

Aspen Police Department

Policy & Procedures Manual

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Mission Statement

“Policing committed to community needs”

Vision Statement

The Aspen Police Department shows its commitment to enhancing the quality of life in our community by:

- Taking pride in employing highly skilled, well-educated professionals who use practical, effective, and compassionate policing strategies.
- Nurturing effective working relationships with all segments of our community.
- In order to instill a sense of confidence and a feeling of safety for our citizens and guests we will partner proactively with our community and businesses to provide a safe and healthy environment.

Statement of Shared Values

The Aspen Police Department is an organization comprised of people of integrity, committed to providing police services through teamwork with its community, in an honest, fair, professional, and courteous manner.

The Aspen Police Department takes guidance from shared values. We are committed to a set of values specific to the Aspen Police Department, in addition to the City of Aspen's Employee's Declarations of Values Statement. Members of the Aspen Police Department are also guided by the following values based on the "*Six Pillars of Character*."

- Trust: (*Honesty / Promise Keeping / Loyalty*) We will be honest in all we do, living up to the highest standards of integrity, while maintaining loyalty to our families, our co-workers, our community, and ourselves.
- Respect: We will value the dignity, privacy and freedoms of all people.
- Caring: We will be compassionate, considerate, forgiving and altruistic in all our interactions.
- Responsibility: (*Accountability / Pursuit of Excellence / Self-Restraint*) We will all be leaders, maintaining the highest standards of professionalism, and accepting the consequences of our choices.
- Fairness: We will be just and impartial in exercising our duties, working as a team, and open to diverging opinions.
- Citizenship: We will honor and respect the principles of democracy and participate in making a better life for all.
- Attitude: We value enthusiasm and creativity, an appropriate sense of humor, a sense of balance in life, and the pursuit of a healthy lifestyle.

The members of this agency pledge collectively and individually to grow, develop and engage in reassessment to meet the current and future problems and challenges of our community and our department.

Philosophy

"To maintain at all times a relationship with the public that gives reality to the historic tradition that the police are the public and that the public are the police: the police being only the members of this public that are paid to give full-time attention to duties which are incumbent on every citizen in the interest of community welfare and existence."

*Sir Robert Peel
Metropolitan Police of London
1829*

The Aspen Policing philosophy is based on the principle of consent. Our community has given their consent and trust to the Aspen Police Department to enhance the safety and feeling of security within our community. We will never take this consent for granted nor violate the trust of our community.

I. PURPOSE

- 1.1 The purpose of this Policy Manual is to set forth the policies of the Aspen Police Department. Though this manual does state some procedures for carrying out the policies, most procedures can be found in the Department's Field Training Manual.
- 1.2 The Aspen Police Department Policy manual will be used in conjunction with the City of Aspen Personnel Policy and Procedures Manual.
- 1.3 The policies outlined in this Manual apply to all employees of the Aspen Police Department.
- 1.4 Addition, deletion, or enhancement of information in this document shall be at the direction of the Police Chief.
- 1.5 It is the practice of this Department to establish and maintain a structured program of written Policies to provide Department members the guidance necessary to ensure a high degree of planned, consistent, and accountable police services.
- 1.6 The personnel of a police agency need and deserve guidance to perform efficiently and effectively. Providing this direction, through the development and use of policy, is an important management tool in the administration of the Police Department. Policy cannot be relied upon as a substitute for managerial responsibility. However, policy statements that are relevant, properly formulated, and sufficiently communicated can help ensure consistency of action and clarify the role of the Department.
- 1.7 Development of policy for the many varied issues confronting police personnel will provide the guidance necessary to accomplish that task. Achieving consistency in thought and action of Department members reduces arbitrariness but does not eliminate the discretion necessary to resolve the variety of situations that will be encountered.
- 1.8 The requisite administration and guidance can best be established and communicated through a formal directive system of written policies and procedures. This system is not intended to be all-inclusive; the absence of a particular Policy does not excuse any member for inadequate performance or unbecoming conduct.

II. CONFORMITY TO POLICY/PROCEDURES

An employee, whether or not assigned to duty with other members of the Department, shall be responsible for compliance with these policies/procedures and proper performance of duty. Any employee who fails, willfully or negligently, to comply by act or omission with a lawful order or policy/procedure is subject to disciplinary action.

III. VIOLATION OF POLICY/PROCEDURES

Each member of the Department shall be subject to disciplinary action, administered according to the offense, for violation of the policies/procedures, official directives of the Department, provisions or ordinances of the County of Pitkin, City of Aspen, all State statutes and Federal laws now in force or which may hereafter be promulgated.

IV. BASIS IN LAW FOR ESTABLISHMENT OF DEPARTMENT - BASIS IN LAW FOR AUTHORITY TO ACT

4.1 The Colorado Revised Statutes and the City of Aspen Municipal Code Provide the basis in law for the establishment of the Aspen Police Department, and the basis in law for the Department's authority to act.

V. GUIDES TO CONSTRUCTION

- 5.1 Title - This document contains policies, programs, procedures, rules and regulations, and shall be known as the "Aspen Police Department Policy Manual".
- 5.2 Amendments and/or revisions to the Department Manual will be effected by official directives.
- 5.3 Construction of "Shall" and "will" and "may" and "should" – "Shall" and "Will" are mandatory. "May" is permissive. "Should" is used where it is intended that: while a procedure is not mandatory, it should be followed in the interest of the Department in the absence of extenuating circumstances.
- 5.4 Severability of contents - If any section, subsection, item, clause or phrase contained in this Manual is found to be illegal or otherwise incorrect or inapplicable, such finding will not affect the validity of the remainder of the contents.

VI. ORGANIZATION TERMS

- 6.1 "Aspen Police Department" shall mean the Aspen Police Department operating as the law enforcement department within the incorporated area of the City of Aspen, Pitkin County, Colorado.
- 6.2 "Executive Staff" are the Police Chief and Assistant Police Chiefs.
- 6.3 "Staff"
- Supervisors and Sergeants – supervisory personnel.
 - Employee or member - Shall mean any person employed by the Aspen Police Department whether on temporary, probationary, or permanent status.
 - Officer/Police Officer - Shall mean a duly sworn person who is authorized to execute police powers and is charged with law enforcement responsibilities in connection with the Aspen Police Department. The term shall be applied without regard to sex, rank, division or duty.
 - Office/Office of/Offices of - Shall mean the major administrative units of the Department. They shall consist of the Office of the Chief, Office of the Deputy Chief and any other office the Chief deems necessary.
 - Division - Shall mean a primary subdivision of an office or division of the Department responsible for performing one or more functions. It may be commanded by any rank depending upon size, nature and importance.
 - Shift - Shall mean a time division of the day for the purpose of personnel assignment or to further identify an organizational part of the Department by the time of day they operate. They are usually referred to as: Day, Night, or Graveyard shifts, or as "CSO" (Community Safety Officer) Shifts.

VII. OPERATIONS TERMS

7.1 Patrol unit - A police officer or officers assigned to a radio equipped vehicle, bicycle, or foot patrol for a shift of duty.

VIII. ADMINISTRATIVE TERMS

- 8.1 Rank - A grade or class of official standing of members within the Department.
- 8.2 Acting - Serving temporarily in a position to which the member is not ordinarily assigned, usually in a position of higher rank. The member, for the time necessary, will possess the authority of the acting rank.
- 8.3 Appointment - The assignment of a person to any position or certain classification within the Department. The assignment does not constitute a Promotion and does not include an increase of pay or benefits. An assignment is usually temporary in duration and may include Detectives and School Resource Officers. An officer is eligible for an assignment at the recommendation of the supervisors or at the discretion of the Chief.
- 8.4 Inspection – The scheduled or unscheduled comparison of personnel, material, facilities or operations with standards and directives established by the department.
- 8.5 Neglect of Duty - Failure to give proper attention to the performance of duty.
- 8.6 Incompetence - Incapable of the satisfactory performance of assigned duties.
- 8.7 Order - Instruction or directive, either written, or oral, issued by a superior to a subordinate or group of subordinates.

IX. ADMINISTRATION

- 9.1 ORGANIZATION AND STAFFING - The Department is organized so that related tasks and activities may be grouped for assignment to a unit. A logical and clear-cut chain of command has been established, with definite channels of communication, responsibility and authority. Personnel and equipment are organized to meet current needs but with sufficient flexibility to be readily adapted to new and changing situations.
- 9.2 UNITY OF COMMAND - Each individual, unit, department and situation is under the control of one, and only one, person. The principle of command responsibility is used whereby every administrative and supervisory officer is responsible for acts of the subordinates.
- 9.3 SPAN OF CONTROL – The span of control, or the number of units or persons under the direct control of a Supervisor, should be large enough to provide economical supervision but not so large that the Supervisor is unable to manage. Except during the course of special events or in emergency situations, span of control is limited to a maximum of 7 persons.
- 9.4 AUTHORITY AND ACCOUNTABILITY – When the Department makes an assignment or assigns duties to a person, it also delegates to that person the authority necessary to perform the assignment or duties. The Department holds that person accountable for the use or lack of use of that authority.
- 9.5 CHAIN OF COMMAND - All official communications of the Department, whether moving downward, or requests, information, suggestions, or complaints moving upward, shall be confined to official channels. Each link in the chain of command shall be respected. It is the responsibility of each supervisor to forward communications to the next higher echelon with his approval, disapproval, or recommendation. This guide is not intended, in any way, to discourage officers or employees from circumventing the chain of command, if deemed necessary.
- 9.6 RANKING OFFICERS - The order of commissioned rank in the Department is:
 - Chief

- Assistant Chief
- Sergeant
- Police Officer/Detective/SRO
- Community Safety Officer
- Customer Service Officer

X. COMMAND STAFF

- 10.1 OFFICE OF THE CHIEF - The Chief is the Chief Administrator and Executive Officer of the Department. The chief has the responsibility for determining Department policies and for ensuring the complete discharge of all duties imposed upon him by the Colorado Revised Statutes and the City of Aspen Municipal Code. The Chief is directly responsible for the control, management and direction of all officers and employees, to monitor and administer the department budget, the administration and operation of the Department, to coordinate assigned activities with other departments and outside agencies; and to provide highly responsible and complex administrative support to the City Manager.
- 10.2 OFFICES OF ASSISTANT CHIEF
- A. ASSISTANT CHIEF OPERATIONS is directly responsible to and appointed by the Chief of Police. Operations is directly responsible to direct, manage, supervise and coordinate assigned division programs such as Investigations and Patrol, activities within the Police Department, coordinate assigned activities with other departments and outside agencies; and to provide highly responsible and administrative support to the Police Chief.
- B. ASSISTANT CHIEF ADMINISTRATION is directly responsible to and appointed by the Chief of Police. Administration is directly responsible to direct, manage, supervise and coordinate assigned division programs and activities within the Police Department; to coordinate, supervise, plan and coordinate the activities and operations of an assigned section of the Police Department including Records Section, Special Projects, Annexation, Risk Management, Grant Writing and Management, Physical Facility Management, Technology, and Budget assigned activities with other departments and outside agencies; and to provide highly responsible and administrative support to the Police Chief.
- 10.3 ABSENCE OF CHIEF OF POLICE. If the Chief of Police is absent from the City and because of that absence cannot effectively perform the duties of the position, the Chief will issue a written directive naming the person who assumes the duties and responsibilities of the Chief of Police.
- 10.4 INCAPACITATION OF CHIEF OF POLICE. If the Chief of Police is incapacitated, whether through illness, death, or any other reason, the first ranking Officer in the following order of succession assumes command of the Department as Acting Chief of Police. If the Acting Chief of Police is incapacitated, then the next ranking Officer in the following order of succession assumes command.
- 10.5 SUCCESSION. The order of succession is:
1. Chief of Police.
 2. Assistant Chief Administration or Operations.
 3. The Sergeant with the most time-in-rank seniority, then the remaining Sergeants in order of time-in-rank seniority.

XI. PATROL OPERATIONS

PATROL DIVISION - Patrol officers work under the direct supervision of the Patrol Sergeant, or an assigned Field Training Officer under the general guidance of the Assistant Chief Operations. Patrol officers perform a variety of law enforcement and public safety functions including response to calls for service, traffic enforcement, criminal investigations, and the collection of evidence.

DETECTIVE DIVISION - Detectives work under the direct supervision of the Patrol Sergeant, under the general guidance of the Assistant Chief Operations. The Detective Division is responsible for investigating cases that are, or may be felonies, as well as crimes involving fraud, theft, recovered stolen property, prepares cases for prosecution and arrest or investigates persons wanted by other jurisdictions.

EVIDENCE - Officers who collect evidence and property shall ensure the proper handling, packaging, and documentation of the property per the policies of this department. Once submitted, the proper handling, storage, documentation, release, and purging of evidence, shall be the responsibility of the Detectives Division.

XII. ADMINISTRATIVE OPERATIONS

- 12.1 COMMUNITY SAFETY DIVISION – The Community Safety Division operates under the direct supervision of the Community Safety Supervisor, with general guidance of the Assistant Chief Administration. Community Safety Officers are responsible for various duties including animal safety services and education, traffic accident investigation, first response to medical emergencies, and code enforcement.
- 12.2 CUSTOMER SERVICE DIVISION - The Customer Service Division operates under the direct supervision of the Customer Service Supervisor, with general guidance of the Assistant Chief Administration.
- 12.3 RECORDS DEPARTMENT - The Records Department operates under the direct supervision of the Assistant Chief Administration. The Records Department is responsible for the maintenance and storage of all official reports and information contained in those reports and is responsible for the appropriate dissemination of reports and information as may be required and regulated by law.

XIII. POLICE HIRING

- 13.1 The Aspen Police Department will follow the policy and procedures described in the "City of Aspen Policies and Procedures Manual" with regard to recruitment and selection.
- 13.2 In addition to applicant screening provided by the Human Resources Department, the Aspen Police Department may reject an application for the following reasons. This list may have additions or deletions made at any time:
 - A. Conviction of any felony.
 - B. Conviction of a misdemeanor within 1 year of the application, other than minor traffic violations.
 - C. Conviction of any misdemeanor defined by the State of Colorado Police Officer Standards and Training Board, which would preclude certification.
 - D. Termination for cause from a department of local government.
 - E. Presenting false statements of any material facts or practices or attempts to practice any deception or fraud in an application.
 - F. Addiction to the habitual use of intoxicating beverages or psychoactive drugs, both prescribed and/or illegal.
 - G. Termination or has resignation from other employment on account of failure, omission, or violation of duty, or misconduct.
- 13.3 The above grounds for disqualification of an applicant, although not all inclusive, may be considered as sufficient cause for removal from an eligibility list or for termination during his probationary employment. Whenever an applicant is disqualified, notice of disqualification shall be furnished to the applicant.
- 13.4 OTHER EXAMINATIONS
 1. Examinations and interviews will be used to determine the eligibility of applicants for employment in a particular job classification and to determine the relative position on eligible lists. Examinations and interviews used will be prepared in compliance with applicable Federal and State laws and guidelines and will be based upon job requirements. Examinations may be assembled (a test conducted at a specified time and place at which applicants are required to appear for testing under the supervision of an examiner) or unassembled (conducted by an examiner at different times and/or places where all candidates are not assembled together). The examination procedure shall consist of any one or a combination of the following with the process and weights assigned to each test to be determined by the Chief.
 - A. Application/supplemental application screening,
 - B. Written tests,
 - C. Oral examinations,
 - D. Performance tests,
 - E. Practical examinations,
 - F. Physical agility tests,
 - G. Psychological/Psychiatric examinations,
 - H. Assessment center activities,
 - I. Background investigation
 - J. Polygraph examination,
 - K. Any other job related selection procedure determined by the Chief and/or Human Resources Department to be appropriate for the position.

XIV. FIELD TRAINING PROGRAM

- 14.1 All new officers will participate in an eleven (11) week training program, spending three (3) weeks each with three (3) different training Officers. There will also be 1 week of orientation at the beginning of the program and 2 week of evaluation at the end of the program. The training period may be extended or contracted at any time, at the discretion of the Police Chief.
- 14.2 The training period will cover all aspects of police work in Aspen, with the trainee's performance evaluated on a daily basis by the training officer and on a weekly basis by the Field Training Officer Supervisor. Clearly stated remedial training goals will be an integral part of the program. At the end of the eleven week program, new officers, based upon performance, will either be accepted into the Department, or fall into a second category. Those not accepted will be terminated immediately if it is determined that their deficiencies are so broad and deep-rooted that very little improvement has been documented over the eleven week period. If it is felt that the deficiencies can be overcome, the officer will be given two weeks of intensive remedial training and re-evaluated.
- 14.3 Supervisors shall be responsible for facilitating the adjustment of an employee to his new work situation by:
 - A. Providing him/her with a clear statement of his duties and official relationships.
 - B. Instructing and guiding him/her in learning to perform his/her functions.
 - C. Introducing him/her properly to those staff members with whom he/she will be working.
 - D. Discussing with him/her at frequent intervals his/her progress in learning the work.

XV. POLICE PERSONNEL MANAGEMENT

- 15.1 ASSIGNMENT TO DUTY
 - A. All employees are subject to assignment by the Department Head or an authorized representative. Initial recruitment for a specified assignment does not, therefore, relieve the employee of the obligation to serve in any other designated assignment within the Department. Consideration shall always be given to the employee's particular interest and abilities.
 - B. An employee may be reassigned at any time whenever it is in the interest of the Department to do so. An employee may at any time request a reassignment or reclassification in his own interest. A reassignment or reclassification will be allowed only with the consent of the Department Head or his designee. The Department Head or his designee may order a reassignment if it is in the interest of the department to do so. A reclassification is any formal movement of an employee from one classification to another on the same salary grade. An examination may be required for a reclassification, at the recommendation of the Human Resources Department, with the approval of the Chief.
 - C. A reassignment is a formal movement of an employee from one position to another in the same classification within the Department.

15.2 PROMOTION

- A. Dependant on department need the chief may promote or reassign personnel as necessary to facilitate the mission of the department.
- B. Promotion shall include the advancement of an employee from one class to another class which has a higher maximum salary rate except as otherwise provided in this Rule.
- C. Insofar as practicable and consistent with the best interests of the Department, all vacancies shall be filled by promotion from within the Department.
- D. The Police Chief may promote personnel with or without establishing a promotional list. If the Chief chooses to employ a promotional process, adequate notice will be given to all qualified department employees.
- E. Examinations used in a promotional process may be used for determination of ability, skill, knowledge, professional qualifications, or any other measurable item identified in the job analysis of the position being tested. If an examination is used, the scoring criteria will be established and made known to applicants participating in the process prior to taking that examination.
- F. Each applicant taking an examination shall be notified of his final earned rating. All tests papers written by the candidate will be available for inspection for the candidate for a period of (10) ten days following receipt of written notification indicating the candidate's desire for review. Any error in grading or rating discovered within ten (10) days after receiving notification of rating shall be corrected and the Chief shall determine the disposition of the case.

15.3 REDUCTION IN GRADE

- A. An employee's grade may be reduced as a consequence of re-classification of his assignment or reassignment. This may result:
 - 1. From the employee's request for personal reasons;
 - 2. From unsatisfactory performance;
 - 3. As an alternative to termination due to a reduction in force.
- B. An employee shall not be reduced in grade for unsatisfactory performance until he has received written notification from the Chief of the proposed action, and of the reasons.

XVI. ATTENDANCE AND LEAVE

- 16.1 PERIODS OF DUTY AND OVERTIME - In the case of a full-time employee, their whole time shall be at the disposal of the Department Head or his authorized representative. The normal week shall consist of 4-10 hour shifts or 5-8 hour shifts, unless the Department Head designates some other appropriate work day or work week.
- 16.2 ATTENDANCE - An employee unable to report for duty on a work day shall notify the on-duty supervisor or senior officer of that fact at least two (2) hours prior to his assigned starting time. Failure to do so without good reason may result in disciplinary action.

XVII. TRAINING

- 17.1 The Department has a responsibility to provide highly trained personnel for service to the Aspen community. In fulfilling that responsibility it is the policy of the Department to provide a variety of training opportunities to all employees.
- 17.2 Eligibility for training may be dependant on but not limited to adequate job performance, tenure, experience, and department training goals.
- 17.3 KEEPING INFORMED ON POLICE MATTERS - Members shall learn and thoroughly understand the laws and ordinances they are charged with enforcing, and all orders, procedures and manuals published by the Department. They shall be especially well informed concerning the duties and procedures governing their specific assignments.

XVIII. PROHIBITED ACTS WHILE ON DUTY

- 18.1 USE OF ALCOHOL - A member of the Department shall not drink any kind of intoxicating liquor when on duty. No member of the Department shall report for a regular tour of duty or be on a regular tour of duty while under the influence of liquor or drugs or be unfit for regular duty because of their use. The odor of an alcoholic beverage on the breath will be presumptive evidence of violation of this regulation. Any excessive use of alcohol while on or off duty which brings or tends to bring discredit or disrepute to the Department shall subject the member to disciplinary action. Members on duty found intoxicated shall be subject to immediate suspension pending an investigation. No member in uniform or on duty shall enter any liquor store for the purpose of purchasing intoxicating liquor.
- 18.2 USE OF PSYCHOACTIVE OR CONTROLLED SUBSTANCES - Members of the Department shall not use psychoactive drugs or any controlled substances unless such narcotics or controlled substances are properly prescribed by a physician for an injury or illness.

XIX. ORDERS AND DIRECTIVES

- 19.1 REPORTING DISOBEDIENCE - Members will immediately report to a supervising officer disobedience of orders by other members of which they have knowledge or which may come to their attention.
- 19.2 UNLAWFUL ORDER - No commanding or supervisory officer shall knowingly and willfully issue any order which is in violation of any law, ordinance or Department rule. No member is required to obey any order which is contrary to the laws of the United States, the State of Colorado, or the ordinances of the County of Pitkin or the City of Aspen. Refusal to obey an order is the member's responsibility and he/she shall be strictly required to justify his/her action. Obedience to an unlawful or improper order is never a defense for an unlawful or improper action. Members may appeal for relief from orders or instructions which are unlawful. Such appeals must be made in writing to a higher authority within the department through proper channels. Irresponsible or capricious appeals will be considered as serious misconduct. Any member who is given an improper order shall, at the first opportunity, report in writing the full facts of the incident, together with his own action, to the Chief through official channels. The proper channels shall mean that the written appeal or report will be delivered to the member's immediate superior. Then such letter shall follow the chain of command.
- 19.3 CONFLICT OF ORDERS - Should an order conflict with any previous order or instruction issued by another, or with any general order, the member to whom the order is given shall respectfully call attention to the conflict and, if the superior officer giving the second order does not change it so as to eliminate the conflict, that order shall stand and the responsibility shall be his. If so directed, the latter order will be obeyed first. Orders will be countermanded only when reasonably necessary for the good of the Department.

- 19.4 OBEDIENCE - Officers shall obey all lawful orders and directions given, and unless such instructions are countermanded by a superior officer, shall comply with the instructions given by the radio dispatcher. Such compliance shall be willing and prompt.
- 19.5 The term "lawful order" shall be construed as an order in keeping with the performance of any duty prescribed by law or rule of the Department, or for the preservation of order, efficiency and proper discipline. The willful neglect or deliberate refusal of any member to obey any lawful order given shall be considered insubordination. Flouting the authority of any superior officer by manifest disrespect, or by disputing his orders, shall be considered insubordination.
- 19.6 NEGLECT OF WORK - Any employee who fails to comply, by act or by omission with any law or with any order, procedure, rule or regulation of the Department, or who performs his official duties in a manner which could bring discredit upon himself, upon the Department or upon any member of the Department may be considered in neglect of duty.

XX. COMPLAINT RESOLUTION

- 20.1 INVESTIGATION OF COMPLAINTS - It is the policy of this Department to thoroughly and in a timely manner investigate complaints of officer misconduct that arise from both within and without the department. This policy is intended to both maintain a high level of service to the Aspen community and protect the integrity of the department and its officers.
- 20.2 INTRODUCTION - Complaints against Department employees are thoroughly and impartially investigated by the Department not only to ensure that the Department's high standards of conduct and professionalism are adhered to, but also to protect the employee from unjust and malicious charges when he performs his duties correctly.
- 20.3 ACCEPTING COMPLAINTS - Complaints will be accepted from any source whether in person, by mail, email, or by telephone. When the complainant remains anonymous, the Chief will evaluate the complaint to determine the extent to which it will be investigated. The Deputy Chief shall investigate all complaints and allegations of misconduct unless the case is reassigned by the Chief.
- 20.4 RECEIVING COMPLAINTS – Complaints should be received with a minimum of inconvenience to the complainant. Complainants who arrive at the Police Department during normal business hours during the weekdays may be referred directly to the on duty Sergeant or Supervisor, or to a Deputy Chief to make their complaint against an employee. During all other times complaints should be received by the Sergeant. This does not preclude any other officer from accepting a complaint should the circumstances warrant it.
- 20.5 REFUSAL TO PROVIDE INFORMATION - Any member who refuses to answer questions from the chief or his designee that are specifically, directly and narrowly related to the performance of his official duties or his fitness to hold office, shall be subject to disciplinary action up to and including termination.
- 20.6 COMPLAINT FINDINGS - The investigation of a complaint must result in one of the following findings:
- A. Unfounded: The investigation indicates that the act or acts did not occur or did not involve Department employees.
 - B. Not Sustained: The investigation failed to discover sufficient evidence to clearly prove or disprove the allegation made on the complaint.
 - C. Exonerated: The investigation indicates the act or acts alleged did occur but were justified, lawful and proper.

- D. Sustained: The investigation discloses sufficient evidence to clearly prove the allegation made in the complaint.
- E. Misconduct not based on Complaint: When the investigation discloses misconduct which was not part of the original complaint, this classification will be used. It may be used whether or not the original complaint is sustained.

XXI. CORRECTIVE ACTION

- 21.1 When the investigation of a complaint results in a sustained finding, the person conducting the investigation will recommend to the Chief corrective action.
- 21.2 Corrective actions will follow City of Aspen Policy and Procedures.
- 21.3 The authority to impose described disciplinary sanctions rests with the Chief. The City of Aspen Personnel Policy and Procedures manual explains the grievance procedure in the event a member disagrees with the action taken against him/her.

XXII. AUTHORITY TO RELIEVE FROM DUTY

- 22.1 Supervisory personnel are hereby delegated the authority to relieve subordinates from duty and place the individual on paid temporary administrative leave, pending an investigation of the actions leading to the relief of duty.
- 22.2 In the event that a Supervisor places an individual on paid administrative leave, that Supervisor will notify the Deputy Police Chief as soon as is possible.
- 22.3 Written notification of the imposition of disciplinary action to the subordinate is required in each situation. In addition, a report on the action taken will be made part of the subordinate's personnel file.

XXIII. MAINTENANCE OF PERSONNEL RECORDS AND INTERNAL AFFAIRS INVESTIGATIVE FILES

- 23.1 The Aspen Police Department will adhere to City of Aspen Personnel Policy's and Procedures Manual with regard to maintenance of disciplinary files.

XXIV. INTERNAL COMPLAINT RESOLUTION

- 24.1 Complaints concerning internal operational or personnel matters shall be documented by the complainant in the following circumstances:
 - Discrepancies between supervisors in their orders, or interpretation of policies and procedures.
 - The appropriateness in the level of use of force, or professionalism displayed by an employee which an officer brings to the attention of a supervisor.
 - Any City of Aspen values or policy violations that an officer brings to the attention of a supervisor.
 - Other complaints or issues that a supervisor feels may materialize into more of a substantive issue in the future.

- 24.2 Members wishing to document a complaint shall use the Aspen Police Department "Complaint and Resolution" form.
- 24.3 Complaints of a more serious matter, such as discrimination and harassment should not be documented on this form. Employees wanting to document such complaints, as well as to appeal the decisions of a supervisor on an issue listed above are encouraged to use the City of Aspen Complaint Resolution Form.

XXV. NOTIFICATION OF TELEPHONE AND RESIDENCE CHANGE

- 25.1 All members of the Aspen Police Department shall report any change in their residence or telephone number to the Administrative Assistant within 24 hours of such change.

XXVI. LAWSUITS - PERSONAL AND/OR DEPARTMENT

- 26.1 Should this Department or its personnel become involved in a civil lawsuit arising out of a Department connected action, or a member's capacity with the Department, the following procedure will be adhered to:
1. Notify the Chief of Police.
 2. Notify the City Attorney's Office.
- 26.2 The City Attorney is the central point in the Department for all suit actions. He will coordinate all suits against the Department or its personnel, maintaining a filing system for such suits. The City Attorney, upon notification that members of the Department are involved in a suit, will advise those members on the proper course of action.

XXVII. CRIMINAL JUSTICE RELATIONS

- 27.1 It is the policy of this Department to cooperate with, support and assist officers from other jurisdictions. In order to meet this end, the following policy is established:
- a. The Department with primary jurisdiction must request the assistance of the other Department.
 - b. The Department with primary jurisdiction shall be responsible for the reporting of the events, supervision of the officer responding to the scene, processing of the scene, incarceration of any suspects, follow-up investigation (if any) and the seizure, storage, and processing of evidence.
 - c. Any assistance provided under the terms of this agreement are contingent upon the availability of equipment and manpower at the time of the request. The primary responsibility of each Department is the policing of its own jurisdiction, prior to making any response in furtherance of this agreement.

XXVIII. RESPONSE TO CALLS

- 28.1 All department members will respond without delay, and in person if possible, to any City of Aspen call for service.

XXIX. NOTIFICATION

- 29.1 On duty supervisors shall make notifications through the chain of command in the case of high profile incidents or crimes, as well as per individual policy.

XXX. RISK MANAGEMENT

- 30.1 Common sense and reasonableness should dictate our actions. If the need to vary from these procedures arises the officer must be able to articulate satisfactorily his/her reason for doing so. Failure to do so may result in disciplinary action at the discretion of the Chief.

XXXI. NEWS MEDIA RELATIONS

- 31.1 A free press serves the public by supplying needed information, by stimulating thought and by providing a medium for expression. Crime, its results, and the crime prevention efforts of the Aspen Police Department are all matters of continuing public concern. The Department is regularly involved in events at which members of the news media are properly present and performing their task of news gathering.

XXXII. CERTIFICATION

- 32.1 The below signed employee certifies that he/she has read, understands and agrees to comply with these stated Aspen Police Department Policy Manual. An email reply or "auto reply" from a member is considered acknowledgement of receipt of an electronic copy of this manual

Additional Police Services

Policy

It is the policy of the Aspen Police Department to respond to those requests for additional law enforcement services for events where the wider public safety is at issue, to the extent permitted by existing resources.

Procedure

- A. Requests for additional law enforcement services shall be made upon an application form supplied by the Department to the person or entity requesting such services.
- B. The Chief of Police shall approve all short-term additional law enforcement services requests. The approval shall take into consideration the Department's available resources and shall be subject to the availability of officers able and willing to perform overtime duties.
- C. All additional law enforcement services shall only be provided by the Department following the execution of an agreement for such services supplied by the Department.
- D. Additional law enforcement services may be provided outside of the city limits of the City of Aspen, subject to mutual aid requests, or any other relevant agreement.
- E. Payment for the provision of extra-duty police services shall be made by the City of Aspen to participating officers using the normal payroll procedures.
- F. Participating officers shall be considered to be employed on an on-duty status by the City of Aspen at all times and shall conduct themselves in accordance with all Department policies and procedures of the City of Aspen. Police officers shall be deemed to be acting within the course and scope of official duties while fulfilling assignments within the City of Aspen.
- G. Prohibitions of or imposition of conditions on extra-duty employment may be established by the Chief of Police when the nature of the work contracted for is considered detrimental to the professional law enforcement goal of the Department.
- H. The following types of requests for additional law enforcement services shall not be provided:
 - 1. Employment as an investigator, or in any capacity involving the use of police records for other than law enforcement purposes.
 - 2. Employment in any capacity in or upon premises licensed as a tavern, club, or retail liquor store.
 - 3. Employment as a process server.
 - 4. Employment as a bill collector or for any credit or collection agency or in any capacity involving repossession of property or eviction from premises.
 - 5. Employment in any capacity that would interfere with an employee being called for emergency police duty or otherwise interfere with an employee's departmental responsibilities.
- I. Exclusive of vacation, extra-duty employment shall be limited to thirty (30) hours during any pay-period.

Arrests

Policy

An Officer will always make an arrest with an arrest warrant, except under specific exceptions established by law, constitutions, and judicial interpretations of the State of Colorado and of the United States.

Definitions

Arrest – An arrest occurs when an Officer:

- Holds a person by physical force, coercive verbal commands or creates circumstances under which a reasonable person would believe that he or she is under arrest or not free to leave, OR
- Holds a person for longer than the time reasonably needed to conduct an initial investigation following a stop, OR
- Exceeds the authority to stop or acts in a way usually associated with an arrest, OR
- Transports a suspect without consent to another location. Exceptions to this are emergency situations including, but not limited to: Officer safety, identification by a seriously injured victim, or when transportation is in the best interest of the subject.

Probable cause to arrest – Probable cause to arrest exists when an Officer has sufficient specific reliable information to believe that, under the totality of the circumstances, there is a fair probability that the suspect has committed and/or is committing a crime.

Fresh pursuit – The Officer has probable cause to arrest a suspect or knows that a warrant has been issued for the subject's arrest and while attempting to contact and/or arrest the suspect he/she crosses the jurisdictional boundary such as the city limits. The lapse of time between spotting the suspect and apprehension must be short.

Establishing Probable Cause to Arrest

An Officer may make an arrest without a warrant only if the Officer has probable cause to arrest. The Officer may rely on any of the following to establish probable cause to arrest:

- The Officer's own direct observations of the suspect, the victim, the witness, or the crime scene.
- The Officer's own evaluation of observations based on past experience and training as a Police Officer.
- Credible information from other Police Officers. The information may be based on the observation, experience, training of the Officers or it may be information communicated or adopted by the Department, including the Department's collective knowledge.
- Information from the victim or identified witness of a crime.
- Information from a credible informant. Before the Officer relies on an informant, the Officer must have evidence that the informant is trustworthy and the information has been corroborated.
- The Officer may consider the suspect's:
 - A. Incriminating statements, if obtained lawfully.
 - B. Erroneous statements (for example, "I'm waiting for the bus" where there is no bus stop).
 - C. Contradictory statements.
 - D. Incomplete statements.

Private Property Arrests

1. The Officer may make an arrest without a warrant on public or private property. Normally, to enter the suspect's private property, an Officer must have an arrest warrant. Also, to enter the property of a third party normally requires a search warrant. Exceptions to these requirements are:
 - A. Officer is legitimately on premises – If the Officer is already on the property for a legitimate reason (that is, not just a pretext for entering the property) and finds the suspect there, the Officer may make an arrest without a warrant. Examples of legitimate reasons include the execution of a search warrant or responding to a call/request for help.
 - B. Consent to enter – If the Officer asked for and received consent to enter in order to talk to the suspect and then developed probable cause to arrest after entering, the Officer may make an arrest without a warrant.
 - C. Entry to arrest – If the Officer is not present for a legitimate reason and does not have consent to enter, then the Officer may only enter private property to make an arrest without a warrant under three (3) circumstances:
 - i. In fresh pursuit of a suspect for a crime that could result in a jail sentence.
 - ii. In an emergency situation that requires immediate police action to protect public safety and the arrest is for a crime that could result in a jail sentence.
 - iii. The owner or person with lawful authority and control over the property consents to the Officer's entry.
2. The procedures for entering to make an arrest without a warrant are the same as those for arrests with a warrant:
 - A. The Officer may only use all necessary and reasonable force to enter the property.
 - B. The Officer who intends to make an arrest on private property must first announce his/her authority and purpose and wait a reasonable time to be admitted. The circumstances of the entry determine what is reasonable.
 - C. If forced entry is necessary, the Officer will use the least destructive method of entry that can safely be used. The Officer will reasonably secure the premises before leaving.

General Arrest Procedures

With or without a warrant – The procedures for making an arrest without a warrant are the same as those for making arrests with a warrant:

1. An Officer may make an arrest on any day and at any time (C.R.S. 16-3-101).
2. An Officer may use only necessary and reasonable force to make an arrest (C.R.S. 16-3-101).
3. The Officer always will inform the arrested person of the charges.

Arrests Beyond Jurisdiction Limits

An Officer may make an arrest outside the city limits in any of the seven (7) circumstances listed below. If none of the circumstances apply, the Officer is and shall be considered by the Department and the City to be acting as a private citizen without benefit of Officer status and/or City liability protection:

1. At the lawful direction of a Peace Officer of another jurisdiction.
2. In fresh pursuit which started within the City limits.
3. Under a Mutual Aid agreement.
4. A State of Emergency has been declared by the Governor or President.
5. A multi-agency task force or special assignment has been made where another jurisdiction has authorized or requested the Officer's presence and he/she is acting under color of authority of that jurisdiction or in accordance with State law defining the Officer's authority and status as a Peace Officer.
6. Exigent circumstances.
7. A crime occurs in the Officer's presence and the other jurisdiction has authorized or requested the Officer's presence and he/she is acting under color of authority of that jurisdiction or in accordance with State law defining the Officer's authority and status as a Peace Officer.

Off Duty Arrests Without a Warrant

An off-duty Officer who is present when a subject commits a crime may arrest that subject. The Officer shall, at minimum, verbally identify himself/herself as a Police Officer to the arrested person and whenever practical present credentials and/or a badge.

Affidavit in Support of an Arrest without a Warrant

1. Affidavit required – If the arrested person is placed in the Pitkin County Jail, an Officer must complete an "Affidavit in Support of a Warrantless Arrest" if the subject is going to be unable to bond out of jail within 48 hours.
2. No affidavit is required if the arrested person is:
 - A. In custody on a warrant and no additional charges are pending.
 - B. Being held on immigration holds, parole violations, work release violations, or community corrections violation(s).
 - C. Taken into protective custody.

Release After an Arrest Without a Warrant

1. The arresting Officer may release a person arrested without a warrant if:
 - A. The arresting Officer or the Officer’s Supervisor is satisfied that there is insufficient basis to conclude that the person committed an offense.
 - B. The offense for which the person was arrested is not a felony and the arresting Officer is satisfied that the person arrested will appear if released on a summons. Note: if the underlying facts include an act of domestic violence, as defined in C.R.S. 18-6-800.3 (1), the person must not be released until bond is posted.

Bias Based Profiling

PURPOSE

To establish policy prohibiting bias based profiling while providing for the protection of officers from unwarranted accusations of such profiling.

DEFINITIONS

- Profiling – The derivation of behavioral characteristics and personality features from evidence that would lead a reasonable person to believe a crime has been, is being, or is about to be committed by an individual, or that an individual is presenting a threat to the safety of themselves or others.
- Bias based profiling – Also referred to as discriminatory profiling or racial profiling. The selection of an individual for stop, detention, search, arrest or any other disparate treatment based solely on a common trait of a group. This includes but is not limited to their race, ethnicity, gender, sexual orientation, religion, economic status, or age.

PROCEDURE

1. The Aspen Police Department shall comply with Colorado Revised Statute 24-31-309 relating to bias based profiling.
2. Bias based profiling is prohibited from all aspects of Aspen police work.
3. Profiling may be used in the course of criminal investigations or for the public safety.
4. All officers shall focus objectively on a person’s conduct or other specific subject information when making a stop, detention, search, or arrest.
5. All officers shall receive Colorado POST approved training relating to bias based profiling.
6. If a complaint is received about an officer relating to bias, a designee of the Chief shall investigate the complaint.
7. If a complaint is unfounded, and evidence suggests false reporting has occurred, the reporting person may be subject to criminal investigation.
8. If a complaint is sustained, the officer shall be subject to disciplinary action up to and including termination.
9. The Aspen Police Department shall conduct an annual review of its practices, complaints, policies, and citizen concerns pertaining to bias based profiling.

Drug Enforcement

PURPOSE:

To provide clear guidelines and procedures for the enforcement of drug related criminal offenses.

POLICY:

It shall be the policy of the Aspen Police Department to enforce all laws pertaining to the use, possession, or sale of controlled substances.

PROCEDURES:

Aspen Police Department shall:

- Consistently arrest upon witnessing the use, sale or possession of illegal drugs.
- Consistently arrest upon the discovery of illegal drugs in a person's possession when located during routine physical searches according to law.
- Actively follow up on leads which may develop into the arrest and conviction of known drug dealers or users.
- Use limited surveillance in the investigation of narcotics cases.
- Cooperate with other local, state and federal agencies who investigate the illegal use or sale of drugs. This cooperation involves the use of facilities, exchange of information and use of staff, within the guidelines prescribed in this policy.

The paramount concern of the Aspen Police Department is the safety and well being of the citizens and visitors of Aspen.

In acknowledging that drug related investigations can pose serious threats to the safety of citizens and officers; may improperly intrude on the privacy of citizens; may place an undue burden on the finite resources of this department; and may potentially erode the community's trust in the department, the Aspen Police Department:

- Does not conduct undercover narcotics investigations.
- Does not maintain or use paid informants for purposes of developing leads on narcotics investigations.

In recognition that the response to drug abuse must be multifaceted, The Aspen Police Department will also actively participate in providing substance abuse education in the community as well as facilitating intervention for those in need of medical or counseling services.

Emergency Vehicle Response and Pursuit Driving Policy

PURPOSE

The purpose of this policy is to provide the circumstances and manner in which officers of this department may engage in emergency operation of police vehicles, while establishing that officers driving to an emergency call or participating in a vehicular pursuit, will drive with due regard for the safety of all people and property.

DEFINITIONS

- A. Emergency call: A situation that reasonably requires an immediate response by the officer and involving a reasonable belief by the officer that there is:
1. An officer who needs urgent help;
 2. A burglary or robbery in progress that appears to involve a threat to one or more people;
 3. A person brandishing a deadly weapon;
 4. A traffic accident involving a serious or unknown injury;
 5. An apparent homicide;
 6. A fight, assault, or other violence in progress;
 7. A sexual assault in progress;
 8. A domestic dispute with assault in progress or that just occurred with a suspect on scene;
 9. A suicide attempt in progress;
 10. A kidnapping in progress;
 11. A life threatening medical situation;
 12. Other circumstances that the officer reasonably believes require an immediate response.
- B. Violent Felony: An attempted or completed felony in which a perpetrator uses aggressive physical force, including any of the following to the extent it constitutes a felony:
1. Homicide;
 2. Kidnapping;
 3. Assault, vehicular assault, or sexual assault;
 4. Robbery;
 5. Arson;
 6. Any other crime of violence; or
 7. Escape for one or more of the foregoing offenses.
- C. Pursuit: A form of emergency operation when an officer initiates a vehicular stop and a driver resists any order to stop, including an order in the form of turning on lights and/ or siren, by increasing speed, taking evasive action, and/ or otherwise indicating an intent not to stop.
- D. Emergency operation: The act of driving an authorized emergency vehicle while on an emergency call or pursuit.

PROCEDURE

A. General

1. All Aspen Police and Community Safety Officers who are department vehicle operators will comply with Colorado State Law C.R.S. 42-4-108 when engaged in emergency operation.

2. An officer may engage in an emergency operation only:
 - a. While responding to an emergency call, or
 - b. When in pursuit of a person who has committed or is reasonably suspected by the officer to have committed:
 - i. A violent felony as defined in this policy; or
 - ii. Some other act of violence which in the officers reasonable judgment, requires that the person be pursued for the immediate protection of the public safety.
3. As soon as is reasonably possible, the first officer to arrive at the scene of an emergent call will advise other responding officers of the need to continue to the scene in an emergent capacity.
4. Whenever an officer is engaged in emergency driving or a motor vehicle pursuit, the officer must constantly consider the hazards, safety risks, and potential for accidents, created by the emergency driving or pursuit, and has a duty to operate the vehicle with due regard for the safety of all people and property.

B. Restrictions

1. Generally, officers will not engage in a motor vehicle pursuit at a time when a citizen (to include, but not limited to arrestees, victims, witnesses, non-sworn members of the department, etc.) is an occupant of the police vehicle.
2. Generally, during the course of a pursuit, deliberate contact between vehicles; forcing the pursued vehicle into parked cars, ditches, structures, or other fixed objects; boxing in; ramming; the PIT or TVI maneuver (the nudging of the rear of the pursued vehicle, causing it to rotate and come to a stop); overtaking; driving the wrong way on any roadway; or driving along side or in front of the pursued vehicle while it is in motion, is not authorized.
3. The operator of an unmarked police vehicle will only engage or participate in a motor vehicle pursuit when an extreme emergency exists (i.e. when there is an immediate and direct threat to life); and any such pursuit involvement will cease on the availability and involvement of a marked police vehicle.
4. Generally, officers operating police vehicles will not become actively involved in pursuits initiated in, and/or extending into another jurisdiction. If a pursuit enters another jurisdiction from the City of Aspen, officers should relinquish control of the pursuit to that jurisdiction's agency if possible. Mutual aid agreements may provide guidelines for pursuits in these circumstances.
5. Law enforcement officers from another jurisdiction that are conducting a pursuit, that enters the City of Aspen, will be responsible for the actual pursuit, although department members may provide related traffic control and other duties to provide for enhanced safety or assistance.

C. Specific requirements when initiating pursuit

1. An officer driving a marked patrol vehicle will only initiate a motor vehicle pursuit when:
 - a. The motor vehicle operator refuses to voluntarily comply with the law requiring him to stop; and
 - b. The pursuing officer has activated the emergency lights and siren; and

- c. The officer notifies dispatch of the pertinent facts concerning the pursuit; and
 - d. The speeds and/or maneuvering practices allow the officer complete control of his vehicle and do not create an unwarranted danger to the public or department members; and
 - e. The volume of pedestrian and/or vehicular traffic permits continuing the pursuit; and
 - f. Weather and road conditions are not such that the pursuit becomes inordinately hazardous; and
 - g. The pursuing officer must comply with Colorado State Law C.R.S. 42-4-108 (Public officers to obey provisions – exceptions for emergency vehicles.)
2. Any vehicle participating in a pursuit will have its mobile audio & video recording equipment recording.
 3. Generally, only two patrol vehicles should be following the pursued vehicle in close proximity. The second patrol vehicle will act as back up and will follow the primary vehicle at a safe distance. A supervisor may authorize such additional units as may be necessary to control the course of the pursuit, or the point of termination. The second patrol vehicle should assume radio communications for the primary vehicle.
 4. The driver of the second patrol vehicle should act as arresting officer at the termination point of the pursuit. The driver of the primary vehicle should take a backup position. Felony car stop procedure should be used.
 5. The patrol vehicle operator will terminate a pursuit when the speeds involved, the volume of pedestrian and/or vehicular traffic, road and weather conditions, the distance between vehicles, and any other relevant factors indicate that further pursuit will create more risk to the safety of the public and/or patrol vehicle operator, than does the conduct of the pursued motorist.
 6. Any pursuit will be documented in the applicable case report by all officers involved.

D. Supervisory responsibilities

1. When made aware of a pursuit, the immediate supervisor will monitor all relevant information and will direct activities as needed to ensure correct procedures are followed.
2. Any supervisor may use his or her discretion to order the termination of any pursuit at any time.
3. The supervisor overseeing the pursuit will ensure all officers participating in the pursuit complete written reports reflecting their actions, to include but not limited to, tactics used, observations of the fleeing driver, and details of any suspect apprehension.
4. After a pursuit the responsible supervisor will conduct a critique with all available responding personnel to review the incident.

Evidence Procedures

1. Documents:

- A. Documents that do not have the potential for the recovery forensic evidence such as Miranda warning cards, written witness statements, affidavits of forgery, financial statements etc., can be sent to the records department to be added to the case file for safe keeping; these items do not require special protective packaging.
- B. Items which have the potential to retrieve forensic evidence, such as fingerprints, handwriting samples, or other comparisons, are to be entered into evidence after proper protective packaging and marking; examples include checks, currency and forged documents such as SSN cards, licenses, etc. These items should be packaged in clear plastic evidence bags of an appropriate size with the face of the document visible on the clear back-panel of the bag.

2. Recordings:

- A. Video Cassettes, Audio Cassettes, Digital Image CDs and any Photographs related to a crime are to be entered into evidence. These items should be properly marked, but do not require special protective packaging unless the item has been seized and has the potential to reveal forensic evidence such as fingerprints.
 - i. Video and Audio Cassettes should merely use an orange evidence label.
 - ii. Digital Image CD's only require a CD label in a clear CD jewel case and do not require the case to be sealed.
 - iii. Photographs should be packaged in clear plastic evidence bags of an appropriate size with the face of the document visible on the clear back-panel of the bag.

3. Weapons:

- A. Firearms, knives, and any other items designed or capable of cutting, tearing, or puncturing flesh shall be packaged in sturdy (cardboard or plastic) packaging and secured within that packaging to limit its movement within.
- B. Firearms will, at all times, be packaged only after ensuring that the weapon is unloaded
 - i. At no time will ammunition be stored in the same container or package as the weapon.
 - ii. Firearms must be rendered incapable of being loaded by the placement of zip ties or other apparatus through the barrel, cylinder, or chamber of the weapon.
- C. All weapons packaging shall be clearly marked as to the contents and condition of the weapon within. Under no circumstances will a weapon of any kind be packaged in a paper or plastic bag.

4. Biohazards:

- A. Evidence containing bodily fluids, chemicals, or any other substance which could be harmful if contacted must be fully dried prior to being packaged. The packaging of such items must clearly indicate the contents and condition of the items inside, and the words "Biohazard" must be clearly and visibly printed on the packaging.

5. Items entered into evidence will be maintained under the following stipulations:

A. For cases filed with the City or District Attorney:

- i. Evidence will be maintained until that case has reached a final disposition and the Attorney's Office has issued an authorization to release the evidence.
- ii. Evidence to be released which is legal to possess, and a rightful owner is known or can be identified, will be returned to the rightful owner, regardless of value, and unless the owner has indicated that he/she does not want the item(s) returned.
- iii. All other evidence will be destroyed or moved as follows:
 - a. Videotapes and Audiotapes must be retained as evidence for at least 30 days after the final court disposition; after that period the items may be destroyed.
 - b. Photographs, Negatives, Digital Images and Mug Shots will be released to the records department to be added to the case file.
 - c. Rolled 10-print Fingerprint Cards and Latent Fingerprints will be released to the records department to be added to the case file.
 - d. Financial Documents not returned to the owner will be destroyed.
 - e. Valid Identification Cards and Documents will be returned to the issuing agency or destroyed at their request.
 - f. Forged Identification Cards and Documents will be released to the records department to be added to the case file.
 - g. All other evidence can be destroyed and discarded as appropriate.

B. For cases that have not been filed with the City or District Attorney:

- i. Evidence will be maintained in accordance with the Colorado Statute of Limitations (CRS 16-5-401):

• Murder, Kidnapping, Treason, Forgery:	Indefinitely
• Other Felonies:	Three Years
• Misdemeanors:	18 Months
• Class 1 and 2 Misdemeanor Traffic	One Year
• Petty Offenses:	Six Months
- ii. The following guidelines will be used regarding Inactive cases that have exceeded time allowed for prosecution based on the Statute of Limitations schedule above:
 - a. Videotapes and Audiotapes must be retained as evidence.
 - b. Photographs, Negatives, Digital Images and Mug Shots will be released to the records department to be added to the case file.

- c. Rolled 10-print Fingerprint Cards and Latent Fingerprints will be released to the records department to be added to the case file.
- d. Financial Documents will be released to the records department to be added to the case file.
- e. Valid Identification Cards and Documents will be released to the records department to be added to the case file.
- f. Forged Identification Cards and Documents will be released to the records department to be added to the case file.
- g. All other evidence can be destroyed and discarded as appropriate.

Firearms

Firearms Training

- A. The training format and minimum qualification standards for firearms proficiency for the Aspen Police Department will be those outlined by the Roaring Fork Regional (RFR) training program.
- B. All sworn officers of the Aspen Police Department who are required by their duties to carry firearms shall be trained in the use of all such firearms and must meet the minimum firearm qualification standards set by the RFR training program and outlined in the RFR guidelines, prior to carrying such weapon.
- C. All officers will be required to attend and fully participate in the quarterly scheduled RFR firearms training dates. If an officer can not attend or participate due to sickness, injury, or schedule conflict, his or her absence shall be pre-approved by a patrol supervisor, and the officer will be required to make up the training material and qualification with a RFR firearms instructor at the earliest opportunity.

Officers Unable to Qualify

- A. During RFR training days, officers will be given three opportunities to pass the firearms qualification. If an officer fails to meet minimum qualifying standards on that day, the firearms instructor will report the results to the officer's supervisor. Remedial training with an RFR firearms instructor shall occur within seven days of the qualification attempt, and the officer will be afforded another opportunity to meet the minimum qualification standards.
- B. If the officer is still unable to qualify, immediate notice will be given to the officer's supervisor, and the officer shall be placed on unarmed, administrative duty until the situation can be reviewed by Chief of Police and a determination on the officer's status can be reached.

Weapons

- A. Officers will have the choice of being issued a firearm by the Aspen Police Department, of a make and caliber decided by the department; or at their own cost, to purchase and carry their own weapon as long as the weapon meets the criteria outlined in the RFR guidelines. Officers must qualify with the weapon prior to carrying the weapon on or off duty.
- B. In the case of officers using a personally owned firearm for their primary, on-duty carry, officer will not be issued a department owned firearm. If previously issued, officers switching to a personally owned firearm will return the department owned firearm to the agency.

Off Duty Responsibility

- A. When operating a marked Aspen Police vehicle while on or off duty, officers must carry a firearm with which they have previously qualified.

- B. At other times, officers are permitted to carry firearms while off duty, under the following conditions:
1. The carrying of concealed weapons while off-duty is solely at the officer's discretion.
 2. Officers who choose to carry an off-duty firearm must carry a firearm of a type specified by the department, and with which they have met minimum department proficiency standards.
 3. Officers shall not carry a concealed weapon off duty under the following circumstances:
 - a. When they have been suspended from duty.
 - b. If they are under the influence of alcohol or any other intoxicating or hallucinatory drug or substance.
 - c. If they become prohibited by Federal law from possessing or receiving a firearm.
 - d. On private premises that prohibit or restrict the possession of concealed weapons.
 - e. On or in a Federal, State, or local government property, installation, building, base or park where the entity has restricted or prohibited the possession of concealed weapons.
 - f. At any location, or during any activity where the security of the firearms would be compromised, such as participating in athletic or recreational events and activities.
- C. Officers must carry all off-duty weapons in the most concealable, and secure manner reasonably possible. Officers will not unnecessarily expose their off duty firearm to public view.
- D. Any time a concealed weapon is carried the officer must have his Aspen Police identification on his or her person. It is also strongly recommended the officer carry handcuffs or similar restraining device.
- E. In no case will an officer who chooses not to carry a firearm while off-duty be subject to disciplinary action if an occasion should arise in which he might have taken forcible police action had he been armed.
- F. Officers should refrain from taking forcible police action except in circumstances which seriously threaten public safety. Before taking any action while off duty, officers should carefully consider the risks to themselves and to others that may be caused by sudden confrontation with armed criminals or suspects. If it is feasible, the off-duty officer should identify himself as a law enforcement officer before taking any action.
- G. Before taking enforcement action while off duty, officers will give first consideration to personnel from the law enforcement agency in whose jurisdiction the activity occurs.
- H. Off-duty officers are discouraged from taking enforcement action involving minor criminal or minor traffic violations. If delayed enforcement is possible in situations, the off-duty

officer should convey the information to an on-duty supervisor for review and decision. In exigent circumstances, or if the officer considers immediate action necessary, the officer shall take appropriate action and consult an on-duty supervisor without delay.

Weapons Security

It shall be the responsibility of officers to ensure that their weapons, whether privately owned or issued by the department, are securely and safely kept in manner designed to avoid theft, and to keep those weapons secure from access by any other individual to include, but not limited to, family members and children.

In Car Video Camera Use

POLICY

The Aspen Police Department will provide mobile digital video and audio recording (DVR) equipment in selected patrol vehicles for the following purposes:

- To enhance officer safety.
- To provide an accurate visual and audible depiction of events for courtroom presentation in the prosecution of traffic violations and other criminal offenses.
- To enhance an officer's ability to document and review statements and actions for report purposes and for courtroom preparation.
- To assist in the resolution of citizen complaints and to verify officer actions.
- To assist officers in self evaluation and improvement, assist Field Training Officers and their trainees in the evaluation of the trainee's performance, and help determine specific training needs.
- To be used as an investigative tool to capture visual and audio information and to further existing and future investigations.

PROCEDURE

A. Operating Procedures

1. It is the responsibility of the officers assigned to a vehicle to check that the DVR equipment installed in that vehicle is functional and that the portable microphone transmitter is synched with the DVR system and works. If the DVR equipment is not working satisfactorily the officer will bring this to the attention of their supervisor and the operations officer at the beginning of their shift.
2. At the start of a shift the officer will log into the DVR system. At the end of each shift the officer will log out of the DVR system.
3. Officers will use DVR equipment in order to record all traffic stops, DUI incidents, pursuits, and emergency vehicle code responses. Officers will ensure that the wireless microphone is activated in order to provide narration with the video recording in these instances.
4. It is highly recommended that DVR be used for any other incident that may be visible to the camera or within range of the microphone unit. There is nothing to preclude the use of DVR at any time during a patrol shift.
5. The equipment may be manually deactivated during non-enforcement activities such as when protecting accident scenes from other vehicular traffic. The officer should verbally indicate on the audio system the reasons for ceasing to record.
6. Officers are encouraged to inform their supervisor of any videotaped sequences that may be of value for training purposes.

7. Officers will note in incident, arrest, and related reports, when video/audio recordings were made during the incident in question, and that the video was "tagged". Officers will also notate in the evidence screen that video has been recorded.

B. Audio/Video Control and Management

1. The currently installed "Mobile-Vision" digital video system will automatically download video wirelessly, relieving the officer of any responsibility to transfer video data to a secure storage location.
2. Should the wireless download system not function, each officer is responsible for bringing the respective memory card from the recording unit in the vehicle, and downloading the memory card into the Mobile-Vision workstation in the office. The officer will then return the memory card to the appropriate vehicle and recording unit.
3. If the recorded digital video has no apparent evidentiary value, as indicated by the responsible officer, the workstation will be set to delete it from the system automatically after 90 days.
4. Evidentiary material captured that may be of value for case prosecution or in any criminal or civil adversarial proceeding, will be "tagged" by the responsible case officer by the end of the shift being worked. The Mobile Vision system will be programmed to transfer tagged files automatically to DVD storage media. All DVDs will be placed in the custody of the records department or in Aspen Police Evidence Storage.
5. Only duplicate copies of evidentiary CDs or DVDs will be released to other criminal justice agencies, or bona fide entities, with the approval of the Combined Records Department, the City or District Attorney's Office, or Aspen Police Management.
6. The operations officer will be responsible for maintaining an adequate and available supply of writeable DVDs.

C. Supervisory Responsibilities

Supervisory personnel who manage officers with access to DVR equipment will ensure that:

1. All officers receive training in the operation of the DVR system.
2. All officers follow established procedures for the use and maintenance of DVR equipment, and for the handling of video/audio recordings.
3. It is the responsibility of every supervisor with personnel using the DVR equipment to conduct a periodic review of the media to:
 - Ensure functionality of the equipment
 - Determine if DVR equipment is being used correctly.
 - Identify suitable training material.
 - Assess officer performance.

Intermediate and Less Lethal Weapons

Policy

It is the policy of the Aspen Police Department to employ reasonable force when necessary to overcome resistance, to affect an arrest, or to protect the officer or any other person during the performance of an officer's duties.

It should be noted that it is not possible to provide for the means to address every situation within the guidelines issued under this policy due to the dynamic nature of police work.

Definitions

Intermediate Weapons: "Intermediate Weapons" refers to all weapons carried by officers, excluding handguns and patrol rifles. The approved intermediate weapons carried on duty by police officers include the expandable baton, OC, Taser, and beanbag shotgun.

CED: Conducted Energy Device (e.g. Taser)

OC: Oleoresin Capsicum, pepper spray

Procedures

A. Intermediate Weapons

1. Officers must successfully complete departmentally approved training and certifications before they are authorized to carry and use intermediate weapons. Officers will qualify annually on all intermediate weapons they carry, through the Roaring Fork Regional training program.
2. All personnel shall be issued the "Use of Force" and "Intermediate and Less Lethal Weapons" policies, prior to the issuance of any weapon.
3. Unless extenuating circumstances exist, and permission from a supervisor has been given, all officers will carry a properly functioning and charged, department issued CED (Taser) and at least one other intermediate weapon (OC/Baton) while on duty. The less lethal beanbag shotgun will remain secured in the patrol vehicles until the officer decides its use may be required.
4. At the beginning and end of each shift, an officer is responsible for checking the functionality of all intermediate weapons, the patrol rifle related to the vehicle he or she is assigned, and other weapons that he or she carries or is assigned.
5. The CED, expandable baton, OC, and Beanbag Shotgun are considered "Intermediate Weapon Control" on the force continuum and may be used to control a dangerous or violent subject when deadly force does not appear to be justified and/or necessary, or attempts to subdue the subject by other conventional tactics have been, or will likely be ineffective; or there is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject.

6. The CED and Beanbag Shotgun are intended for use as defensive weapons. Officers may use these weapons to incapacitate, control, and apprehend:
 - A dangerous, violent, or potentially violent subject.
 - A subject who makes an overt act of active aggression while resisting arrest.
 - And to prevent an individual from harming themselves or others while displaying active aggression.
7. If the CED or Beanbag Shotgun are being used to attempt control of a subject who is displaying potentially deadly force resistance or aggression, it is recommended that a lethal cover officer be used.

B. Conducted Energy Devices (CED)

1. The CED will not be used under the following conditions:
 - a. Punitively.
 - b. In drive stun or touch stun mode as a prod or escort device.
 - c. To rouse unconscious, impaired or intoxicated individuals.
 - d. For illegal purposes (e.g. illegal coercion, torture, etc.)
 - e. Against any person displaying passive resistance (passive resistance means a subject offers no physical resistance to arrest, simply goes limp, or makes no overt act of aggressive behavior.)
 - f. When the officer knows that flammable liquids or gasses are present.
2. Officers should be aware of the greater potential for injury when using the CED against certain types of people. Unless exigent circumstances are present, in general should not use CED's against:
 - a. Pregnant women.
 - b. Children (under the age 14, or those individuals under 80 lbs.)
 - c. Elderly or persons with apparent debilitating illness.
 - d. Restrained subjects.
 - e. In a location or under circumstances where a fall by the suspect may cause substantial injury or death.

3. Officers shall:
 - a. Give explicit verbal commands to the suspect prior to deployment, except when the suspect, officers or citizens might be placed in jeopardy by first warning the suspect that use of the CED is imminent;
 - b. Verbally warn other officers on scene that the CED is about to be deployed;
 - c. Avoid intentionally hitting the subject in sensitive tissue areas such as the head, face, neck, groin, or female breast area;
 - d. Avoid the deployment of the CED against a subject operating a motor vehicle, bicycle, skateboard, or riding on any conveyance where they may fall while the vehicle is in motion;
 - e. Use the CED for a maximum of one standard cycle (five seconds), and then evaluate the situation before applying a subsequent cycle. If one or more cycles are necessary, the number and duration of such cycles shall be limited to the minimum activations necessary to place the subject in custody.
4. Medical Treatment
 - a. When possible, emergency medical personnel should be notified when officers respond to calls for service in which it is anticipated that a CED may be activated against a person.
 - b. All persons who have been exposed to a CED activation should receive a medical evaluation.
 - c. Ordinarily, an officer will remove the CED probes once the suspect is in custody. However, when a probe has penetrated sensitive tissue areas (groin, breast, face, neck, etc) EMS will be summoned to the scene.
 - d. To avoid the potential of positional asphyxia, all suspects, once handcuffed and when tactically safe to so, will be placed in an upright position.

C. Beanbag Shotgun

1. The beanbag shotgun will be used under the following conditions:
 - a. Only department issued / approved 12 gauge shotguns, containing department issued flexible projectile "beanbag" rounds will be used by officers to cause motor dysfunction and pain compliance on a resisting subject.
 - b. When used to incapacitate or control a violent, resisting human subject, the primary target for beanbag impact is large muscle mass areas of the body.
 - c. The officer shall give explicit verbal commands to the suspect prior to deployment, except when the suspect, officers or citizens might be placed in jeopardy by first warning the suspect that use of the beanbag is imminent;

- d. Verbally warn other officers on scene that the less lethal shotgun is about to be used.

2. Medical Treatment

- a. When possible, emergency medical personnel should be notified when officers respond to calls for service in which it is anticipated that a less lethal shotgun may be used against a person.
- b. All persons who have been struck by a less lethal shotgun beanbag round should receive a medical evaluation.

D. Oleoresin Capsicum

1. Oleoresin Capsicum / Pepper spray shall only be used under the following circumstances:
 - a. Only department issued pepper spray will be carried and used by officers on duty.
 - b. The officer shall give explicit verbal commands to the suspect prior to deployment, except when the suspect, officers or citizens might be placed in jeopardy by first warning the suspect that use of the pepper spray is imminent;
 - c. The primary target area for pepper spray is the subject's face
 - d. Pepper spray shall not be used against any person displaying passive resistance. (passive resistance means a subject offers no physical resistance to arrest, simply goes limp, or makes no overt act of aggressive behavior.)
2. Medical Treatment
 - a. As soon as tactically safe to do so, subjects who have been sprayed with pepper spray shall be placed in an upright, seated position and allowed fresh air and fresh water for decontamination.
 - b. EMS will be summoned to treat any subject that has been sprayed with pepper spray. In the case of the subject wearing contact lenses, only EMS personnel will remove the contacts for the subject.

E. Expandable Baton

1. Only department issued expandable batons shall be carried on duty by officers.
2. The primary target area for the expandable baton will be large muscle mass such as the thigh.

3. In emergency situations such as insufficient reaction time, officers may use other objects such as a flashlight or handheld radio in lieu of the expandable baton as an impact weapon. The use of other emergency objects must be in accordance with all policies and training as they relate to the use of the expandable baton.
4. Medical Treatment
 - a. After the use of an expandable baton or other emergency impact weapon, officers will attempt to ascertain from the subject whether preexisting medical conditions would warrant summoning EMS personnel. Officers will also attempt to ascertain whether any injury has occurred to the suspect either directly from the impact weapon, or indirectly such as by falling during incapacitation, and call for EMS as appropriate.

F. Supervisory Responsibilities

1. When possible, supervisors should anticipate on-scene officers' use of intermediate weapons by responding to calls for service that have a high propensity for arrest and/or use of an intermediate weapon.
2. A supervisor should respond to all incident scenes where an intermediate weapon was used.
3. The Supervisor should conduct an initial review of an intermediate weapons use of force as soon as is practical after the cessation of the incident.
4. Insure all documentation and evidence is completed and submitted. Assure that "Use of Force" forms have been reviewed for content and completeness.

G. Reporting

1. An officer will notify his supervisor immediately after the deployment of any intermediate or less lethal weapon (CED or drive stun, OC, beanbag shotgun, or baton.)
2. Any use, intentional display, or threat of use of an intermediate weapon shall be fully described by all officers at the scene, in their incident reports. Any available audio/video footage will be attached to the report.
3. Photographs will be taken of CED probe/drive stun, beanbag shotgun, or baton impact sites and any other related injuries whenever possible.
4. Any officer who uses or intentionally displays an intermediate weapon to gain compliance from a subject will complete an Aspen Police Department Use of Force report form within 24 hours.

Notifications to Immigration and Customs Enforcement

POLICY

It is the policy of the Aspen Police Department to cooperate with State and Federal Officials with regard to enforcement of State and Federal laws regarding immigration, and it is the duty of every police officer to assist with such cooperation.

MANDATORY NOTIFICATION

Any police officer who has probable cause to believe that an arrestee for a criminal offense is not legally present in the United States shall report such arrestee to the United States Immigration and Customs Enforcement (ICE) Office if the arrestee is not held at a detention facility.

PROCEDURE

1. Officers will make a notation of any non custodial arrestee, defining whether ICE needs to be contacted, in the records management system.
2. The Aspen Police Department, in conjunction with the Pitkin County Sheriffs Office, will comply with all State and Federal reporting requirements mandated by those entities.

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Off Duty Employment

Policy

It is the policy of this department to permit employees to pursue outside employment, within the confines of City of Aspen Policy, and subject to certain further restrictions.

Definitions

"Police related off-duty employment" means any employment, activity, contract, agreement or arrangement with any person, business, group, industry, public or private activity or endeavor other than with the City of Aspen where remuneration is received for services rendered and the prerequisites for employment includes one or more of the following criteria: use of police uniform, display of police badge or insignia, use of firearm, or authority to exercise police powers of arrest.

"Non-police related off-duty employment" means all other off-duty employment that is non-police related.

Procedures

- A. Employees will initially refer to current City of Aspen Policy regarding off duty employment.
- B. Departmental approval by the Chief of Police must be granted before a member may engage in outside employment. Employment may not be granted if:
 1. The employee has less than an "Exceeds Expectations" on their most recent performance evaluation;
 2. The job, by its nature, schedule, or extent might impair the employee's efficiency;
 3. More than 24 hours a week are involved (that is the maximum limit and individual circumstances may dictate a much lower limit);
 4. The duties involve a conflict of interest with the employee's regular duties or the functions and responsibilities of the Department;
 5. Department time, property, tools, records, confidential information, vehicles or buildings are used in conjunction with the employment;
 6. The employer is a person, firm, or Department, for which the Police Department would have licensing investigative responsibility.
- C. Members are not eligible for outside employment in the following occupations within the City of Aspen. (Upon review and application, the Chief of Police may determine other occupations to be unacceptable for outside employment):
 1. Retail liquor industry;
 2. Private detective, repossession or collection;
 3. Parking lot attendant;
 4. Locksmith.
- D. The following specific restrictions shall apply to police related off-duty employment:

1. Police related off-duty employment is not permitted within the city limits of the City of Aspen. Requests for additional law enforcement services within the city limits should be processed in accordance with current police policy.
2. Officers engaged in police related off-duty employment shall neither be considered employees of the City of Aspen, nor shall they be entitled to any employee benefits from the City of Aspen.
3. Officers shall not use Department uniforms or display any insignia or badge indicating as association with the Aspen Police Department. Accordingly, officers shall not possess the status or authority which would otherwise be afforded an officer while on-duty with the Department. (*See*, §16-3-109, C.R.S.).

Officer Involved Domestic Violence

Purpose

To establish policy for response and investigation of "Police Officer Involved" domestic violence situations.

Policy

Where incidents of domestic violence are alleged to have occurred, the department will act quickly to protect the victim, conduct a thorough criminal investigation, and arrest the perpetrator.

Definitions

- Domestic violence – as defined in the Colorado Revised Statutes, 18-6-800.3.
- Duties of peace officers – as defined in the Colorado Revised Statutes, 18-6-803.6.

General Operating Procedures

Prevention

- A. This policy applies to past convictions for domestic violence, as well as existing and future offenses, as federal law prohibits peace officers that have been convicted of misdemeanor domestic violence crimes from possessing a firearm.
- B. The department will conduct a thorough background investigation of all potential new employees to determine if domestic violence issues exist. All candidates will be asked about past arrests or convictions for domestic-violence-related incidents and past civil protection orders. Those candidates with a history of perpetrating domestic violence will be screened out at this point in the hiring process.
- C. Supervisory Responsibilities:
 1. Supervisors will be cognizant of and document behavior, on or off duty, where officers may be exhibiting signs of possible domestic violence-related problems; including increased use of force during arrests, alcohol and/or drug abuse, increase in controlling behaviors, stalking activity, and citizen and officer complaints of unwarranted aggression and verbal abuse.
 2. Supervisors will immediately make their ranking supervisor aware of any and all such behaviors.
- D. Officer Responsibilities:
 1. Officers are encouraged to seek confidential professional assistance to prevent a problem from escalating to the level of criminal conduct against an intimate partner.
 2. Officers with definitive knowledge of spousal abuse and/or violence or intimidation involving fellow officers must report such information in a timely manner to their supervisor. Failure to do so will subject the officer to investigation, the possibility of disciplinary action, and/or criminal charges.
 3. An officer who is the subject of a criminal investigation, protective, or restraining order, related to domestic violence, regardless of jurisdiction, is required to report him/herself to his/her supervisor and provide notice of the court dates, times, appearances, and proceedings in a timely manner.
 4. An accused officer who is subject of any civil protective order proceeding, whether or not the order is issued and regardless of jurisdiction, will notify his/her supervisor in a timely manner and provide a copy of the order, if issued, to his/her supervisor.

Incident Response Procedure

- A. The department will accept, document, and preserve all calls, including those made anonymously, involving peace officer domestic violence. Calls made in relation to an Aspen Police Department member will be retained for the tenure of that individual. Calls relating to Officers from other departments will be forwarded to that department for retention.
- B. Any criminal investigation into any Aspen Police Department employee, or any other police officer related domestic violence incident, will comply with current Colorado Revised Statutes regarding domestic violence.
- C. Upon arrival on the scene of a domestic violence incident involving any peace officer, the primary patrol officer will immediately notify Dispatch and request a supervisor be sent to the scene, regardless of the involved officer's jurisdiction.
- D. A supervisor will report to the scene of all peace officer domestic violence situations, regardless of the involved officer's jurisdiction.
- E. When responding officers become cognizant that an Aspen Police Department employee may be involved as either a victim or perpetrator in the domestic violence incident, a mutual aid request will be made immediately to a neighboring jurisdiction to take over the investigation. In these circumstances, Aspen Police Officers will still respond to ensure the safety of those involved and to secure the crime scene.
- F. Whenever an officer is arrested, the on scene supervisor will relieve the accused officer of his/her service weapon and ammunition regardless of whether the officer is a member of the responding department. Where allowable under federal, state, or local ordinances, all other firearms owned or at the disposal of the accused officer will be removed to ensure the victim's safety.
- G. Whenever a police officer domestic violence call does not result in an arrest or the pursuit of a warrant, the on-scene supervisor will submit a written report explaining any reasons why.

Additional Considerations

- A. When responding to a domestic violence complaint involving a peace officer from another jurisdiction, the responding supervisor will notify the Chief of Police, or his/her designee, in the accused officer's jurisdiction verbally as soon as possible and in writing within 24 hours.
- B. In the event that the reported incident involves the Chief of Police, the supervisor will immediately notify the individual in government who has direct oversight of that Chief, i.e., the City Administrator.

Departmental Follow-up

The Supervisor will:

- A. Review confidentiality guidelines with responding officers and reaffirm that officers share information only on a need-to-know basis.
- B. Establish a clear delineation of assignments in order to assist victims in a coordinated and consistent manner.
- C. Any arrest warrant charging a peace officer with domestic violence or any civil protective orders issued at a later time, will be served by an officer of senior rank to the officer being served.

Victim Safety and Protection

- A. All victims will be asked to provide information in order to complete the "Victim Notification" form.
- B. All officers will keep all information concerning victims confidential, including their whereabouts, safety plan, and any communications.
- C. The supervisory officer will inquire whether the victim wants any weapons removed from his/her home for safekeeping by the department.
- D. All officers will be aware of possible witness intimidation/coercion, and will conduct appropriate investigations.

Post-incident Administrative Action

- A. The Department will conduct separate parallel administrative and criminal investigations of alleged incidents of peace officer domestic violence. Independent of the outcome of the criminal case, the department will adhere to all policies relating to the incident. The department will observe all necessary protocols to ensure an accused officer's employment and legal rights are upheld during the administrative and criminal investigations.
- B. Where sufficient information exists, the department will take immediate administrative action to intervene, which can include removal of police powers of arrest, removal of badge and police identification, removal of weapon, or any other approved City of Aspen disciplinary action up to and including termination.
- C. In determining the proper course of administrative action, the department will consider factors such as level of danger an officer poses to the victim, an officer's history of compliance with departmental rules, history of aggressive behaviors, and existence of an alcohol or substance abuse problem.

Domestic Violence Criminal Convictions

- A. Federal law prohibits officers convicted of misdemeanor domestic violence assaults from carrying firearms. The department will comply with federal law.
- B. Any peace officer convicted of a domestic violence crime as defined in the Colorado Revised Statutes will have his or her peace officer powers revoked, and will be subject to disciplinary action up to and including termination.

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Officer Involved Shooting

PURPOSE

To provide operational procedures and guidelines related to officer involved shootings, in-custody deaths, and deaths involving non-custodial police actions.

DEFINITIONS

1. Officer Involved Shootings (OIS):
 - Officer involved shootings include any discharge of a firearm by an officer of the Aspen Police Department while on duty, or while off duty and acting under the color of police authority.
 - An officer involved shooting also includes the discharge of any firearm or other exploding device at, toward, or intended to inflict injury or harm to any employee while on or off duty.
 - The term "Officer Involved Shooting" shall exclude the use of less lethal force, the termination of injured animals, and training exercises.
2. In-Custody Death: The death of any person while in the custody or care of the Aspen Police Department.
3. Death involving non-custodial police action: The death of any person not in custody, but involved in an Aspen Police Department action.

PROCEDURE

The following guidelines serve as a foundation for the investigatory process of any officer involved shooting, in-custody death, or death involving non-custodial police action:

1. Personnel arriving at the scene of any of the above incidents will:
 - A. Be alert for additional suspects.
 - B. Completely disarm and handcuff all suspects.
 - C. Summon medical assistance for the injured.
 - D. Secure the crime scene.
 - E. Request a supervisor respond to the scene.
2. The first supervisor or acting supervisor arriving on scene will:
 - A. Ensure the above steps have been followed where necessary.
 - B. Where possible, assign one officer to accompany each injured person (suspect, officer, other) to any hospital in the ambulance.
 - i) Officers assigned to guard an injured person shall ensure the rights of the person are maintained and that no unwarranted intrusions are made upon the person. Officers guarding injured people shall not leave the individual unguarded. Where practical, they must remain with the individual into x-ray, surgery, and/or the morgue until relieved, for security and the preservation of any evidence.

- C. Assign one officer to initiate and complete a crime scene log.
 - D. Secure a perimeter of sufficient size.
 - E. Obtain brief information from the involved officer privately and in person to include the basic facts, as well as any outstanding victims, officers, suspects, or witnesses. Do not question the involved officer on specifics at this time.
 - F. Notify the Assistant Chiefs and Chief of Police as soon as practical.
 - G. Ensure any preliminary evidentiary procedures are followed including but not limited to photographing the involved officer on scene, and the collection of any other time sensitive physical evidence.
 - H. Will request mutual aid to enlist the aid of an outside agency to assist with securing the crime scene pending evidence collection & subsequent investigation.
3. Involved officer well-being:
- A. The Supervisor will assist with the well-being of the involved officer if uninjured, and provide transportation back to the department:
 - I. Find a secure location insulated from the press and curious officers.
 - II. Allow the officer a supportive friend. That friend should not discuss the situation, but should offer concern and support. There is no peer confidentiality privilege in this situation.
 - III. Suggest the officer consider retaining an attorney to help protect his personal interests.
 - B. The officer or a department member known to the family should contact the family to let them know what happened before rumors from other sources reach them. If the officer is injured the department will assist as necessary to drive family members to the hospital.
 - C. Instruct the officer not to un-holster or adjust any firearm. The officer involved as the shooter will have their firearm and duty belt removed as soon as practical, which will be immediately replaced with another duty belt and firearm.
 - D. Do not disarm the involved officer unless you have probable cause to believe that the involved officer has committed a crime.
 - E. The Aspen Police Department will provide temporary paid administrative leave to the involved officer to help deal with the emotional impact.
 - F. The involved officer(s) are required to participate in a mandatory confidential debriefing with a licensed mental health professional. The Aspen Police Department will take under advice the guidelines for return to work presented by the mental health professional for the involved officer. At the discretion of the Police Department, psychological testing of the Police Department's choosing may be required of the officer to ensure fitness for duty, prior to their return to work.
 - G. The Aspen Police Department will remain cognizant of the post-traumatic stress placed on officers involved in a life-threatening situation. The department will provide support and assistance to the officer and/or their immediate family when applicable.
 - H. All involved officers will participate in a debriefing with a mental health professional within 72 hours of the incident. This may be either one on one or in a group session. The officer who performed the shooting may participate in any group session as he or she chooses.

4. The Aspen Police Department will commission a complete investigation of the incident, to be performed by another uninvolved law enforcement agency.
5. A senior member of the Aspen Police Department’s management staff will oversee the investigation and its process.
6. If an officer is killed or critically injured as a result of his/her official duties, the officer’s identification shall not be released to anyone other than immediate family or next of kin. The Chief of Police will determine at what point this information may be released to the media or other interested parties.
7. In the event of the death of an Aspen Police Department employee, notification of next of kin shall be made as follows:
 - A. The Chief of Police shall coordinate in-person notification of the next of kin.
 - B. Should great distance be involved, the Chief will coordinate in-person notification to be made by a senior officer of the local police jurisdiction.
8. The Aspen Police Department will conduct an internal review of the incident. This review will assess the police actions involved and examine them for compliance with departmental policy, training, and applicable state and federal laws on the use of force.
9. The Aspen Police Department may refer to current IACP (International Chiefs of Police) “Administrative Guidelines for Dealing with Officers Involved in On-Duty Shooting Situations”, to provide additional guidance in the event of an officer involved shooting, in-custody death, or death involving non-custodial police action.

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Provision of Services – Special Needs

Purpose

It is the policy of the Aspen Police Department to ensure that a consistently high level of police service is provided to all members of the community including people who may require special consideration in order to access these services.

Definitions

"Qualified individual with a disability" means an individual who, with or without reasonable modifications to rules; policies or practices; the removal of architectural, communication, or transportation barriers; or, the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a public entity.

"Disability" means, with respect to an individual, a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such impairment; or being regarded as having such an impairment.

Special Needs

A. Visual Disabilities

1. One of the most difficult issues facing people in need who are blind or vision impaired is identifying police officials. Employees should offer detailed information in identifying themselves as members of the Department. If needed, badges may be offered to the individual to verify the officer's identity.
2. Knowing what not to do is as important as knowing what to do to assist a person who is vision impaired. Employees do not need to raise their voice when speaking. Employees should not grab the person's arm to lead him or her in a particular direction. If needed, the individual will take the officer's arm for guidance.

B. Mental, Emotional, and Psychological Disabilities

1. The terms "mental illness," "emotional illness," and "psychological illness," describe varying levels of a group of disabilities in thinking, feeling, and relating.
2. Providing accessibility to police services for people with mental, emotional, and psychological disabilities, usually involves providing only general assistance. However, at times, exceptional police service and safe custodial care may be required.
3. Employees must ensure that people with mental, emotional, and psychological disabilities are assisted in accessing agency services, which may require time and patience beyond that usually provided. For example, time spent on a call for service may have to be extended in order to reassure the individual, sort facts,

interact with family members and others, and bring the call to successful resolution.

4. If an individual with a mental, emotional, or psychological disability is taken into custody, employees must make reasonable efforts, while taking precautions, to use the least restraint possible and protect the arrestee from self-injury.
 5. Frequently, a family member or friend is of great value in calming an individual exhibiting unusual behavior as a result of mental or emotional impairment. If needed, steps should be taken to gain placement for the individual in an appropriate emergency medical, health care, or shelter facility.
 6. Officers must become familiar with appropriate government agencies, nonprofit agencies, volunteer organizations, and emergency medical services available to provide assistance to people with mental, emotional, and psychological disabilities.
 7. Officers must remain familiar with appropriate emergency commitment/detention procedures to be used when providing shelter care and related support to people with mental, emotional or psychological disabilities.
- C. Mental Retardation
1. Mental retardation encompasses a broad range of developmental disabilities from mild to profound. Mental retardation and mental illness are distinct conditions, with no similarity.
 2. Employees should recognize that people who have mental retardation have varied degrees of limited intellectual functioning. In all situations, employees should ask short questions, be patient when waiting for answers, repeat questions and answers if necessary, have individuals repeat the question in their own words, and provide reassurance. In many situations, and particularly when dealing with someone who is lost or has run away, the employee may gain improved response by accompanying the person through a building or neighborhood to seek visual clues.
 3. In responding to the needs of people with severe or profound mental retardation, the aid of family, friends, and teachers is invaluable.
- D. Mobility Impairment
1. Among the disabilities that are the most visibly identifiable are mobility impairments. People with mobility-related impairments include those who have difficulty walking, those who use a wheelchair or other mobility aid, and those who are immobile.
 2. In a critical or emergency situation, employees should be aware of the safest and most rapid methods for assisting people with mobility impairments to avoid causing them unnecessary strain or injury.

E. Invisible Disabilities

1. Many disabilities are difficult to notice. A law enforcement officer's failure to recognize characteristics associated with certain invisible disabilities could have serious consequences for the person with the disability. For example, outward signs of a disability such as epilepsy generally do not exist unless the person with the disability experiences a seizure. People with diabetes may have reactions from either too little insulin or too much insulin. Low blood sugar reactions are common and are usually treated by ingesting sugar. Detaining someone and preventing them from getting sugar could have serious health implications for the individual and liability consequences for the officer and department.
2. Officers should realize that involuntary behavior associated with some invisible disabilities may resemble behavior characteristically exhibited by intoxicated or, less frequently, combative individuals. For example, a person experiencing a mild seizure may appear incoherent and physically imbalanced. The response is temporary.
3. An officer's patience and understanding of the characteristics commonly associated with invisible disabilities will lead to a successful outcome. An inaccurate assessment may lead to unnecessary confrontation, injury, and denial of needed medication and/or medical treatment.
4. As with all types of disabilities, an employee's first obligation is to protect the individual from unnecessary harm. When aiding a person experiencing a seizure, protection from obstacles, a calm reassuring manner, and patience are important responses. Family members and friends should be sought to provide information and assistance. Their presence may prove invaluable in understanding the needs of the person with the disability and guiding the officer's actions.

F. Speech and Hearing Disabilities

1. Like other invisible disabilities, officers may confuse the behavior of individuals with hearing and speech disabilities with those of people who intentionally refuse to cooperate or those who abuse illegal substances. Officers should be aware that an individual's failure to comply with or respond to verbal orders does not always constitute defiance, but may be the result of that individual's inability to hear the officer or respond verbally. Before committing themselves to a course of action, officers should attempt to identify whether or not they are dealing with a person who has a communication-related disability.
2. It is essential that officers take extra measures to protect the rights of suspects who are deaf and hard of hearing, as well as others who may not have educational or communications comprehension levels sufficient to fully understand the basic Miranda rights. Simply reading the rights to someone with a hearing disability and having the individual acknowledge that they are understood is insufficient.

Officer Responsibility

- A. In providing police service to the public, it is incumbent on every employee to ensure that people with disabilities are afforded all rights, privileges, and access to the Department provided to those without disabilities.
- B. People with disabilities may also be suspects or arrestees and require detention, transport, and processing. Employees must familiarize themselves with the proper methods of transport, arrest, and detention to ensure officer safety while providing all reasonable support to an arrestee with a disability.
- C. Employees must develop the ability to recognize the characteristics of various disabilities, including symptoms, and physical reactions.
- D. Employees must recognize that responses of people with certain disabilities may resemble those of people who have abused substances such as alcohol or drugs. At times, such traits may be exhibited by people with diabetes, epilepsy, multiple sclerosis, hearing impairments, and other disabilities.
- E. Employees should be able to identify and apply appropriate responses, such as emergency medical aid, protecting and/or calming the individual, securing professional medical attention, locating and enlisting support of family and friends, and rendering proper physical support.
- F. Officers should be able to identify and apply appropriate restraint to a person with a disability, if needed to facilitate an arrest. When affecting an arrest of a person with a disability, officers should be able to access the support systems necessary to secure the rights of the individual. This may include use of interpreters, attorneys, and legal guardians.
- G. In all cases, officer safety must prevail. No employee should jeopardize his or her safety or that of others in an attempt to accommodate a person with a disability.

Arrest and Incarceration

- A. Employees should employ appropriate precautions and safety techniques in arresting and incarcerating all people, whether or not they have a disability. Officers should follow all policies and standard techniques for arrest and incarceration when taking a person with disabilities into custody.
- B. Consideration should be given to the special needs of some people with disabilities in an arrest situation. Response in these situations requires discretion and will be based, in great part, on the officer's knowledge of characteristics and severity of the disability, the level of resistance exhibited by the suspect, and immediacy of the situation. In arrest and incarceration situations, employees may encounter the following:
 - 1. A person whose disability affects the muscular and/or skeletal system may not be able to be restrained using handcuffs or other standard techniques. Alternative methods (transport vans, seat belts) should be sought.

2. Some people with disabilities require physical aids (canes, wheelchairs, leg braces) to maintain their mobility. Once the immediate presence of danger has diminished and the suspect is safely incarcerated, every effort should be made to return the device. If mobility aids must be withheld, the prisoner must be closely monitored to ensure that his or her needs are met.
3. Prescribed medication may be required at regular intervals by people with disabilities (diabetes, epilepsy). Medical personnel (the suspect's physician, on-call medical staff, emergency room medical staff) should be contacted immediately to determine the importance of administering the medication, potential for overdose, etc.
4. Some people with disabilities may not have achieved communications comprehension levels sufficient to understand their individual rights in an arrest situation. (For people who are deaf, there is no sign language for the term "waive" in regard to the Miranda rights. Yet, in an effort to be cooperative, a suspect who is deaf may acknowledge that he or she is willing to give up his or her rights.) Officers must take extra care to ensure that the rights of the accused are protected.
5. The booking officer shall be notified of an arrestee's disability, and medicine or aids shall be given to the booking officer.

Ride Along Program

Policy

Through a Patrol Ride-Along Program, interested civilians can learn about the Department and the actual job of an Officer. The Patrol Ride-Along Program is intended as an educational tool. This policy sets the guidelines and procedures for the Patrol Ride-Along Program.

Authorized Participants

1. All participants regardless of position, training, or background are considered civilians, and will not act in any capacity as an agent of the Aspen Police Department, unless expressly ordered to do so in the case of an emergency.
2. Authorized Patrol Ride-Along Program participants include, but are not limited to:
 - Adults interested in the law enforcement profession.
 - Individuals under eighteen years old who express an interest in the law enforcement profession, with the approval and waiver signed by a parent or legal guardian. Approval by a Sergeant is also required.
 - Any local, state, or federal official.
 - Officers, Dispatchers, or other employees of law enforcement agencies.
 - A Department employee's spouse, relative, or friend, with approval of the assigned Officer's on-duty Sergeant.
 - Any other person, if approved in advance by a Sergeant or Assistant Chief.

Arranging a Ride Along

1. Written Request – The interested party will complete an “Aspen Police Ride Along Request” form and submit it to the Shift Sergeant. The Shift Sergeant or designee will approve or deny the request. If the Shift Sergeant denies the request, he or she will inform the requestor.
2. The requirement for a written request is waived for Department employees, volunteers, interns, Victim Advocacy Program personnel, and other people associated with the Department in an official capacity. However, the on-duty Shift Sergeant should be notified if a civilian in this category requests to ride along with an Officer and permission from the requestors immediate supervisor should be obtained and provided to the Shift Sergeant.
2. Clearance – Unless an Assistant Chief waives this requirement, the Shift Sergeant or designee will clear each prospective passenger's personal information (name, date of birth, and description) through the NCIC/CCIC Crime Information System prior to scheduling the ride-along.
3. Scheduling – The Shift Sergeant will determine the length of, and schedule, the approved ride-along.
4. Frequency – No individual may ride along more than one time per month, unless a Sergeant approves an exception. This rule does not apply to Department employees, volunteers, and interns.

5. Media Ride Along – A Media Ride ride-along allows members of the media to accompany Officers as they perform their duties. Members of the media may be granted access for a ride-along by an Assistant Chief or designee, who will make arrangements. Department personnel must identify members of the media to property owners upon entering private property. It is up to the reporter to obtain consent before recording or reporting anything on private property. Media personnel are required to adhere to the same procedures as described in this direction for any civilian ride-along.

Officer Responsibilities

1. Notify Dispatch – Prior to leaving the Police Department building with a ride-along passenger, notify the Dispatch.
2. Direct ride-along passenger – The Officer will give directions to the passenger to help ensure the safety of the passenger and the Officer. The Officer may discontinue the ride-along if a passenger fails to reasonably follow the Officer's directions.
3. Discontinue the ride-along in dangerous situations -
 - A. The Officer will discontinue a ride-along in the following situations:
 - Vehicle Pursuit – Do not engage in any vehicle pursuit with a Ride-Along passenger. Leave the passenger at a safe location. Notify the Shift Sergeant that the passenger is no longer in the Patrol vehicle.
 - Dispatch to serious, inherently dangerous incident – Discontinue the ride-along prior to responding to the call unless your immediate response or presence is necessary.
 - B. The Officer will leave the passenger at a safe, public location, such as a convenience store or hotel. The Officer notifies Dispatch of the passenger's location and makes reasonable arrangements for the passenger's transportation.

Ride-Along Passenger's Responsibilities

1. Conduct – A ride-along participant is a guest of the Department and should behave accordingly. The assigned Officer discusses the following ride-along rules immediately before the ride-along begins:
 - No use of controlled substance or consumption of any alcohol within eight (8) hours prior to ride-along.
 - No profane or abusive language or behavior or otherwise inappropriate behavior during the ride-along that could embarrass the assigned Officer, the Department, or the City.
 - The participant must not enter any area protected by the 4th Amendment without the consent of a person who has authority to give that consent. For example, in the case of entry to a crime scene, or residence.
 - Do not converse with any citizen, witness or prisoner concerning a police incident or investigation.
 - Do not reveal to any unauthorized person the identity of any person arrested, detained, or suspected of any offense, or discussed in your presence.

- Do not operate or use any Department equipment or vehicle, except in the case of an emergency when the assigned Officer directs you to do so.
 - Stay in the Patrol vehicle unless the assigned Officer directs otherwise.
 - Do not carry or wear a weapon unless approved in advance by the duty Sergeant or designee.
 - Do not carry or operate a recording device or camera unless the duty Sergeant or designee approves it in advance.
2. Appearance – No passenger is allowed to ride along unless dressed and groomed appropriately, including acceptable personal hygiene. An Officer, Shift Sergeant, or other senior Officer has the discretion and authority to deny any passenger due to unacceptable grooming or clothing:
- Appropriate pants or slacks (for men and women), shirt or blouse, footwear, and appropriate outer clothing.
 - Clean and neatly groomed hair.

Search and Seizure

Policy

It is the policy of the Aspen Police Department to ensure that searches conducted by Department employees are in accordance with the constitutions and statutes of the United States of America and the State of Colorado. Although this policy addresses exceptions to the search warrant requirement, and absent "consent to search", it is Department policy that an Officer obtains a search warrant when he/she has probable cause to conduct a search where another person has a reasonable expectation of privacy.

Purpose

This policy identifies the circumstances in which an Officer can conduct a search and seizure with and without a warrant, and describes the procedures for those searches.

Advantages of obtaining a search warrant

Every Officer should understand and know the advantages in obtaining a search warrant even when an exception applies:

- Search warrants usually permit a more extensive search than a search permitted as an exception.
- To suppress evidence seized under a search warrant, the defendant has the burden of proving lack of probable cause. When evidence is seized without a warrant, the prosecuting attorney has the burden of proving probable cause.
- Obtaining a search warrant helps provide the Officer with a good-faith defense against civil litigation related to the search.

Exception Categories

The only exceptions to the normal search warrant requirement are:

- Consent searches.
- Motor vehicle searches.
- Plain view searches.
- Searches incident to an arrest.
- Interview room searches.
- Vehicle Inventories.
- Exigent circumstances.
- Prisoner searches.

Consent Searches

1. An Officer may conduct a search without a warrant if the Officer receives prior voluntary consent from a person who reasonably appears to have authority to give consent. Note: Consent Searches are often subject to question after the fact.
2. In major cases, if the Officer has sufficient probable cause to get a search warrant, it is preferable to search with a warrant rather than by consent.
3. Consent should be in writing. If not possible, a verbal consent may fulfill legal requirements. If verbal consent is given, the Officer should try to have another Officer or another person witness the consent.
4. The person who gives consent may limit consent to specific items, areas or times. Consent may be given to include a home, property, person, or vehicle.
5. The consent is invalid if it is given in the presence of a person who objects to the search and who has a higher priority in the property (for example, a subject consents to a search of her boyfriend's residence, even though he is present and objects to the search).
6. A person may withdraw consent at any time. In that event, the Officer must immediately stop searching. A search warrant may be needed to continue the search, but the search warrant application can include information on items seized before consent was withdrawn. Exception: consent search of a vehicle may continue after consent has been withdrawn if probable cause has been established.

Motor Vehicle Searches

1. An Officer may stop and search a vehicle without a search warrant if:
 - A. There is probable cause to believe that evidence of a crime is in the vehicle AND
 - B. The vehicle is capable of being moved.
 - C. The Officer may conduct a search whether or not an arrest has been made. The Officer may search any part of the vehicle in which the items sought might reasonably be found.
2. The rule does not apply to crimes that have no evidence (for example, most traffic offenses).
3. When a motor vehicle occupant is taken into full custodial arrest, the Officer may search the vehicle passenger compartment, incident to arrest, and prior to transporting the arrested person. The search includes glove boxes, receptacles, luggage, clothing, or other closed containers.
4. An Officer searches the transport vehicle directly prior to and directly after transporting an arrested person.

Plain View Searches

1. An Officer who is lawfully on a premise may make a plain view seizure of property if it is immediately apparent to the Officer that the property constitutes criminal evidence.
2. The rule does not apply if the item must be moved or examined more closely. A search warrant is required to move the item.
3. Except in exigent circumstances or in motor vehicles, plain view observation of evidence does not justify an Officer's warrantless entry into a constitutionally protected area to seize the item.

Searches Incident to Arrest

1. An Officer is permitted to conduct a search subsequent to a full custody arrest to:
 - A. Collect and preserve evidence.
 - B. Protect the safety of the arresting Officer and others.
 - C. Prevent escape.
 - D. Prevent weapons and contraband from entering a custodial facility.
2. The search incident to arrest is limited to the person, the person's clothing, and the area and articles within the person's immediate reach (including a purse or wallet).
3. The area within the person's reach is defined at the time of arrest and not at the time of search. The Officer should conduct the search immediately at the arrest location with the arrested person present, if possible. The Officer may not make the arrest, transport the arrested person, and then return to the arrest location to conduct a search incident to arrest.
4. The Officer may also conduct a search incident to arrest at the place of detention after prompt transportation of the arrested person.
5. If the Officer reasonably believes, based on specific and articulable facts, that there is an individual present who poses a danger to persons at the arrest location, the Officer may conduct a limited protective sweep of the premises incident to an arrest.
6. Because a full custody arrest is based upon probable cause, a search incident to that arrest is a reasonable intrusion under the 4th Amendment to the U.S. Constitution.

Interview Room Searches

An Officer will always check the interview room for weapons, contraband, and damage before and after an arrested person occupies it. Report any findings to the on-duty Supervisor, as soon as possible.

Exigent Searches

An Officer is permitted to search and arrest without a warrant in certain exigent circumstances:

1. Hot pursuit of suspect. Should only be used to justify warrantless search or entry in connection with felonies and serious misdemeanors. Hot pursuit means that the Officer is in continuous and uninterrupted pursuit (but not necessarily continuous visual contact). The Officer should not unnecessarily delay conducting the search.
2. Immediate crisis in which police assistance would probably be helpful. Examples are medical emergencies, suicides, drug overdoses. An Officer responding to such calls may search for the immediate cause of the crisis (for example, drug vials).
3. To prevent the destruction of evidence. The Officer must have articulable facts to suspect that the evidence is about to be destroyed or disposed. The presence of drugs does not automatically justify warrantless search.

4. An Officer will not try to create exigent circumstances through an action or lack of action (for example, delay obtaining a search warrant then wait until the Officer can chase a drug suspect into the suspect's residence).

Prisoner Searches

1. An Officer taking custody of an arrested person will always search that person for contraband and/or weapons. This applies to the arresting Officer, to an Officer receiving an arrested person, and/or when transporting prisoner(s) to and from court appearances, hospital visits, or interviews.
2. Where possible, an officer of the same gender as the arrestee will conduct a search of the person of a prisoner.

Search Warrant Application

1. The affidavit:
 - A. Identifies or describes, as narrowly as possible, the premises, persons, place, or thing the Officer will be searching.
 - B. Identifies or describes, as narrowly as possible, the property the Officer will search for, seize, or inspect.
 - C. Establishes the grounds for issuing the warrant or probable cause to believe that such grounds exist.
 - D. Establishes probable cause to believe that the property to be searched for, seized, or inspected is located at, in, or upon the premises, persons, place, or thing to be searched.
2. Use of Hearsay – The affidavit may use “hearsay” provided that the affidavit includes:
 - A. Facts indicating how, when, and where the information source obtained the information.
 - B. Facts indicating that the information source is reliable. Examples of reliable information sources may include:
 - i. An identified citizen or
 - ii. A fellow Officer or
 - iii. An informant who has made statements that are against the informant's own interest, or
 - iv. An informant who is credible and has provided reliable information in the past. In the latter case, the affidavit includes the nature and results of previous reliable information.

3. The search warrant must:
 - A. Identify or describe, as narrowly as possible, the premises, persons, place or thing to be searched.
 - B. Identify or describe, as narrowly as possible, the property the Officer will search for, seize, or inspect.
 - C. State the grounds or probable cause for issuing the warrant.
 - D. State the names of the persons whose affidavits or testimony support the warrant.

Securing of Premises before Search

1. If the delay between obtaining a search warrant and receiving the search warrant could allow evidence to be destroyed, the initiating Officer may secure the premises of a search area.
2. Securing the premises before obtaining the search warrant is permissible only if:
 - A. The delay in obtaining the warrant would be crucial and would allow evidence to be destroyed, AND
 - B. The Officer reasonably believes that evidence or contraband would be removed or destroyed, AND
 - C. The Officer reasonably believes that those persons who have evidence or contraband are aware that the police are actively trying to secure evidence and those persons are initiating steps to destroy the evidence, AND
 - D. The evidence or contraband can be destroyed readily.
3. The Officer who initiates the search warrant is responsible for securing the premises, if authorized.
4. The Officer may secure premises from the outside only, unless facts support the fear that evidence will be destroyed. In that case a warrantless entry to secure the premises from the inside is justified and authorized.
5. The Officer will instruct any person(s) present that they must leave the premises or must allow an Officer to remain with them until the search warrant is obtained.
6. The Officer will instruct any person(s) who arrive that they must not enter the premises or must allow an Officer to remain with them until the search warrant is obtained.
7. The Officer may restrict the movement and frisk for weapons any person(s) who remain on the premises, against the Officer's instructions.
8. The Officer may prevent any person(s) from removing items on the premises.
9. The Officer may deny access to any person who does not reside at the premises. The Officer should identify those persons, if possible.
10. If any person enters another room against the Officer's instructions and the Officer reasonably suspects that a weapon is located or evidence may be destroyed in that other room, the Officer has the right to search that room.

Execution of a Search Warrant

1. Authorized Officer – The court directs a search warrant to any Officer authorized by law to execute it in the county where the property is located. A municipal court directs the search warrant to any Officer authorized by law to execute it in the municipality where the property is located.
2. Affiant responsibilities – The Affiant should be present during the search and should prepare the return, if possible.
3. Time requirement – A search warrant should be executed and returned within ten (10) days of its issuance.
5. Time of day and use of force – Unless the court specifies, a search warrant authorizes the Officer to execute the warrant at any time and to use the force reasonably necessary to perform the duties commanded by the warrant.

Standards of Conduct

PURPOSE

It is the purpose of this policy to provide additional specificity to the standards of conduct embodied in the police department's code of ethics and statement of values, so that officers of the Aspen Police Department will better understand prohibitions and limitations pertaining to their conduct and activities while on and off duty.

The rules of conduct set forth in this policy are not intended to serve as an exhaustive treatment of requirements, limitations, or prohibitions on officer conduct and activities established by this agency. Rather, they are intended to:

- A. Alert officers to some of the more sensitive and often problematic matters involved in police conduct and ethics;
- B. Specify, where possible, actions and inactions that are contrary to and that conflict with the duties and responsibilities of police officers, and
- C. Guide officers in conducting themselves and their affairs in a manner that reflects standards of deportment and professionalism as required of police officers. Additional guidance on matters of conduct is provided in regard to specific policies, procedures, and directives disseminated by the Aspen Police Department and from officers' immediate supervisors and commanders.

POLICY

Actions of officers that are inconsistent, incompatible, or in conflict with the values established by the Aspen Police Department negatively affect its reputation and that of its officers. Such actions and inactions thereby detract from the department's overall ability to effectively and efficiently protect the public, maintain peace and order, and conduct other essential business. Therefore, it is the policy of the Aspen Police Department that officers conduct themselves at all times in a manner that reflects the ethical standards consistent with the rules contained in this policy and otherwise disseminated by this department.

DEFINITIONS

Accountability. In the context of this policy, accountability means the duty of all officers to truthfully acknowledge and explain their actions and decisions when requested to do so by an authorized member of the Aspen Police Department or the City of Aspen, without deception or subterfuge.

PROCEDURES

A. General Conduct

1. Obedience to Laws, Regulations, and Orders
 - a. Officers shall not violate any law or any agency policy, rule, or procedure.
 - b. Officers shall obey all lawful orders.
2. Conduct Unbecoming an Officer
 - a. Officers shall not engage in any conduct or activities on- or off-duty that reflect discredit on the officers, tend to bring the Aspen police department into disrepute, or impair its efficient and effective operation.
3. Accountability, Responsibility, and Discipline
 - a. Officers are directly accountable for their actions through the chain of command, to the Aspen Police Chief.
 - b. Officers shall cooperate fully in any internal administrative investigation conducted by this or other authorized agency and shall provide complete and accurate information in regard to any issue under investigation.
 - c. Officers shall be accurate, complete, and truthful in all matters.
 - d. Officers shall accept responsibility for their actions without attempting to conceal, divert, or mitigate their true culpability nor shall they engage in efforts to thwart, influence, or interfere with an internal or criminal investigation.
 - e. Officers who are arrested, cited, or come under investigation for any criminal offense in this or another jurisdiction shall report this fact to a superior as soon as possible.
4. Conduct toward Fellow Employees
 - a. Officers shall conduct themselves in a manner that will foster cooperation among members of this agency, showing respect, courtesy, and professionalism in their dealings with one another.
 - b. Employees shall not use language or engage in acts that demean, harass, or intimidate another person. (Members should refer to this agency's policy on "Harassment and Discrimination in the Workplace" for additional information on this subject)

5. Conduct toward the Public
 - a. Officers shall conduct themselves toward the public in a civil and professional manner that connotes a customer service orientation and that will foster public respect and cooperation.
 - b. Officers shall treat violators with respect and courtesy, guard against employing an officious or overbearing attitude or language that may belittle, ridicule, or intimidate the individual, or act in a manner that unnecessarily delays the performance of their duty.
 - c. While recognizing the need to demonstrate authority and control over criminal suspects and prisoners, officers shall adhere to the Aspen Police Department's use-of-force policy and shall observe the civil rights, and protect the well-being of those in their charge.
6. Abuse of Law Enforcement Powers or Position
 - a. Officers shall report any unsolicited gifts, gratuities, or other items of value that they receive and shall provide a full report of the circumstances of their receipt if directed.
 - b. Officers shall not use their authority or position for financial gain, for obtaining or granting privileges or favors not otherwise available to them or others except as a private citizen, to avoid the consequences of illegal acts for themselves or for others, to barter, solicit, or accept any goods or services (to include, gratuities, gifts, discounts, rewards, loans, or fees) whether for the officer or for another.
 - c. Officers shall not purchase, convert to their own use, or have any claim to any found, impounded, abandoned, or recovered property, or any property held or released as evidence.
 - d. Officers shall not solicit or accept contributions for this agency or for any other agency, organization, event, or cause without the express consent of the Police Chief or his or her designee.
 - e. Officers are prohibited from using information gained through their position as a law enforcement officer to advance financial or other private interests of themselves or others.
 - f. Officers who institute or reasonably expect to benefit from any civil action that arises from acts performed under color of authority shall inform their commanding officer.

7. Off Duty Police Action
 - a. Officers shall not use their police powers to resolve personal grievances (e.g., those involving the officer, family members, relatives, or friends) except under circumstances that would justify the use of self-defense, actions to prevent injury to another person, or when a serious offense has been committed that would justify an arrest. In all other cases, officers shall summon on-duty police personnel and a supervisor in cases where there is personal involvement that would reasonably require police intervention.
 - b. Unless operating an official Aspen Police vehicle, off-duty officers shall not arrest or issue citations or warnings to traffic violators on sight, except when the violation is of such a dangerous nature that officers would reasonably be expected to take appropriate action.
8. Prohibited Associations and Establishments
 - a. Arresting or investigating officers shall not commence social relations with the spouse, immediate family member, or romantic companion of persons in the custody of this agency.
 - b. Officers shall not knowingly commence or maintain a relationship with any person who is under criminal investigation, indictment, arrest, or incarceration by this or another police or criminal justice agency, and/or who has an open and notorious criminal reputation in the community (for example, persons whom they know, should know, or have reason to believe are involved in felonious activity), except as necessary to the performance of official duties, or where unavoidable because of familial relationships.
 - c. Except in the performance of official duties, officers shall not knowingly enter any establishment in which the law of that jurisdiction is regularly violated.
 - d. Officers shall not knowingly join or participate in any organization that advocates, incites, or supports criminal acts or criminal conspiracies.

B. Public Statements, Appearances, and Endorsements

1. Officers shall not, under color of authority,
 - a. Make any public statement that could be reasonably interpreted as having an adverse effect upon department morale, discipline, operation of the agency, or perception of the public;
 - b. divulge or willfully permit to have divulged, any information gained by reason of their position, for anything other than its official, authorized purpose; or

- c. unless expressly authorized, make any statements, speeches, or appearances that could reasonably be considered to represent the views of the Aspen Police Department.
- 2. Endorsements
 - a. Officers may not, under color of authority, endorse, recommend, or facilitate the sale of commercial products or services. This includes but is not limited to the use of tow services, repair firms, attorneys, bail bondsmen, or other technical or professional services. It does not pertain to the endorsement of appropriate governmental services where there is a duty to make such endorsements.

C. Expectations of Privacy

- 1. Officers shall not store personal information or belongings with an expectation of personal privacy in such places as lockers, desks, departmentally owned vehicles, file cabinets, computers, or similar areas that are under the control and management of the Aspen Police Department. While the department recognizes the need for officers to occasionally store personal items in such areas, officers should be aware that these and similar places may be inspected or otherwise entered—to meet operational needs, internal investigatory requirements, or for other reasons—at the direction of the police chief or his or her designee.
- 2. No member of the Aspen Police Department shall maintain files or duplicate copies of official agency files in either manual or electronic formats at his or her place of residence or in other locations outside the confines of this agency without express permission.

Use of Force

Policy

It is the policy of this department to employ reasonable and necessary force to overcome resistance, to affect an arrest, or to protect the officer or any other person during the performance of an officer's duties.

It should be noted that it is not possible to provide for the means to address every situation within the guidelines issued under this policy due to the dynamic nature of police work.

Purpose

- To establish guidelines regarding reasonable and acceptable use of force.
- To provide for a high degree of safety in the application of force.
- To provide for a high degree of officer safety.
- To provide for the treatment of any injury or complaint of injury arising from the use of force.

Definitions

Physical force: "Physical force" is the use of any force in an action against another including confinement, restraint, non-lethal force, less lethal force, and deadly force.

Less lethal force: "Less lethal force" is a concept of planning and force application which meets operational objectives with less potential for causing death or serious physical injury than conventional police tactics, i.e. the use of lethal force.

Lethal force: "Lethal force" is the use of force where the intended, natural, and probable consequence is to produce death and which does in fact produce death.

Authorized weapons: "Authorized weapons" are department issued or approved lethal, less lethal, or intermediate weapons in which an officer has received training and demonstrated proficiency at quarterly trainings as required by the department.

Department Approved Control Techniques: "Department approved control techniques" are physical techniques which are taught to officers by department use of force instructors during quarterly in-service training. These include, but are not limited to, PPCT Management System control techniques, ground tactics techniques, handcuffing, and hobbling techniques.

Serious bodily injury: "Serious bodily injury" means 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, CRS 18-1-901(3)(p).

Legal Justification

The Aspen Police Department shall comply with Colorado Revised Statute §18-1-707 relating to the use of physical force in making an arrest or in preventing an escape.

Procedures

General

- A. An officer must meet annual department training requirements in a specific method of force application before using that type of force.
- B. An officer is authorized to use department approved control techniques and authorized weapons in the application of force or for the resolution of incidents as follows:
 1. To effect an arrest or to prevent the escape from custody of an arrested person unless he/she knows the arrest is unauthorized per §18-1-707 (1)(a), C.R.S.; or
 2. To defend himself/herself or a third person from what he/she reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape per §18-1-707 (1)(b), C.R.S.; or
 3. In taking a person into protective custody for mental health or intoxicated conditions, when the officer believes the person to be a danger to himself/herself or others per §27-10-105, 25-10-310, C.R.S.; or
 4. To maintain order and discipline in a detention or correctional institution per §18-1-703 (1)(b), C.R.S.
- C. An officer must assess each incident to determine the level of control that is reasonable and appropriate. The force that an officer may use to gain control over a resistive subject's actions or to stop the physical threat from a subject may include:
 1. Verbal commands and direction.
 2. Soft and hard empty hand control.
 3. Intermediate weapons.
 4. Less lethal weapons.
 5. Lethal force.
- D. Officers are authorized to use both escalation and de-escalation tactics when necessary in reacting to any given threat. In the event that physical force is necessary, the officer must exercise reasonable discretion and decide which technique(s) and/or authorized weapon(s) will reasonably de-escalate the incident and bring it under control or stop the physical threat.
- E. When any force is used on a subject, medical attention will be summoned as soon as possible if:
 1. The subject requests medical attention; or
 2. An officer observes an injury or suspects that the subject is injured to a degree that would require medical treatment. (Note: Consideration should be given to the fact that an injury may not be visible to the naked eye.)

Handcuffing and Restraints

- A. Any subject taken into custody will be handcuffed behind his/her back. Exceptions are if the subject has an injury that does not permit the subject's arms to move behind his/her back or if there is any other physical limitation that may be aggravated by handcuffing behind the back.

- B. Whenever handcuffs are applied, the cuffs will immediately be checked for appropriate fit and double locked. If the situation is tactically unsafe, the officer will transport the detainee to a safe place and then check for appropriate fit and double lock the handcuffs.
- C. Should a handcuffed subject complain about the tightness of the handcuffs, officers will, as soon as tactically safe to do so, check the tightness and fit of the handcuffs and adjust them if necessary.
- D. Except under exceptional circumstances, officers should not handcuff a subject to a fixed object.
- E. Additional restraints such as zip cuffs, nylon hobble, leg shackles, and the in-car quick release handcuff restraint may be used as appropriate.
- F. When using a hobble:
 - 1. A minimum distance of 24" should be left between the ankles and the waist or handcuffs.
 - 2. Officers should be aware of signs of positional asphyxia.
 - 3. The use of the "hog tie" is forbidden, i.e. the attachment of ankles to the waist or handcuffs where the strap between the cuffs and ankles is less than 12".
- G. Any arrestee will be seat-belted into the vehicle in which he or she is being transported.

Intermediate and Less Lethal Weapons

Please refer to the "Intermediate and Less Lethal Weapons" policy.

Use of Lethal Force

- A. Drawing or exhibiting firearms
 - 1. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives and creates unnecessary anxiety on the part of citizens. The drawing or exhibiting of a firearm should occur only when necessary.
 - 2. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable suspicion that there is a substantial risk that the situation may escalate to the point where deadly force may be justified.
 - 3. When an officer determines that there is no longer a substantial risk, the officer shall, as soon as practical, secure or holster the firearm.
- B. Deadly Force Guidelines
 - 1. A police officer shall only use lethal force to protect himself or herself or another person from what he/she believe to be imminent death or serious bodily injury and will use the force in accordance with state statutes and department training and guidelines, including the use of lethal force in the apprehension of fleeing felons.
 - 2. A police officer shall not use deadly force when doing so may endanger innocent persons, unless the use of deadly force is needed to protect the life of the officer or another individual.
 - 3. A police officer shall not use the threat of deadly force or deadly force to subdue a person whose actions are destructive to property or injurious to himself or herself, unless the subject represents an imminent threat of death or serious bodily injury to the officer or others.

- 4. A police officer may only discharge his/her weapon from a moving vehicle when it is absolutely necessary to do so to protect the life of the officer or others.

Excessive Force

- A. The use of excessive force is prohibited per §18-8-803 C.R.S.
- B. An officer is required to report excessive use of force by him or herself, and/or other officers, in writing to his/her immediate supervisor within 10 days of the incident, per §18-8-802 C.R.S.

Documentation

- A. All incidents of use of force against people will be documented in a standard police narrative in detail.
- B. The documentation shall include the amount and level of resistance offered by the subject, the type and amount of force used by the officer, restraining techniques used, and transport details.
- C. Any officer that uses force, including less lethal weapons, on a human subject, above the level of standing, non-resistive handcuffing, will document such force on a use-of-force report form in addition to the narrative description.
- D. Any complaint by a subject made to an officer regarding a use of force will be documented along with the officer’s response and any actions taken to remedy the complaint.
- E. Any discharge of a firearm, except in the case of dispatching of injured wildlife, training, or recreation, shall be reported in writing. In the instance that the discharge is caused by negligence, the officer shall be required to comply with mandatory remedial training requirements of the Roaring Fork Regional Training Program.

Associated Policies:

- Intermediate and Less Lethal Weapons Policy
- Firearms Policy
