alcohol, or drugs while on the job or is using illegal drugs;
- After motor vehicle accidents, as specified below;
- Pre-employment testing for some applicants being considered for employment;
- For CDL employees, under a program of random testing. All CDL drivers with the Sheriff's Office must be enrolled in and participate in the El Paso County random testing protocol.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

The Sheriff's Office will use the County contracted testing facility, which shall be approved by the Department of Transportation and adheres to the testing procedures set by the Department of Transportation. Department of Transportation substance cut off levels shall apply to test results.

1038.3.6 REASONABLE SUSPICION TESTING/SUPERVISOR RESPONSIBILITY
If there is reasonable suspicion that an employee, while on the job, is impaired by controlled substances, marijuana, medical marijuana, alcohol or illegal drugs, the employee's supervisor or his/her designee, may require the employee to immediately submit for testing. A supervisor shall immediately transport the employee to the designated medical facility for testing. As soon as practical, the supervisor shall document in a memorandum the observations of the employee and the basis for the suspicion in writing. The memorandum shall be retained in the employee's confidential medical file.

Reasonable suspicion may be based on other facts and circumstances, including but not limited to the following:

- The witnessing of unusual demeanor, appearance, conduct, or irrational behavior (e.g., slurred speech, lack of balance, excessive aggressiveness, docility, or drowsiness); difficulty in performing or the inability to perform normal job function; smell of alcohol, controlled substances, marijuana, medical marijuana, or illegal drugs;
- Suspected possession of or use of alcohol, controlled substances, marijuana, medical marijuana, or illegal drugs on the job; or
- A determination that an employee may be at fault in an on-the-job injury or an operating accident involving equipment, property, or personnel or involved in a critical incident causing serious bodily injury or death.

1038.4 DRUG TESTING PROCEDURE
Should reasonable suspicion occur during regular business hours, the supervisor requesting the drug test will notify the chain of command, who will in turn notify County Human Resources. Human Resources will provide the information regarding the place of testing. For after hours, weekends and holidays the supervisor will transport the employee to Penrose Main Hospital or Penrose/ St Francis North Hospital for testing. If alcohol use is suspected, the requesting supervisor may choose to have the employee submit to a breath test, by using a preliminary breath test (PBT) system. The supervisor should take into account the confidentiality of the employee when determining what testing method to use.

1038.4.1 DRUG AND ALCOHOL TESTING PROCEDURES
The Sheriff's Office will follow the Drug and Alcohol Testing Procedures of El Paso County. These may be reviewed by contacting El Paso County's Risk Management Office or the Personnel Services Lieutenant.

The supervisor shall prepare a written record documenting the specific facts that led to the decision to request the test, and shall inform the employee in writing of the following:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) The test will be given to detect alcohol or drugs, or both

(b) The employee may refuse the test, but that refusal may result in termination or other disciplinary action.

(c) Since the employee must decide between employment ramifications or following the order, the results of the test, pursuant to the order, shall not be released to, or used for prosecution of any employee.

1038.4.2 DRUG AND ALCOHOL TEST RESULTS

All records pertaining to the Sheriff's Office required drug and alcohol tests shall remain confidential and shall be placed in the employee's confidential medical file maintained by the Sheriff's Office and shall not be provided to other employers or agencies without the written permission of the person whose records are sought, or as required by law or court order. Positive drug and alcohol test results shall be available for personnel actions.

1038.4.3 DISCIPLINARY ACTION RELATED TO TESTING

An employee may be subject to disciplinary action if he/she:

(a) Fails or refuses to submit to a drug and/or alcohol screening test when given an order to take the test

(b) After taking a test that indicates the presence of a controlled substance, fails to provide written proof within 72 hours after being ordered to provide proof, that he/she took the controlled substance as directed, pursuant to a current and lawful prescription issued in his/her name.

(c) Violates any provision of this policy

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Records Retention/Professional Standards

1039.1 PURPOSE

To provide a guideline for the storage of professional standards records and a schedule for the destruction of Professional Standards Records. To provide standards for access to Professional Standards Records in order to preserve confidentiality, and record retention.

This policy and the corresponding retention schedule apply to all records currently in the custody of the Office.

1039.2 DEFINITIONS

SUBJECT EMPLOYEE: This term refers to the deputy or employee who is the subject of the Professional Standards Investigation.

BRADY LIST: This term refers to the entire list that is maintained by the Office of the District Attorney pursuant to Rule 16 requirements, Professional Rule of Conduct 3.8 and Brady v. Maryland, 373 U.S. 83, (1963). This list contains the names of law enforcement officers, and the relevant professional standards investigation number.

PERMANENT BRADY LIST: This is the portion of the Brady list where the determination has been made that potential exculpatory information exists within the Professional Standards file.

TEMPORARY BRADY LIST: This is the portion of the Brady list where a law enforcement officer's name is listed because there are pending criminal charges. Once the charges are resolved, the law enforcement officer's name is eligible to be removed from the list.

PROFESSIONAL STANDARD INVESTIGATIVE RECORD: All Professional Standards Investigations will be recorded in a report that will be maintained in the Professional Standards Unit office.

DELIBERATIVE MEMOS AND RECOMMENDATIONS: Written record of the Personnel Investigation review, Disciplinary Action Board, and appeals.

FINAL REPORT AND FINDING: This includes: written record of the Personnel Investigation review; written record of the Disciplinary Review Board hearing and findings (to include disciplinary/corrective action); written record of the Traffic Incident Review Board hearing and findings (to include disciplinary/corrective action).

1039.3 PROCEDURES

1039.3.1 RECORDS RETENTION SCHEDULE FOR PROFESSIONAL STANDARDS

In accordance with Colorado Department of Personnel and Administration, State Archives and Public Records Disposition Schedule 15-59, all Professional Standards investigative records will be maintained a minimum of five years from the date of the investigation. Records will not be destroyed under the following conditions:

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(a) Internal Affairs Investigation and Reports: Records that have been deemed by our Office, with the advice of legal counsel or the court to have exculpatory information and pertain specifically to an individual whose name and Professional Standards investigation number has been referred to the District Attorney's Office.

(b) Brady Exception: Professional Standards investigations and reports that pertain to a specific individual and specific Professional Standards number where that information has been referred to the Office of the District Attorney for placement on the Brady list and then subsequently placed on the Brady list. The Brady list is officially maintained by the Office of the District Attorney.

(c) Litigation Exception: Professional Standards investigations and reports that pertain to any matter that is the subject of any current, pending or past litigation. These investigations or reports shall be maintained on a list that is generated by the Office of the County Attorney. This may also include reports that pertain to a notice of claim or notice of impending civil lawsuit. If pending litigation involves another subject employee who is not involved in litigation, but the employees share an investigation, all subject employee files will be retained.

(d) Criminal Investigation Exception: Professional Standards investigations and reports that pertain to the criminal investigation of any action of any deputy or employee.

1039.3.2 LABELING OF RECORDS TO PREVENT FUTURE DESTRUCTION

At the time of the finalizing of the record, if the record relates to litigation, criminal investigation of a deputy or employee deemed possibly exculpatory or has been referenced on the Brady List, the record shall be marked as “Do Not Destroy,” both electronically and on the file, if a paper file exists.

1039.3.3 RECORD DESTRUCTION PROCESS

(a) At least once a year, at the direction of the Professional Standards Lieutenant a Professional Standards investigator will be assigned to review all records stored in the Professional Standards Unit and identify those records that exceed five years from the date of the investigation. Those records identified will be brought to the attention of the Professional Standards Lieutenant for review.

(b) The Professional Standards Lieutenant will review the records and verify they have reached five years since the conclusion of the investigatory matter.

(c) The Professional Standards Lieutenant will compile a list of all records that have exceeded the five year retention schedule and do not meet parameters listed in section A above. This list will be provided to the County Attorney representing the Sheriff’s Office and the Undersheriff responsible for the Professional Standards Unit. The County Attorney representing the Sheriff's Office as well as the Undersheriff responsible for the Professional Standards Unit will review and authorize those records on the list for destruction.

(d) The Professional Standards Lieutenant will verify with Human Resources, that records approved for destruction have a summary of findings in the employee’s personnel record.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(e) All records that have been approved for destruction, and meet the requirements as defined in this policy will be destroyed in a manner in which no part of the record can be reasonably recovered. This includes destruction of electronic files, written paper files/notes, and specific reference to case in the case log.

1039.3.4 RECORDS ACCESS

All reports of Professional Standards investigations are considered confidential and will not be reviewed unless any of all of the following criteria are met:

(a) The Sheriff, the Undersheriff or his/her designee, and accused employee's chain of command may review the entire investigation, if they have a need to know the details of the case.

(b) The accused employee may review his/her own statement, the case summary and the chain of command findings and recommendations prior to action by the Disciplinary Action Board or the Traffic Incident Board. If the request is made, one copy of these items will be released to subject employee.

(c) Any attorney representing the Sheriff’s Office may review any investigation.

(d) Pursuant to Court Order, after the matter has been litigated according to current case law, the records may be provided to the Court. The records will be provided only pursuant to a Court Order, and the subject employee of the investigation shall be notified of the pending request. The Attorney representing the Sheriff's Office shall make the request for the record, and shall provide the record to the Court in the manner ordered by the Court. The deliberative memo(s) and recommendations shall only be provided, if Court order indicates this must be provided.

(e) Pursuant to a lawful Colorado Criminal Justice Record request, after the appropriate legally mandated balancing test has been accomplished.

(f) A representative from another agency may review the investigation if a current signed release is presented and displays the signature of the subject employee with a recent date. The release shall be copied and kept with the Professional Standards File.

1039.4 CASE REVIEW LOG

A Case Review Log will be maintained for each investigation in which access has been granted. The log will reflect who had access, the date and purpose for the review.The log will be kept in the Professional Standards office. The log will be maintained for a period of five years.

1039.5 OFFICE OF THE COUNTY ATTORNEY

The County Attorney assigned to the Sheriff’s Office, an attorney representing the Sheriff’s Office, or a judge may review the investigation. If they choose to review the investigation outside the Professional Standards Office a written request will be submitted to the Undersheriff. Once the request has been approved the requesting party will be provided with a single certified copy of the file. All others authorized as well as the accused employee must review the investigation in the Professional Standards office. No photocopies may be taken. If a copy is requested, the request

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

must be made in writing to the Professional Standards Unit. The Professional Standards Unit, together with the Undersheriff, will decide if a copy of items not referred to in section 1035.3.4(b) of this policy may be released.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Benefits and Salary

1040.1 PURPOSE

A salary plan and benefits package is maintained to ensure fair compensation and proper benefits are provided to all employees.

1040.2 POLICY

It is the policy of the Sheriff's Office to ensure that all its personnel are provided with fair compensation and benefits. The Sheriff's Office shall endeavor to ensure sound compensation management, provide service at a reasonable cost, recruit qualified personnel, retain competent personnel, and offer advancement and promotional incentives, and reward superior service. Additionally, the Office will ensure that sworn positions at each rank receive an equal base salary regardless of the employee's assignment.

1040.3 PROCEDURE

A. SALARY

1. A salary plan is maintained and salaries are determined annually in accordance with El Paso County policies. A list of salaries for Office employees showing entry-level salaries, salary differential within ranks and salary levels for special positions are provided to employees upon request.
2. Overtime: Overtime pay and compensatory time may be earned in accordance with Sheriff's Office policy.
3. Out of Title Pay: Any employee, who is officially appointed to fill a higher graded position in acting capacity, by the Sheriff, is eligible for out-of-title pay after the first 30 days of filling the temporary position. However, under exceptional circumstances, the Sheriff may grant out-of-title pay for time worked before the first 30 days (i.e.,pending a promotion).

B. BENEFITS

1. Employees shall be paid every other week on Friday.
2. Direct Deposit: All employees will participate in direct deposit.
3. Vacation: Refer to Policy 1008 for detail.
4. Sick Leave: Refer to Policy 1008 for detail.
5. Worker's Compensation: Refer to Policy 1008 for detail.
6. Short Term Disability: All full time and job share employees are covered under this self-funded plan. An eligible employee is required to exhaust all accrued sick and vacation leave prior to becoming eligible for this benefit. This benefit will pay the employee 60% of the salary the employee was receiving at the time they were disabled or up to the maximum of $1,000 per week. The maximum benefit duration for short-term disability is twenty-six (26) weeks from the first day the employee is unable to work.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

7. Long Term Disability: All regular fulltime employees are eligible for this benefit. The employee is covered from the time they are hired. If an employee becomes completely disabled beyond the 180 day elimination period due to an illness or injury, the employee is eligible to receive a monthly benefit equal to the lesser of 60% of their basic monthly salary without offsets, or 70% of their basic monthly income less offsets, up to a maximum monthly benefit of $6,500.00. The benefits will be paid to the employee as long as the employee meets the definition of total disability or when the employee reaches the age of 65.
8. Holidays: Refer to Policy 1008 for detail.
9. Military Leave: Refer to Policy 1008 for detail.
10. Jury Duty: Refer to Policy 1008 for detail.
11. Bereavement Leave: Refer to Policy 1008 for detail.
12. Insurance: Full time employees have access to medical, dental, life, short-term disability, long term disability, and workers' compensation coverage that are provided by El Paso County.
13. Retirement: It is mandatory that all employees participate in the County retirement program. Retirement benefits are based on age and years of service.
14. Liability Protection: The County Liability Insurance Program covers all employees of the Sheriff’s Office. Specific conditions of coverage are available, by request, from the Office of the County Attorney.
15. Uniform Allowance: A uniform allowance is issued to sworn employees and eligible civilian employees in the amount of $800.00 per year or as otherwise determined by the Sheriff. The lump sum payment will be made to the employee during the first quarter of each year. Employees who are hired prior to the fourth quarter of the year and are eligible to receive a uniform allowance will receive $750.00 in their first paycheck. They will receive the full $800.00 uniform allowance the following calendar year. If a newly hired employee begins their employment during the fourth quarter of the year (October 1 to December 31), they will receive a $750.00 uniform allowance. The employee will receive the $800.00 uniform allowance during the first quarter of the second full year of service. If an employee leaves, retires, resigns or is terminated and has received a uniform allowance; then a prorated amount of the uniform allowance will be deducted from the employee’s final paycheck.
16. Training and Education: Tuition Assistance shall be limited up to 75% of the actual costs incurred. For additional information contact the County Human Resources Office.
17. Employee Assistance Program: Counseling is available to employees and their immediate family members through the County’s Employee Assistance carrier.
18. Credit Union: All El Paso County members are eligible for membership in County sponsored Credit Unions.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

19. Veteran's Re-Employment Rights: Employee's who leave a position for the purpose of enlisting for (or in response to an order or call to active duty, whether voluntarily or involuntarily) active duty in the United States Armed Forces will have re-employment rights.
20. Flexible Spending Account: An employee-funded flexible spending account of pre-tax dollars is available to all full time and job share employees to defray the cost of dependent care and/or covered medical expenses.
21. Deferred Compensation: Tax deferred savings programs are available to all employees of El Paso County.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Career Development and Higher Education

1041.1 PURPOSE

To establish the requirements and guidelines for the Sheriff's Office Career Development Program.

1041.2 DEFINITIONS

AA: Affirmative Action

CAREER DEVELOPMENT LIAISON: First line and middle management supervisors.

EEO: Equal Employment Opportunity

SKA: Skills, Knowledge, and Abilities.

1041.3 POLICY

It is the policy of the Sheriff's Office to provide opportunities to members for individual growth and development, at all levels, through a formalized Career Development Plan, coordinated by the Personnel Services Lieutenant.

1041.4 PROCEDURE

1041.4.1 PHILOSOPHY

(a) Career Development is a structured process of the personnel management system that is utilized by the Office to provide opportunities for individual growth and development. It is designed to promote productive, efficient and effective job performance, and improve the overall level of individual job satisfaction. More importantly, it is through career development activities that the upward mobility of personnel may be enhanced by specific opportunities for professional growth and improved job performance.

(b) The structure of the Career Development Program originates through the relationship of career counseling and in-service training. Career counseling, involving the interaction of counselor and member, offers guidance that may assist an individual in choosing, preparing, entering or progressing in a job assignment. There are also two aspects of In-Service Training articulated in this program: proficiency training and career specialty training.

(c) The Office greatly values higher education for its members, feeling that college or university training provides the citizens with a more rounded and competent employee, especially in the areas of understanding society, effective interpersonal communication and acceptance of new ideas.

(d) Career Development Liaisons shall receive appropriate training. This training should be designed to enhance skills, knowledge and abilities of the career development counselor so they can provide quality career guidance.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1041.4.2 CAREER DEVELOPMENT OBJECTIVES

Inventory of each member's SKA relative to his or her present and future job assignments.

(a) To maintain SKA inventories in personnel files for Office members.

(b) To identify in service training requirements by comparing SKA inventories with job task analysis.

(c) To identify the potential number of personnel utilizing career development services.

1041.4.3 EQUAL EMPLOYMENT OPPORTUNITY/AFFIRMATIVE ACTION OBJECTIVES

1. The following four (4) areas for continued efforts have been identified regarding Sheriff's Office employment:

   (a) Equitable treatment, of all Office members, administration of uniform policies and procedures on a consistent basis by continued efforts to provide Office members with equal employment opportunities, regardless of race, sex, color, religion, creed, national origin, age, handicap, or political affiliation.

   (b) Ongoing review and revision of Office policies with respect to job descriptions, recruitment, selection, certification, classification and compensation to insure compliance with Federal Standards.

   (c) Continued efforts to recruit qualified members that represent an equitable distribution of protected classes, including female representation in non-traditional positions, to facilitate a strong recruitment policy providing feasible equal employment opportunities to all citizens.

   (d) Monitoring EEO efforts will maintain a comprehensive record keeping system to provide adequate reporting in EEO and ADA, thereby establishing needed documentation to monitor the Office's efforts in fostering a climate of equal employment opportunity.

1041.4.4 CAREER COUNSELING

The career development program shall consist of career counseling activities and in-service training.

1. Career counseling is the relationship (process) between a counselor and the member that is designed to help make career choices, to clarify and understand career goals and to learn to obtain career goals through meaningful, well-informed choices.

2. Career counseling identifies three (3) elements: The skills, knowledge and abilities (SKA's) of each individual, relative to present and future job assignments.

1041.4.5 EQUAL EMPLOYMENT OPPORTUNITY COMPLAINTS

1. Any Sheriff's Office member may file an EEOC complaint by contacting that agency.

2. All EEOC complaints received by the Office will be forwarded to the Legal Advisor. The Legal Advisor will notify chain the of command and follow the appropriate legal steps to respond to the complaint.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Fair Labor Standards Act (FLSA)

1042.1 PURPOSE

To provide guidance for Sheriff's Office employees on the Fair Labor Standards Act (FLSA).

1042.2 DEFINITIONS

ATTENDANCE RECORDS: Approved forms for recording the attendance and hours worked of employees.

CASUAL TIME: Compensable time which is converted as straight time for time worked.

COMPENSABLE HOURS: Other hours considered hours worked, such as vacation, sick time, holiday hours, and training hours.

COMPENSATORY (COMP) TIME: Time of compensation at a rate of one and one half (1 ½) times if not converted to overtime.

EXEMPT: Employees classified by the Sheriff's Office as administrative or executive positions. The rank of lieutenant and above is considered an exempt position.

EXTRA DUTY: Hours worked for an established rate of pay such as Driving Under the Influence (DUI) grant, etc. These duties may be sporadic or occasional and solely at the option of the employee.

HOURS WORKED: All hours, including minutes rounded up or down to quarterly increments, worked in the performance of the assigned duty. This does not include Extra Duty.

NON-EXEMPT: Employees classified by the Fair Labor Standards Act (FLSA) as non-administrative or non-executive positions.

OVERTIME: Pay compensation at one and one half (1 ½) times the employee's hourly rate.

SALARIED HOURS: Civilian employees' 7 day cycle will be 40 hours, sworn employees 28 day cycle will be 160 hours.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

TIME EARNED: Those hours worked above the employee's normal work schedule. If a person typically works a 10-hour shift and works 12 hours, then two (2) hours would be considered time earned for the purpose of this policy.

WORK CYCLE: Attendance record cycle of seven (7) days for civilian; attendance record cycle of 28 days for sworn employees.

1042.3 POLICY

It is the policy of the Sheriff's Office to comply with the U.S. Supreme Court ruling of 1985, Garcia v. San Antonio Metropolitan Transit Authority, which made the Fair Labor Standards Act (FLSA) applicable to State and local governments. Any questions that arise concerning the law, or this policy, should be directed to the County Human Resource Office or the Legal Advisor assigned to the Sheriff's Office.

1042.4 PROCEDURE

1042.4.1 COMPENSABLE TIME

1. The following time is compensable time and must be counted when calculating work time:
   - (a) All time that the employee is required to be at a workstation or required to be performing duties for the benefit of the Sheriff's Office.
   - (b) All meal cycles less than 30 minutes. (Title 29, Code of Federal Regulation 785.19)
   - (c) All meal cycles of 30 minutes or more if the employee is not permitted to use their meal cycle for personal use or have the freedom to leave the work area. The fact that an employee may be required to monitor a portable radio or a pager does not make the time compensable if they are free to use the time for their personal use and are free to leave the work area.
   - (d) Any authorized breaks of less than 20 minutes.
   - (e) All duty related court time or time waiting to be called to court.
   - (f) Any standby time at a place of duty or at home when the employee must remain at a specific location. An employee on call with a pager, portable radio, or telephone, does not qualify as standby time and is not compensable.
   - (g) Call out time is when an employee is called to duty during off duty time. The call out time is compensable from the time the employee leaves their location to the time they return to their originating location.
   - (h) Volunteer work is compensable if it is the same or similar type of work as their normal duties. For example, a patrol deputy cannot volunteer to perform any law enforcement duties within the county, without compensation.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

(i) Training time is compensable if it is mandatory training required by the Sheriff's Office. It is not compensable if the training is optional for the employee to attend.

(j) Travel time is compensable in the following types of situations:

(a) Travel time on call-out time.

(b) Travel that occurs for one (1) day out of town is compensable except for travel from their residence to the Office, airport, etc. Mealtime during travel is not compensable.

(c) Overnight travel is compensable for actual travel time that occurs during non-working hours as well as duty hours. Mealtime and commuting time in connection with overnight travel is not compensable.

(k) Travel time is not compensable in the following situations:

(a) Meal times during travel.

(b) Commuting time to the Office, airport, etc.

(c) Excessive travel time taken at the option of the employee. For example, if an employee is offered an alternate means of transportation, such as an airline that would require one (1) day of travel time, but elects to drive which would require two (2) days travel time, the employee is only compensated for one (1) day of travel time.

(d) Optional travel time is not compensable.

(e) Post and preliminary work activity is compensable if it is job related and required by the Sheriff's Office. It is not compensable if it is not job related or required by the Sheriff's Office.

(l) K-9 handlers and Mounted Unit deputies will be granted 60 minutes per shift to compensate them for the care and maintenance of their animal.

(m) Field Training Officers (FTO), Detention Training Officers (DTO), and Communications Training Officers (CTO) will be compensated for one half hour (.5) of overtime for each shift designated as a training officer. This time will not be in addition to regular overtime worked.

1042.4.2 ASSIGNMENT OF WORK CYCLES

1. All civilian personnel must be assigned a seven (7) consecutive day work cycle. This work cycle begins on a Sunday and ends on a Saturday. Work time in a specific work cycle will not exceed 40 hours unless the individual is compensated at time and one-half for those hours that exceed 40 hours.

2. All sworn personnel must be assigned a work cycle that may not exceed 28 consecutive days which is a 160 hour work cycle. The work cycle begins on a Sunday and ends on a Saturday. Personnel on a 5/2, 4/3 or modified 4/3 schedules will be assigned a 28-day work cycle and compensated or paid overtime for work in excess of 160 hours.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

1042.4.3 OFF-DUTY EMPLOYMENT WITHIN THE COUNTY

1. Sheriff's office employees are considered El Paso County employees for the purpose of FLSA. All hours worked for El Paso County must be calculated as compensable time during each work cycle.
2. Sheriff's Office non-exempt employees will not be permitted to work in any other capacity for El Paso county unless the other County Office or Department pays them overtime for all work performed outside of the Sheriff's Office.

1042.4.4 TIME CALCULATIONS

1. Time worked is measured in quarter (1/4) hour increments. If an employee works less than seven and one half (7 1/2) minutes of a quarter (1/4) hour, they are not credited with time worked. If they work seven and on half (7 1/2) minutes or more in a quarter 91/4) hour, they are credited with the quarter (1/4) worked.
2. All compensable time will be calculated in hours or fractions of hours. Work time and holiday time will be calculated in hours or fractions of hours. Vacation time and sick time will be calculated and reported in one hour units.
3. Holiday time, vacation time, sick time, compensatory time, or any other credited time other than actual hours worked will be credited based on the normal work schedule. If the normal workday is eight hours, they will be credited eight (8) hours. If the normal workday is ten (10) hours, they will be credited with 10 hours, etc.

1042.4.5 BREAKS

1. It is the intention of the Sheriff's Office to grant each employee two (2), 15 minute breaks during each duty day. If operational requirements preclude an employee from receiving the break, it will not be counted as extra time worked since they are already being paid for the time.
2. Some employees, such as patrol sworn, and detention sworn receive paid meal cycles. If operational requirements preclude an employee from receiving the meal cycle, it will not be counted as extra time worked since they are already being paid for the time.
3. Employees with non paid meal cycles will not be permitted to remain at their workstations during meal cycles, or be permitted to eat meals at their workstations. They will not be permitted to perform Office functions during their meal cycle unless the time is credited as work time.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Retirement/Years of Service Recognition

1043.1 PURPOSE

To establish guidelines for the appropriate recognition of employees who retire or who leave employment with the Sheriff's Office.

1043.2 SECTION TITLE

CIVILIAN RETIRED MEMBER (Rule of 75): A civilian member of the Sheriff's Office who has served honorably and meets the Rule of 75.

EARLY RETIREMENT: An employee having 20 or more years of continuous service but does not meet the criteria for the Rule of 75 will be eligible for early retirement. The designation of early retirement is for the sole purpose of this policy as retirement benefits are paid in accordance with the by-laws of the El Paso County Retirement Plan.

NON-RETIRED SWORN OR CIVILIAN MEMBER: A member of the Sheriff's Office who has served honorably for less than 20 years and leaves employment.

NORMAL RETIREMENT: Normal retirement age is 62 under the El Paso County Retirement Plan, however members must be vested. Your normal retirement is the first day of the month on or after your 62nd birthday if vested.

RULE OF 75: The minimum retirement requirement for an El Paso County employee to retire. The employee's age plus years of service must equate to 75 in order to be eligible for retirement.

SWORN RETIRED MEMBER (Rule of 75): A sworn member of the Sheriff's Office who has served honorably and meets the Rule of 75.

1043.3 POLICY

It is the policy of the Sheriff's Office to formally recognize members who retire or who voluntarily leave employment. The issuance of any formal recognition is contingent upon the members serving honorably as determined by the Sheriff.

1043.4 PROCEDURE

A. ELECTED OFFICIAL: As an elected official the Sheriff is eligible for honorary retirement after completion of four (4) years in Office. At the Sheriff's discretion the

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

Undersheriff may be eligible for honorary retirement after four (4) years of service in that position.

B. SWORN MEMBER'S RETIREMENT (Rule of 75): Sworn members retiring and meeting the Rule of 75 will receive:

1. Issued Duty Weapon
2. Retired ID card with Concealed Handgun Permit
3. Badge mounted on a plaque
4. Retirement Badge
5. Ceremony

C. CIVILIAN EMPLOYEE RETIREMENT (Rule of 75): Civilian employees retiring and meeting the Rule of 75 will receive:

1. Watch
2. Retired ID Card
3. Retirement Plaque
4. Ceremony

D. SWORN MEMBER’S RETIREMENT (Early Retirement; 20 or more years of continuous service): Sworn members not meeting the Rule of 75 who retire early will receive:

1. Issued Duty Weapon
2. Retired ID Card with Concealed Handgun Permit
3. Badge Mounted on a Plaque
4. Retirement Badge
5. Ceremony

E. CIVILIAN EMPLOYEE RETIREMENT (Early Retirement, 20 or more years of continuous service): Civilian employees not meeting the Rule of 75 retiring early will receive:

1. Watch
2. Retired ID Card
3. Retirement Plaque
4. Ceremony

F. SWORN MEMBERS/CIVILIAN EMPLOYEE YEARS OF SERVICE RECOGNITION: Sworn members and civilian employees who leave the Sheriff’s Office without meeting retirement requirements shall be formally recognized based on their years of service with the Sheriff’s Office.

1. Under 5 years of service: No formal recognition
2. 5 to 10 years of service: Certificate of Appreciation from the Sheriff

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office

3. 10 to 20 years of service: Sworn-Badge Mounted on Plaque and a Separated Law Enforcement Office identification card recognizing their years of service with the Office. Civilians- Plaque.

G. Members who retire from the Sheriff’s Office, or serve 20 years or more shall receive the newsletter and the Annual Report to keep them informed of activities, projects and progress of the Sheriff’s Office. Each year these members will be invited to the Sheriff’s Office Picnic and Retiree Luncheon if hosted.

H. ADMINISTRATIVE DISCHARGE: Under no circumstances will a retirement or years of service recognition be considered if the member leaves employment or retires after being administratively discharged, resigns in lieu of disciplinary action or termination or resigns with a pending or existing misdemeanor or felony criminal charge.

I. MEDICAL RETIREMENT: The Sheriff's Office does not provide recognition for medical retirement, however all benefits provided by SSI will be available as prescribed by County Policy, State and Federal Law. Members who meet the above requirements may be eligible to receive the appropriate retirement or years of service recognition.

J. SPECIAL CONDITIONS: The Sheriff may bestow any or all of the recognitionslisted above to any employee leaving the Office based on that employee's contribution to the community or Office.

Copyright Lexipol, LLC 2018/01/18, All Rights Reserved.
Published with permission by El Paso County Sheriff's Office