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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: ORGANIZATIONAL STRUCTURE & GENERAL DUTIES **NUMBER** 101

EFFECTIVE: February 12, 2007

POLICY:

The Boulder County Sheriff's Office provides all employees with guidelines describing the hierarchy of rank and to define the organizational structure of the Office.

DEFINITIONS:

Employee: A commissioned or non-commissioned individual appointed by the Sheriff to work for the Sheriff's Office.

Position: The duties and responsibilities, or work assignable to one employee.

Rank: A specific level of command within the official levels of hierarchy designating degrees of administration, supervision and authority.

PROCEDURE:

I. General Organization

A. The Sheriff organizes the Office as needed by establishing Divisions headed by Division Chiefs or Directors (civilian equivalent to Division Chief).

II. Sheriff's Office Positions - Span of Control

A. The Sheriff: Chief Executive Officer of the Sheriff's Office and who has final responsibility for determining Sheriff's Office policies, procedures, rules, operational guidelines, and the execution thereof. The Sheriff directs activity through the Division Chiefs or Directors.

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

B. Division Chief/Civilian Director: Subordinate to the Sheriff, the Division Chief commands all activities within the scope of their assigned responsibility. It is permissible for the Division Chief to enact operational rules and regulations within their Divisions that do not conflict with the Sheriff's Office Policy and Procedures Manual.

C. Commanders: Command the functions of the Sheriff's Office at the direction of or absence of Division Chiefs. A Commander reports to the appropriate Division Chief.

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

III. Organizational Chart

A. The Personnel Section maintains a Sheriff's Office Organizational Chart for the Office as a whole and for each Division. It is the responsibility of each Division Chief to annually update their division's chart and provide a copy to the Personnel Section.

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

IV. Authority and Responsibility

A. The Sheriff delegates authority to each employee of the Sheriff's Office to make the decisions necessary to effectively execute their duties and responsibilities. Employees are held accountable for the use of this authority.

V. General Duties and Functions

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

B. Duties of the Sheriff include those mandated by Statute:

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

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

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

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

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

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

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

C. All employees shall cooperate with and assist other units of city, county, state and federal governments.

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

F. All employees are subject to emergency recall.

G. The Sheriff, or Sheriff’s designee, has the authority to assign any employee to any division within the Office.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: WRITTEN DIRECTIVE SYSTEM **NUMBER:** 201

EFFECTIVE: 03/24/2006

POLICY:

The Boulder County Sheriff's Office written directives system uses a standardized format as is described in this policy.

Directives establish the lines of communication, authority and responsibility within the Sheriff's Office. They also establish the course of action the Office undertakes in order to achieve stated goals and objectives. Directives explain the Sheriff's Office policy and define or provide guidance on an individual's limits of discretion in certain circumstances.

DEFINITIONS:

Policy: Broad statements of agency principles. Policy statements provide a framework for development of procedures, rules and regulations.

Written Directive/Procedures: Any written document used to guide or affect the performance or conduct of Sheriff's Office Personnel. The term indicates policy, procedure, rules and regulations, special orders, and memorandums. Procedure, by definition, establishes what is to be done and the way it should be done

PROCEDURE:

I. Policy statements are approved and issued by the Sheriff. The Sheriff may amend or cancel directives at any time. In the Sheriff's absence, the Undersheriff may issue policies and procedures, which may be amended upon the return of the Sheriff.

   A. The Administrative Services Division maintains all Sheriff's Office policy statements; procedures, amendments and cancellations.

   B. The Administrative Services Division maintains the index for the manuals, to include assigning section and policy numbers.

   C. Sheriff's Office policies and procedures are in effect when signed and dated by the Sheriff, or the Sheriff's designee.

   D. Sheriff's Office policies and procedures are available to all members of the Office. Employees are responsible for reading and understanding each policy and procedure.

II. Appropriate subjects of written Sheriff's Office policies and procedures include, but are not limited to:

A. Organizational structure and any changes in the structure.

B. Procedures that affect more than one division.

C. Personnel rules, regulations and procedures to include: hiring, training, promoting, and transferring between divisions.

D. High risk operational aspects, i.e., use of force, vehicular pursuits, authorized weapons, etc.

D. Organizational goals and objectives.

III. Format

A. Sheriff's Office policy construction uses the following format:

1. SUBJECT
   NUMBER
   EFFECTIVE (date)
   POLICY
   DEFINITIONS
   PROCEDURES
   I. Topic
      A. Section
         1. Sub-section
            a. Paragraph
               1) Sub-paragraph

2. Divisional written directives in the form of memorandums, special orders, etc. do not have specified formats.

IV. Maintenance of Policies

A. The Administrative Services Division coordinates, reviews, revises, and updates and purges the Sheriff's Office Policy Manual as needed.

1. When policies need to be reviewed or require updating they are brought to Executive Staff for distribution and input.

a. A proposed policy or policy revision is forwarded to Executive Staff for distribution and review.

b. Division Chiefs or their designee are responsible for disseminating proposed policies throughout their respective divisions and solicit appropriate input.

B. Policies and/or procedures approved by the Sheriff are distributed to the various division policy manuals of the Sheriff's Office.

1. Each manual is to have a revision list at it's beginning. Each divisional representative is responsible for writing the policy number and date of the revision, plus their initials, on the revision list.

V. Special Orders

A. Any special order signed by the Sheriff and posted on bulletin boards or through the email system or any other form of electronic or written communication shall command the same attention and compliance as any policy of the Sheriff's Office.

B. A special order issued by a division, section, or unit supervisor pertaining to assigned members, shall command the same attention and compliance as Sheriff's Office Policy.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: AUTHORITY AND JURISDICTION **NUMBER:** 202

EFFECTIVE: January 17, 2017 **SUPERSEDES:** March 24, 2006

POLICY:

The Boulder County Sheriff's Office clearly establishes the authority and jurisdiction of the law enforcement powers and duties for all Boulder County Sheriff's deputies. All deputies comply with Colorado state statutes and any other applicable laws in carrying out official law enforcement duties. It is not the intent of this policy to restrict deputies from exercising reasonable and appropriate discretion when necessary.

DEFINITIONS:

C.R.S.: Colorado Revised Statutes.

Discretion: Power of free decision or latitude of choice within certain specific bounds.

Off-Duty: An employee is off-duty when they are not working a regularly scheduled shift, overtime, emergency call-out, contract service, special event or is released from duty and leaves the assigned duty post. An employee immediately transitions from off-duty to on-duty when the employee performs an act or job task that is directly related to their employment with the sheriff's office.

On-Duty: An employee is on-duty when they are working a regularly scheduled shift, overtime, emergency call out, contract service, special event, or under those circumstances cited in section D, sub-section1, of this policy. All POST-certified deputies who are subject to exercising law enforcement authority during their regularly scheduled shift are considered on-duty from the beginning of their workday until they are released from duty. This workday includes breaks and meal periods, except during the portion of the meal period when the deputy is released from duty and leaves the assigned duty post.

Employees shall be considered on-duty when driving sheriff's office vehicles.

PROCEDURE:

I. This policy and procedure applies to commissioned personnel on-duty and off-duty.

II. Limits of Authority:

A. The authority of the Office of the Sheriff is statutory. Duties of the Sheriff include:

1. Serve any process or make arrests in the county, CRS 32-16-110

2. Enforcement of County Ordinances, CRS 30-15-410

3. Custodian of the Jail, CRS 30-10-511.

4. Fire Warden in case of prairie or forest fires, CRS 30-10-512.

5. Transporter of prisoners, CRS 30-10-514.

6. Executor of Writs - attend courts, CRS 30-10-515.

7. Preserve peace and command aid, CRS 30-10-516.

8. Issue permits for concealed weapons, CRS 30-10-523, and CRS 18-12-105.

B. Deputies are administered the Oath of Office by the Sheriff, or his designee, prior to being placed on-duty as a commissioned deputy of the sheriff's office. CRS 30-10-506.

1. The Sheriff is designated as a peace officer pursuant to CRS 16-2.5-103, and has the authority to enforce all laws of the State of Colorado while acting within the scope of his authority and in the performance of his duties.

2. A Colorado POST-certified sheriff's deputy is designated as a Peace Officer pursuant to CRS 16-2.5-103, and has the authority to enforce all laws of the State of Colorado, while acting within the scope and authority of officially assigned duties.

3. A non-certified sheriff's deputy (certain jail deputy positions and all security deputies) is designated as a peace officer pursuant to CRS 16-2.5-103 (2). A non-certified deputy's authority is restricted to on-duty hours, while on assigned post, and as specified by policy or job description.

C. Authority of Peace Officers.

1. Powers of arrest - CRS 16-3-101 through 16-3-108.

2. To command assistance - CRS 16-3-202.

3. To conduct searches and seizures - CRS 16-3-301 to 16-3-305.

4. To enforce all laws of the State of Colorado - CRS 18-1-901 (3) (I through IV), and County resolutions pursuant to statute.

5. Emergency commitments:

   a. Mentally ill - CRS 27-10-105.

   b. Intoxicated or incapacitated by alcohol - CRS 25-1-310.

D. Discretion:

1. Deputies may exercise discretion in the manner in which they carry out their assigned duties. The sheriff's office mission statement, value statements, and applicable policies, procedures and state statutes, governs this discretion. In addition, deputies are to apply the "Boulder County Incarceration Standards" **(see attachment "A")** to arrest situations before incarcerating any individual at the Boulder County Jail.

III. Jurisdiction

A. Jurisdiction within the boundaries of Boulder County:

On-duty certified deputies have full power and authority as peace officers within the boundaries of Boulder County, to include incorporated municipalities. The Sheriff may limit the exercise of these powers.

B. On-duty jurisdiction outside the boundaries of Boulder County.

1. An on-duty commissioned deputy may take official law enforcement action outside Boulder County when:

   a. The deputy is in fresh pursuit of an individual who has committed a crime within Boulder County or;

   b. The deputy is in the presence of a peace officer from that jurisdiction or;

   c. The deputy is assigned to a multi-jurisdictional law enforcement group with broadly specified jurisdiction or;

   d. The deputy is assigned to another jurisdiction pursuant to a valid mutual aid agreement or request or;

   e. The deputy reasonably believes that immediate law enforcement action is necessary to protect human life or prevent serious bodily injury to any person or;

f. The deputy reasonably believes that, in their presence, an individual has, is, or is about to commit a felony involving the use or threatened use of a deadly weapon or;

g. The deputy has a valid arrest warrant and has a peace officer from that jurisdiction present when executing the warrant or;

h. The deputy has a valid search warrant for any location within the State of Colorado, and has a peace officer from that jurisdiction present when executing the warrant.

2. Actions within Boulder County incorporated municipalities:

a. Commissioned deputies may exercise law enforcement powers within incorporated cities in Boulder County. Ordinarily, deputies are primarily responsible for providing public safety services in the unincorporated areas and contract cities or towns and do not provide law enforcement services to incorporated areas, unless requested.

b. Deputies provide law enforcement services to incorporated cities where services have been arranged by contract. (See Contractual Agreements, Policy Number 206, of the Policy and Procedures Manual).

D. Off-duty jurisdiction within Boulder County:

1. Off-duty POST-certified deputies retain full power and authority as peace officers within Boulder County. However, the Sheriff restricts the duty to intercede while off-duty to situations where the deputy reasonably believes that immediate intervention is necessary to prevent a felony or violent crime. When a deputy forms intent to exercise the authority of a peace officer and makes an overt act toward the exercising of that authority they immediately transition from off-duty to on-duty status.

2. An off-duty deputy may request, through whatever means available, that an on-duty deputy respond to handle any required law enforcement action. The off-duty deputy is authorized to take necessary law enforcement action prior to the arrival of the deputy.

3. A deputy who is serving a disciplinary suspension or is on administrative leave related to a misconduct investigation is considered to have all law enforcement authority temporarily suspended for the duration of the suspension or leave period.

a. Restrictions other than suspension or administrative leave may be imposed at the discretion of the Sheriff or Division Chief. These restrictions are specifically described to the deputy in a document that is signed by the Sheriff or Division Chief. A copy is maintained in the deputy's personnel file.

b. An off-duty deputy who is under restriction may act with the arrest power afforded private citizens by Colorado law. Upon exercising this power the deputy is required to report the incident to the appropriate on-duty Operations Division supervisor as soon as possible.

4. Deputies are not to make traffic stops in personal vehicles. Criminal activity, fleeing suspects, reckless driving, DUI or other serious offenses should be reported to the appropriate jurisdiction by the deputy.

5. An off-duty deputy is not to take official law enforcement action in disputes in which they are personally involved, or in disputes involving family, neighbors or close friends, unless such intervention must be made to prevent impending physical injury to any person or damage to property.

6. Deputies are prohibited from taking any law enforcement action when impaired by alcohol or drugs.

7. Whenever an off-duty deputy acts with the authority of a peace officer, the deputy notifies the on-duty Operations Division supervisor as soon as practical and completes an official report of the incident as required by policy or procedure.

E. Off-duty jurisdiction outside Boulder County:

1. An off-duty deputy may exercise law enforcement powers outside the jurisdiction when the deputy reasonably believes that intervention is necessary to protect human life or prevent serious bodily injury to any person.

2. An off-duty deputy may take action as a private citizen while outside of Boulder County when the laws of that jurisdiction authorize such action

3. An off-duty deputy may take law enforcement action at the request of a peace officer with jurisdiction and authority to make such a request.

4. Whenever an off-duty deputy acts with the authority of a peace officer, the deputy notifies the on-duty Operations Division supervisor as soon as practical and complete an official report of the incident as required.

By Order of the Sheriff,

_____ _____

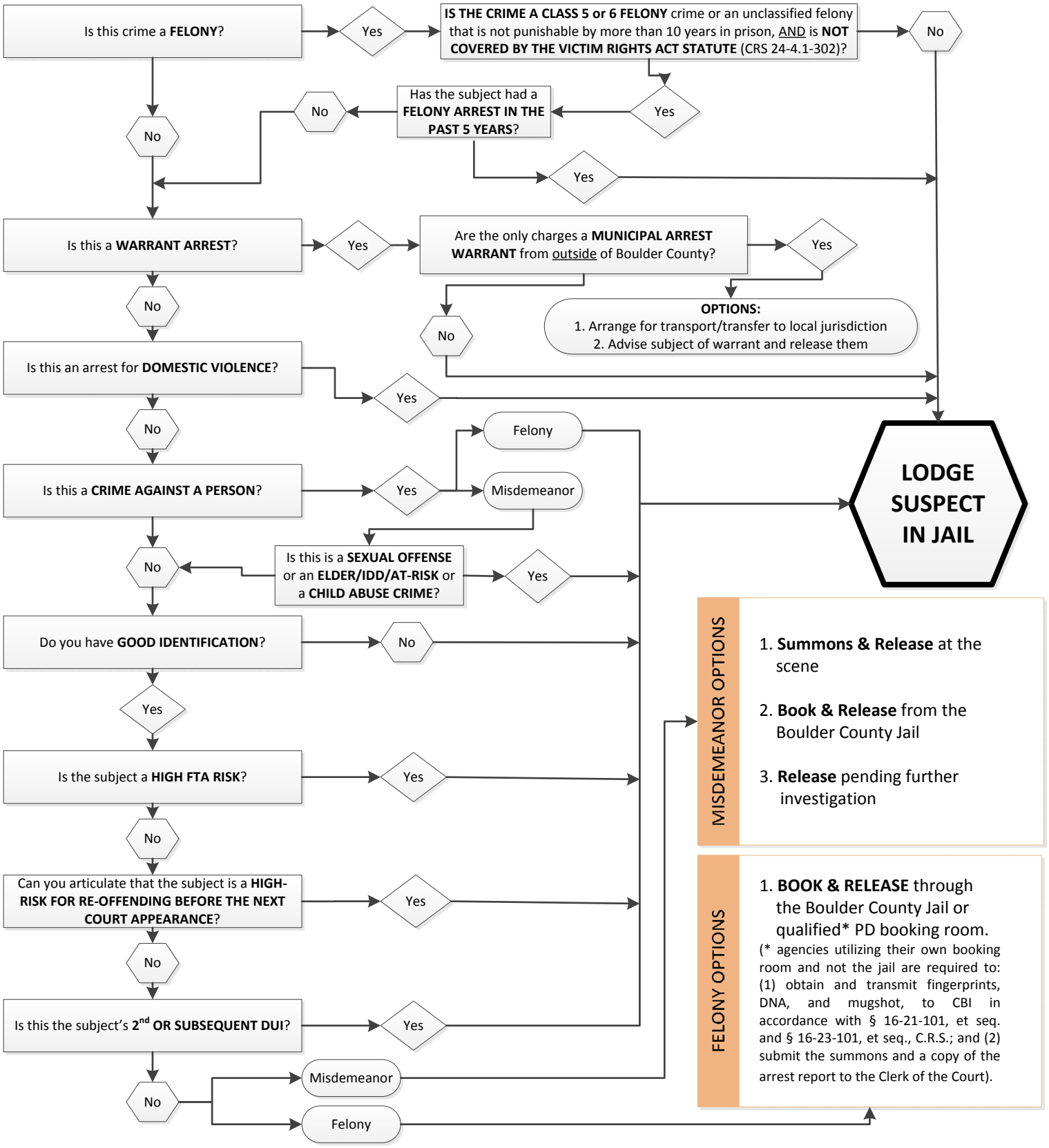
Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE

INCARCERATION STANDARDS

These incarceration standards have been created to provide a concise, uniform process to aid officers in Boulder County with making daily decisions about making arrests and whether an arrestee should be incarcerated at the Boulder County Jail. A goal of these standards is to relieve pressure on the Boulder County Jail by incarcerating only those individuals who need to be jailed.

These standards are guidelines. No procedure or set of guidelines can cover all situations. An attempt has been made to present the standards in a concise, usable format. When questions arise out of a set of unique or difficult circumstances not addressed by these standards, officers are encouraged to confer with their direct supervisor before making a decision to arrest and incarcerate. It is presumed that the evidentiary threshold of probable cause has been reached in support of a custody arrest and/or summons.



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SUBJECT: POLICY PRECEDENCE **NUMBER:** 203

EFFECTIVE: 03/24/2006

POLICY:

It is the policy of the Boulder County Sheriff's Office that policies and procedures adopted by the Sheriff, which do not deal with pay or benefits, take precedence over policies of the Board of County Commissioners that address the same issue.

When there is a County policy for an issue not addressed by Sheriff's Office policy the County policy shall be followed.

By order of the Sheriff

_____ _____
Joseph K. Pelle, Sheriff Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: INTERAGENCY LIAISON AND COOPERATION **NUMBER:** 204

EFFECTIVE: 03/24/2006

POLICY:

It is the policy of the Boulder County Sheriff's Office for employees to foster and maintain effective channels of communication with other governmental agencies.

PROCEDURE:

I. The Sheriff or his designee strives to meet periodically with representatives of the 20th Judicial District, including Judges, the District Attorney, Public Defenders, Probation Officers, Community Corrections and Colorado Department of Corrections Staff. These meetings are held to discuss pertinent current matters and to obtain feedback that ensures that information flows freely between the involved agencies.

II. Deputies of the Operations Division strive to meet with representatives of the agencies in adjoining jurisdictions. These meetings are to be designed as information sharing opportunities between federal, state, and local agencies for the purpose of apprehending fugitives and enhancing criminal investigations.

A. The meetings may be attended by any Deputy for the purpose of obtaining and disseminating information regarding specific areas of crime with representatives of other agencies.

B. Detectives have the responsibility of attending meetings concerning their respective areas of assignment.

1. There are numerous associations of investigators for specific purposes. It is left to the discretion of the Operations Division Chief as to the associations that would be appropriate for the purposes of this policy.

2. An emphasis is put on those meetings that effect relations between agencies within Boulder County.

III. Liaison Between Local Fire Officials and Emergency Medical Service Officials and Volunteer Rescue Groups.

A. Members of the Emergency Services Group are responsible for liaison between the Sheriff’s Office and local fire and emergency service providers.

B. Members of the Emergency Services Group also bear the responsibility of planning for the suppression of prairie and wild land fires. This may necessitate close coordination with the U.S. Forest Service, the Bureau of Land Management, the State Forest Service, regional fire protection districts and fire departments. In addition these Deputies maintain close contacts with representatives of the various fire protection districts within Boulder County and the Boulder County Fire Fighter's Association.

IV. The Sheriff or his designee may meet periodically with representatives of the Colorado State Patrol to discuss traffic problem areas and any agreements between the Sheriff's Office and the State Patrol for traffic enforcement and initial coverage of accident scenes.

V. It is the practice of the Sheriff's Office and it's employees to make referrals of persons in need to services not provided by the Sheriff's Office.

A. Two specific lists of referral agencies are available to Deputies in the Boulder County Sheriff's Office "Victim Rights and Assistance" resource guide booklet and the "Boulder Community Network" on the Internet at http://bcn.boulder.co.us/.

B. These guides are available in each division and are available in the Boulder Communications Center.

VI. The Communications Center maintains contact information for all agencies and victim assistance groups with whom the Sheriff's Office normally interacts.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

SUBJECT: MUTUAL AID **NUMBER:** 205

EFFECTIVE: November 26, 2012

POLICY:

It is the policy of the Boulder County Sheriff's Office to respond to mutual aid requests from other law enforcement agencies and to request mutual aid when appropriate. Mutual aid is provided in compliance with state law and conforms with applicable Boulder County Sheriff's Office policies and procedures.

PROCEDURE:

I. Statutory Authority

CRS 29-5-103, 29-5-104, 29-5-106, 29-5-108 and 29-5-109 provide for both requesting and giving aid to other law enforcement agencies.

II. Providing and Requesting Mutual Aid

A. Officer-to-Officer

1. Deputies may provide or request mutual aid from law enforcement agencies within Boulder County.

B. Mutual Aid Requiring Supervisor Approval

1. Requests for Boulder County mutual aid requires the approval of a Sheriff's Office supervisor when:

a. The request is for a special unit or resource, i.e. MCP, K9, SWAT, etc., or

b. The request involves more than two on-duty deputies and/or the commitment is projected to exceed one hour, or

c. The request is for an event outside of Boulder County.

2. The supervisor approving the request ensures that appropriate notifications are made regarding the commitment of Sheriff's Office resources, i.e. Comm Center, on-duty street supervisor, command staff, etc.

C. Mutual Aid Requiring Sheriff's Approval

1. A request for mutual aid from this Office requires the approval of the Sheriff or his/her designee when:

   a. The request is for a significant number of personnel and/or a large amount equipment, or

   b. The request requires a commitment of Sheriff's Office resources outside of Boulder County for a period of time projected to exceed twelve hours, or

   c. The request involves the use of personnel and/or equipment to aid any jurisdiction in quelling a riot.

D. Assistance from Federal Law Enforcement Agencies

1. A deputy may request assistance from a federal law enforcement agency, i.e. FBI, ATF, etc., when such assistance furthers the investigation of a criminal matter and/or it is determined that the federal agency has investigative responsibility.

2. Federal law enforcement aid in emergency situations is to be requested through the proper chain-of-command within the Sheriff's Office.

E. Requests for the Colorado National Guard

1. The Sheriff or his/her designee makes a request for Colorado National Guard resources through the State of Colorado, Office of Emergency Management.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

SUBJECT: CONTRACT LAW ENFORCEMENT **NUMBER:** 206

EFFECTIVE: November 2, 2006

POLICY:

It is the policy of the Boulder County Sheriff's Office to contract for, or provide contract services, where there is an articulated advantage in doing so, either in terms of service provided, cost of service, or both. All contracts for law enforcement services will include provisions for the types of services to be provided, the cost of the services, how payments are to be made, how and to whom reports are to be issued, and procedures for amendment, renewal or cancellation.

DEFINITIONS:

Contract Law Enforcement: On-going law enforcement services provided to another entity of government where a contractual agreement between the Sheriff's Office and that government entity is in place and in force.

PROCEDURE:

I. Need Assessment

A. All contracts for law enforcement services shall be based on an assessment of the recipients needs.

1. The services to be provided shall be clearly identified. This will include the nature and the extent of the services to be provided.

2. The financial terms of the contract shall be included. The contract shall also include the time and manner of payment for services.

II. Maintenance and Filing

A. Copies of any and all contracts shall be kept on file with the Sheriff's Office specifically the Sheriff's Administrative Assistant.

1. Crime reporting for contract law enforcement shall be maintained in the Sheriff's official records system for retrieval.

III. Contract Parameters and Specifications

A. All contracts shall specify the parameters of the agreement to include, but not limited to, it's duration, method of modification and procedures for renewal.

IV. Legal Contingencies

A. All contracts shall contain provision for legal contingencies. These shall include which party shall defend the provider in the event of litigation, identification of individuals who represent parties to the contract, and who provides payment of compensation if the provider agency is found liable in litigation.

V. Oversight of Personnel, Equipment and Facilities

A. The Boulder County Sheriff's Office maintains supervisory control over all personnel involved in fulfilling the contract.

B. All contracts for law enforcement services provide specific arrangements for the use of equipment and facilities.

VI. Employee's Rights and Benefits

A. Any employee of the Boulder County Sheriff's Office assigned to fulfill a contractual service shall not be excluded from the same rights and benefits assigned to other members of the Sheriff's Office.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: RECORDS INSPECTION — VIDEO AND AUDIO RECORDINGS **NUMBER:** 207

EFFECTIVE: September 28, 2015

POLICY:

It is the policy of the Boulder County Sheriff's Office to allow the inspection of materials classified as "criminal justice records" in compliance with the Colorado Criminal Justice Records Act, codified at C.R.S. §§ 24-72-301 to 309 (the "CCJRA"). This written policy establishes guidelines for releasing videotapes and audio recordings from the Jail and Communications Divisions to the public in a manner that complies with applicable laws and regulations while also protecting the records and preventing unnecessary interference with Sheriff's Office duties.

The CCJRA governs criminal justice records held in the care, custody, and control of the Boulder County Sheriff's Office.

Videotapes and audio recordings do not fall within the definition of an "official action" as defined by the CCJRA, *see* C.R.S. § 24-72-302(7), therefore these records are only available at the sound discretion of the Sheriff under C.R.S. § 24-72-304 & 305, *see Harris v. Denver Post*, 122 P.3d 1166, 1175 (Colo. 2005).

The Boulder County Sheriff's Office may request the Boulder County District Attorney's opinion on questions of law related to the keeping, inspection, and dissemination of records and records information. Nor shall anything in this policy preclude the Sheriff's Office from seeking of advice and counsel from other sources when deemed necessary.

DEFINITIONS:

Criminal Justice Records: All books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, that are made, maintained, or kept by any criminal justice agency in the state for use in the exercise of functions required or authorized by law or administrative rule, including but not limited to the results of chemical biological substance testing to determine genetic markers conducted pursuant to C.R.S. §§ 16-11-102.4, 16-11-104, 16-11-204.3, and 16-11-308 (4.5). *See* C.R.S. 24-72-302(4).

Custodian: The official custodian or any authorized person having personal custody and control of the criminal justice records in question. C.R.S. § 24-72-302(5).

Official Custodian: Any officer or employee of the state or any agency, institution, or political subdivision thereof who is responsible for the maintenance, care, and keeping of criminal justice records, regardless of whether such records are in his/her actual custody or control. C.R.S. § 24-72-302(7).

Note: The official custodian for the Boulder County Sheriff's Office is the Support Services Records Manager/Supervisor assigned to Records or an employee designated by the Sheriff. However, the Sheriff's Office recognizes that all employees hold custodial responsibility as directed by applicable statutes.

Official Action: An arrest; indictment; charging by information; disposition; pretrial or post trial release from custody; judicial determination of physical or mental condition; decision to grant, order, or terminate probation, parole, or participation in correctional or rehabilitative programs; and any decision to formally discipline, reclassify, or relocate any person under criminal sentence. C.R.S. § 24-72-302(7).

Video: Includes but is not limited to video recordings taken from the Boulder County Jail video system, as well as videos taken by video cameras mounted in patrol vehicles and other locations under the Sheriff's control.

Audio Recordings: Include but is not limited to audio recordings obtained as a result of any interview conducted in any investigation, as well as audio recordings of phone calls made by inmates at the Boulder County Jail or by deputies related to any investigation. Also included are any recordings made of calls and radio transmission received by the Boulder Communications Center.

PROCEDURE:

I. Inspection Schedule

A. Records maintained within the Records Section are available for the general public to inspect during posted business hours or, on an emergency basis, by making arrangements with an employee assigned to the Records Section.

1. Criminal justice agency representatives may request and inspect these records on a 24-hour basis within the guidelines set forth in this policy.

2. Representatives of any news media agency may request and inspect these records within the guidelines set forth in this policy.

a. All records approved for inspection are routinely made available upon request. However, when records are not available at the time an applicant makes the request, a date and time will

be set for inspection no later than three working days from the initial request. C.R.S. § 24-72-303(3).

3. Records not immediately accessible (i.e. in storage, micro media processing, or in the control of other Divisions or agencies, etc.) are made available for inspection as soon as physically possible. The applicant requesting the records is advised of the circumstances and notified when the requested records are available for inspection. C.RS. § 24-72-303(2).

B. Division Chiefs are responsible for ensuring that any records eligible for inspection that are maintained in their division are made available for inspection in compliance with this policy.

C. Jail Video and Audio Limitations

1. All cameras located in the Jail have a maximum storage capability of thirty (30) days. After thirty (30) days, the system is overwritten and the information is no longer available.

2. There is no audio associated with the video system recordings.

3. Copies or inspection of other audio recordings are provided as directed by a court order or to a law enforcement agency upon request.

II. Requests for Inspection or Preservation of Video or Audio Recordings

A. All requests to inspect, copy or view audio or video recordings are to be made in writing using the "Jail Video Request Form" (for jail video and videos associated with a specific incident) or the Boulder County Sheriff's Office, Communications Division, "Audio CD – CAD Incident Request Form" (for Dispatch phone calls and radio calls/traffic)."

B. Requests to preserve video recordings are to be made to the Boulder County Sheriff's Office, Records Section by completing the appropriate form.

III. Fees

A. The person submitting the inspection request is responsible for all associated costs for producing copies of such video or audiotape, and also for the time associated with searching for, locating and copying such materials. A fee schedule is located

on the request form.

B. A deposit of $30.00 is required prior to the request being processed (for Jail video/audio requests).An estimate of the costs can be provided upon request. The balance is due when the records are picked up or received by the requestor. Requests for records by mail must be paid in full prior to the mailing of the record.

IV. Rights of Inspection

A. A person denied the right of inspection may request a written statement of the basis for the denial pursuant to C.R.S. § 24-72-305 (6).

B. Denial is based on one or more of the following:

1. Inspection is contrary to any state statute;

2. Inspection is prohibited by rules of the Supreme Court or order of any court;

3. Disclosure is contrary to the public interest;

4. Disclosure would interfere or endanger an ongoing investigation;

5. Disclosure of intelligence information;

6. Disclosure could reveal security procedures of the Sheriff, any Police Department, District Attorney and/or any criminal justice investigatory files for any other law enforcement purpose. C.R.S. § 24-72-204(I).

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: COMMAND PROTOCOL **NUMBER:** 208

EFFECTIVE: 02/06/2003

POLICY:

Employees are accountable to the Sheriff's Office chain of command. It is the policy of the Sheriff's Office to use the Incident Command System (ICS) for the management of events and incidents in all divisions.

PROCEDURE:

I. Employees are to receive initial and in-service training in ICS.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Fiscal Management and Resource Control **NUMBER:** 209

EFFECTIVE: March 27, 2018 **SUPERSEDES:** November 3, 2006

POLICY:

The Sheriff of Boulder County exercises the authority and responsibilities for full fiscal management of the Sheriff's Office's fiscal and property resources as allocated by the Boulder County Board of Commissioners. In turn, the Sheriff has delegated such authority to the Accounting Section and the Division Chiefs to establish and maintain sound methods and procedures of fiscal management and resource control.

The Sheriff's Office complies with purchasing regulations as established by the Boulder County Purchasing Department. No employee shall incur chargeable liability against the Sheriff's Office or the County, except as outlined in the County Purchasing Policy or with the express permission of the Sheriff or his designee. In the case of urgent need, the Accounting Section, or a supervisor may accomplish immediate purchase or rental of equipment.

DEFINITIONS:

Accounting Section: Employees assigned to the Administration Division reporting to the Undersheriff, responsible for budget development, supervision of internal expenditures, coordination of purchasing and liaison with Boulder County Finance.

Asset Forfeiture Funds: Monies or property derived from asset forfeitures or from the sale of confiscated property under §16-13-311, C.R.S, and managed by the Boulder County Treasurer.

Committee on Disposition of Forfeited Property: Personnel selected based upon the guidelines of Senate Bill 92-204 who approve the expenditure and disposition by the Sheriff of forfeited property and proceeds.

Employee Benefit Fund: Monies from the defunct Boulder County Sheriff's Office Employee Board which were deposited into an escrow account managed by the Boulder County Treasurer.

Sheriff's Office Non-Revenue Funds: Monies, which are not considered county revenue such as inmate welfare/cash funds, jail bond funds, and any other monies that are under the sole control of the Sheriff's Office.

Special Revenue Funds: Revenue previously held in Sheriff's Office bank accounts which now fall under the control of the county budget and accounting system (e.g. jail phone and vending machine funds, jail commissary funds, jail meal ticket funds, work release and home detention funds, etc.).

PROCEDURE:

I. Budget

A. The annual budget is the primary document used to allocate resources in support of the Sheriff's Office responsibilities.

B. Annually, the County Finance Office prepares and distributes a budget preparation package for department heads and elected officials. The Sheriff coordinates the preparation of division budgets received from each Division Chief, for presentation to the County Commissioners. Each Division Chief is encouraged to involve as many subordinates as possible in the budget process to provide support for the programming and resource allocation for the division.

C. The Sheriff may establish a deadline for submission of preliminary budget materials, to comply with the annual budget calendar, set by the Board of County Commissioners.

D. Each division shall receive an annual budget as soon as practicable in the first quarter of every year. The Accounting Section will provide the Division Chiefs with a monthly status report, to include: initial appropriation, beginning monthly balance, expenses or encumbrances, and the ending or unencumbered balance.

E. The Accounting Section or Division Chiefs shall inform the Sheriff and Undersheriff, in writing, of any projected or actual over expenditure in any line item requiring supplemental or emergency appropriations, or fund transfer from one account to another.

1. The Sheriff may coordinate the most efficient resolution with the Board of County Commissioners and the Division Chiefs.

2. The Sheriff must approve all supplemental or emergency funding requests before they are submitted to the Board of County Commissioners.

II. Sheriff's Office Non-Revenue Funds

A. Sheriff's Office non-revenue funds are placed under the control of the appropriate Division Chief by the Sheriff.

B. The Division Chief or designees shall balance these accounts monthly by reconciling ledger entries or account statements.

1. Each Division Chief, with control of such funds, shall establish

policies that:

a. Identify employees authorized to accept or disburse such funds.

b. Define procedures for the allotment and transmittal of funds.

c. Define record keeping procedures for transactions, the conduct of account reconciliation and internal auditing, and preparation of regular financial statements and reports.

C. The Division Chief shall submit finance related policies to the Undersheriff for review and approval prior to implementation.

III. Sheriff's Financial Policy

A. Unless otherwise specified within this policy, the Boulder County's financial policies and procedures shall be followed by the Sheriff's Office.

1. If a conflict exists between this policy and the Boulder County Finance policy, this policy shall control.

IV. Employee Benefit Fund Account

A. Use of Employee Benefit Funds is for the benefit and morale enhancement of the employees of the Sheriff's Office.

1. The monies shall be used for the purchase of such things as:

a. Flowers for employees and their families during times of sickness, hospitalization, births and deaths, etc.

b. Employee recognition plaques, medals, ribbons, certificates, and awards.

c. Expenses resulting from the annual employee awards presentation and banquet.

B. Request / Approval / Reimbursements of Expenditures

1. Division Chiefs may establish divisional procedures which allow for the automatic approval of expenditures of $100 or less for the purchase of flowers for employees during times of sickness, hospitalization, births and deaths, etc.

2. With the exception of § III.B.1, the expenditure of funds requests

must be submitted in writing through the chain of command to the Sheriff's Executive Staff. The Division Chief from the division in which the request has been made will present the request at a regularly scheduled staff meeting.

3. If approved, the request shall be given to the Accounting Section with accompanying invoices. Accounting will prepare and submit a written memorandum (request for check issue) with two approving signatures to the Boulder County Treasure who will prepare the check.

   a. Two approving authorized signatures are required prior to forwarding the request to the Treasure for check issue.

   b. The Sheriff, Undersheriff, and Division Chiefs are authorized signatories.

4. When an expenditure request is denied, the Division Chief shall ensure that the person who made the request is notified.

5. If circumstances do not allow for the purchase to wait until after a regularly scheduled staff meeting, a Division Chief may approve the purchase and seek reimbursement or payment at the next scheduled staff meeting.

V. Asset Forfeiture

A. General guidelines

1. All seizures of real property shall be made pursuant to a temporary restraining order, injunction, or other court order.

2. An action seeking forfeiture of property as a result of a public nuisance must be filed within sixty days following the seizure of the property.

3. Retained forfeited property is subject to the same county controls, i.e., use, inventory and accountability, etc., as would be applied to property or capital items that are obtained through the normal appropriations process.

4. Employees are prohibited from purchasing forfeited or confiscated property, and are prohibited from having someone else act as their agent for these purchases.

B. Request/Approval of Expenditures of Forfeited Assets

1. Forfeited property shall be disposed of in compliance with the *Disposition of Seized Personal Property* (§ 16-13-311, C.R.S.) and *Disposition of Forfeited Real Property* (§16-13-314, C.R.S.), and/or the guidelines for Equitable Sharing of Federally Forfeited Property (§16-13-601, C.R.S.) statutes and rules.

2. An expenditure of forfeited funds or disposition of forfeited property request may be made by any Sheriff's Office employee or citizen.

    a. Internal requests must be submitted in writing through the chain-of-command to the Sheriff's Executive Staff. The Division Chief from the division in which the request has been made will present the request at a regularly scheduled staff meeting. In situations where the expenditure cannot wait until the next staff meeting, the request can be given directly to the Sheriff. If the situation dictates, the Sheriff may seek majority approval from the respective committee who authorized the expenditure or disposition of property under § 16-13-311 and § 314, C.R.S., prior to their next regularly scheduled meeting.

    b. If approved by the Sheriff's Executive Staff, the Sheriff or his designee will present the request to the Committee on the Disposition of Forfeited Property.

        1) When a forfeiture request is denied, the Division Chief shall ensure the person who made the request is notified.

    c. Citizens may make their request directly to the respective committee who is authorized under § 16-13-311 and § 314, C.R.S.

    d. If approved by the Committee, the Sheriff's Accounting Section will prepare and submit a written memorandum (request for check issue) with approving signatures to County Finance who will prepare the check.

        1) In the case of forfeited property, the Committee will detail in writing the specifics of the property disposition approval.

        2) When a request is denied the Division Chief is shall ensure the person who made the request is notified.

C. Reporting Requirements

1. At the end of each fiscal year, the Accounting Section of the Sheriff's Office will prepare and submit a written report of federal forfeited monies or property received during the fiscal year to the Board of County Commissioners, US Department of Justice, US Department of the Treasury, US Attorney's Office – District of Colorado. Information regarding State Asset Forfeitures will be provided, upon request, to the Boulder District Attorney's Office for inclusion with their annual report to the Department of Local Affairs.

   a. The report will include an accounting of how forfeited monies or property were expended.

VI. Inventory Control

A. Inventory control of Sheriff's Office assets and associated record keeping is conducted in accordance with policies currently in effect by the Boulder County Board of County Commissioners.

VII. Audits

A. Boulder County Finance shall coordinate the annual auditing of the Sheriff's Office resources by an independent certified public accounting firm.

B. At any time, a Division Chief may request, in writing, that the Sheriff or Undersheriff arrange an internal or external audit of discretionary funds or cash accounts in that division. The scope of such audits is determined by the Sheriff or Undersheriff and affected Division Chief.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: PERSONAL USE OF SHERIFF'S OFFICE TELEPHONES **NUMBER:** 210

EFFECTIVE: March 9, 2005

POLICY:

It is the policy of the Sheriff's Office that personnel reimburse the Sheriff's Office for personal use of telephone long distance service, telephone calling card service and non-business related cellular phone use as described by this policy. In keeping with our mission focus on efficiency and effectiveness, phone bills will be reviewed by Accounting and action will be taken when exceptional costs are indicated.

It is the responsibility of each individual employee to examine monthly billing records as they are received to determine the use for which they are accountable and required to reimburse.

DEFINITIONS:

Personal use: The use of the various telephone services for other than employment related purposes or for personal needs.

PROCEDURE:

I. Review and Reimbursement

A. The Accounting Section reviews all cellular and land line phone billing records and then provides the bills, or copies of those bills to each Division for distribution to users when:

1. The bill is for a cell phone that has been issued to the employee for use as part of a Sheriff's group or individual plan, and the bill exceeds the base amount of the group plan or the bill is for a cell phone that is on an individual plan, or

2. The bill is for a Sheriff's Office or Boulder County landline and there are long distance charges for personal calls that should be reimbursed.

a. Bills for phone numbers that are assigned for group use rather than individual use, will be distributed to the responsible supervisor when, in the judgment of accounting personnel, the bills are higher than normal and require a supervisor's review.

B. Cell phone charges, which are determined to have been for personal use, and cause the user's bill to exceed the base amount authorized for his/her monthly plan, are required to be reimbursed by that user. The user

reimburses the Sheriff's Office for the difference between the normal base rate under that group plan and the actual rate incurred for the affected month.

C, Employees who have a cell phone on an individual plan are to reimburse the Sheriff's Office for all costs incurred on that phone as a result of personal calls.

D. Employees are to reimburse Boulder County via the Sheriff's accounting section for any landline personal long distance phone calls that total more than $5.00 in any given billing period.

II. Reimbursement

A. Users are to reimburse the Sheriff's Office as soon as practical after reviewing the phone charges for which they are accountable.

B. Disciplinary action may be taken if an employee fails to comply with this policy.

By Order of the Sheriff

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURE MANUAL

SUBJECT: Sheriff's Facility Protection **NUMBER:** 211

EFFECTIVE: November 12, 2019 **SUPERSEDES:** November 30, 2017

POLICY: This policy provides guidance to agency personnel, support personnel, and private contractors/vendors for the physical, logical, and electronic protection of Criminal Justice Information (CJI) maintained by the Boulder County Sheriff's Office. All physical, logical and electronic access must be properly documented, authorized and controlled on devices that store, process, or transmit unencrypted CJI. This facility protection policy focuses on the appropriate access control methods needed to protect the full lifecycle of CJI from inside and outside threats.

This policy was developed using the FBI's *CJIS Security Policy* 5.3 dated August 4, 2014 and reformatted to the style and structure utilized by this Office. The intended target audience is Boulder County Sheriff's Office (BCSO) personnel, support personnel, and private contractors/vendors with access to CJI whether logically or physically. This policy is intended to meet the minimum standards of the CJIS policy and if there is a conflict between this policy and the CJIS policy the conflict is resolved by giving precedence to the higher standards described in the CJIS policy.

DEFINITIONS:

Physically Secure Location: A physically secure location is a facility or area, a room, or a group of rooms within a facility with both the physical and personnel security controls sufficient to protect the CBI/FBI CJI and associated information systems. The perimeter of the physically secure location shall be prominently posted and separated from non-secure locations by physical controls. Security perimeters are to be defined, controlled and secured. Restricted non-public areas in the Boulder County Sheriff's Office buildings are to be identified with a sign at the entrance.

Escort: Authorized personnel are to accompany visitors at all times while they are within a physically secure location to ensure the protection and integrity of the physically secure location and any CJI therein. The use of cameras or other electronic means used to monitor a physically secure location does not constitute an escort.

Logical Access: Logical access controls are tools and protocols used for identification, authentication, authorization, and accountability in computer information systems. For the purposes of this policy it also means: The technical means (e.g., read, create, modify, delete a file, execute a program, or use an external connection) for an individual or other computer system to utilize CJI or CJIS applications.

Visitor Access: A visitor is defined as a person who visits the Boulder County Sheriff's Office facilities on a temporary basis who is not employed by the agency and has no unescorted access to the physically secure locations within the Boulder County Sheriff's Office buildings, to include

the Headquarters building, the Jail and the Communications Center, where CBI/FBI CJI terminals and associated information systems are located.

PROCEDURE:

I. Roles and Responsibilities

A. Terminal Agency Coordinator (TAC): The TAC is the Records Manager for the Sheriff's Office or his/her designee and serves as the BCSO point-of-contact for matters relating to CJIS information access. The TAC administers CJIS systems programs within the Office and oversees compliance with FBI and state CJIS system policies.

B. Local Agency Security Officer (LASO): For the purposes of this policy the LASO is designated by the Support Services Division Chief and is typically the person serving in the role of Senior Business Analyst for the Sheriff's Office. The responsibilities of this position include, but may not be limited to, the following:

1. Identify who is using the CSA (state) approved hardware, software, and firmware and ensure no unauthorized individuals or processes have access to the same.

2. Identify and document how equipment is connected to the state system.

3. Ensure that personnel security screening measures are being followed as stated in this policy.

4. Ensure the approved and appropriate security measures are in place and working as expected.

5. Support policy compliance and ensure the CSA ISO is promptly informed of security incidents.

II. Authorized Physical Access

A. Only personnel authorized by the Sheriff's Office to have access to secure Sheriff's Office facilities, buildings and secured spaces within the buildings are able to enter said spaces and move around unescorted. The Sheriff's Office maintains a current list of personnel authorized to have unrestricted access to the Sheriff's Office secure spaces.

1. Personnel authorized to access Sheriff's Office secure facilities and spaces are issued photo bearing ID cards. The cards have an embedded chip that contains information about the employee and allows designated Sheriff's employees to program entry points at the various Sheriff's Office facilities to control ingress of authorized personnel.

a. Employees who lose or misplace their photo bearing ID cards or keys to any Sheriff's Office facility are required to notify their supervisor and the Personnel and Training Unit as soon as possible.

b. The Personnel and Training Unit is responsible to make the necessary notifications in a timely manner and request the card's access to Boulder County facilities be deactivated.

1) As part of an employee's job function they may receive electronic or key access to other facilities. The Personnel and Training Unit conducts inspections of these access devices as required by the facility owner. The Personnel and Training Unit is responsible for notifying the appropriate facilities of any lost access device.

2. Sheriff's personnel in plain clothes are required to utilize and display this card in a visible manner on their outer clothing whenever entering and remaining in and on Sheriff's Office secure facilities and spaces. Plain clothes deputies are authorized to display a badge in lieu of the sheriff's identification card.

3. All visitors are to be screened separately and each visitor is issued, and must display, the appropriate access badge for the level of access granted. Visitors are not authorized to escort other visitors except as detailed in this policy.

4. Visitors are not to enter into a secured area with electronic devices unless approved by the BCSO, to include cameras and mobile devices. Photographs are not allowed without the permission of the BCSO assigned personnel.

5. Only POST certified or weapons authorized deputies are permitted to carry firearms, (either open carry or concealed), in the secured areas of sheriff's facilities. This policy stands without regard to the possession of a concealed weapons permit by an employee. The Sheriff's Office will provide lock boxes for concealed permit holders to secure their firearms inside the secure area of our facilities while they complete their assigned shift. Firearms may be carried to and from work but must be secured while on-duty.

B. All Sheriff's employees have the following duties and responsibilities related to protecting the security of Sheriff's Office facilities and restricted areas.

1. Ensure all persons invited to Sheriff's Office facilities understand that they must check-in and be screened prior to making entry into any secure Sheriff's Office facility or restricted area.

2. Challenge any person that is not displaying the proper access ID badge and/or is an area not authorized by the level of access badge displayed, i.e. person with escorted visitor badge moving through the facility without an escort.

3. Escort any person out of a restricted area that does not have legitimate business and/or authorization to be in that particular restricted area.

3. Immediately call for assistance when any visitor fails to comply with directions, instructions and/or provides any type of resistance to being escorted from a non-public area.

4. Take precautions to prevent visitors from seeing CJI displayed on computer screens/monitors.

5. Log off or lock their computer, tablet, phone etc. if left unattended for any period of time longer than a few minutes.

III. CJI Access Standards

A. Prior to receiving authorization to access Sheriff's Office secure facilities, spaces, computer systems, and/or electronic, telephonic and/or wireless systems, or configure and maintain computer systems and networks with direct access to CJI, a fingerprint-based records check is required within thirty days of an individual's assignment to job duties requiring such access.

1. The fingerprint-based checks are conducted to verify the person's identity, his/her nationality, or state of residency, if a US citizen, and criminal history.

a. Access authorization is not given if the individual's identity, nationality or state of residency is not verified or if the individual has a felony criminal conviction, unless a waiver is applied for and received from the Colorado CJIS Systems Officer (CSO).

B. These access standards apply to all individuals who can be categorized into one of the following:

1. Sheriff's employees, including FTEs, part-time employees, and hourly employees.

2. Sheriff's Office volunteers, including Reserves, Explorers, VAP/CAP volunteers, interns and any other volunteer authorized by the Sheriff's Office to access Sheriff's Office facilities and systems without an escort.

3. County support personnel including custodial workers, County IT personnel, and any other county employee authorized by the Sheriff's Office to access Sheriff's Office facilities and systems without an escort.

4. Private contractors and vendors authorized to access Sheriff's Office facilities and systems without an escort.

IV. Training Requirements

A. All BCSO personnel, Noncriminal Justice Agencies (NCJA) i.e. Boulder County IT, and private contractor/vendor personnel who are authorized to access CJI are required to receive security awareness training within six months of being assigned duties that require CJI access and every two years thereafter.

B. At a minimum, security awareness training will cover areas specified in the *CJIS Security Policy* which includes, but is not limited to the following:

1. Awareness of who is in the secured areas prior to accessing confidential data.

2. Recognizing the need to take appropriate action to protect confidential data.

3. Awareness of monitor location and the need to protect monitors with viewable CJI displayed on monitor and not allow viewing by the public or escorted visitors.

4. How to properly construct a strong password and/or PIN and methods for protecting individually issued keys, access cards, computer account passwords etc.

5. Requirement and process of reporting the loss of issued keys, access cards, or comprised passwords, etc.to the appropriate supervisor and/or designated Sheriff's employee.

V. Unescorted Visitor Authorization

A. Law enforcement personnel from outside agencies, criminal justice employees, noncriminal justice agency (NCJA) employees, such as county IT personnel, who require unescorted access to secure Sheriff's Office facilities and/or areas are required to have completed a state and national fingerprint-based record

background check before an access card is issued and prior to being granted access to any secure area.

B. Private contractors/vendors who require unescorted access to restricted areas are required to have state and national fingerprint-based records background checks prior to being granted access to a secure area.

C. Individuals who are granted unescorted access authorization from the Sheriff's Office for Sheriff's Office facilities are not authorized to bring another person into a Sheriff's Office secure facility without first having the person screened as specified in this policy and receiving specific authorization from the Sheriff's Office to serve as the escort for that person for the duration of the visit.

VI. Escorted Visitor Check-In/Check-Out

A. Front Desk and Visitor Sponsoring Personnel: administration of the Visitor Check-In/Check-Out procedure is the responsibility of designated employees in each BCSO building.

B. Prior to visitors gaining access to a Sheriff's Office physically secure area the employees assigned to facilitate the check-in process perform the following:

1. Inspect the visitor's form of identification and confirm the person presenting the identification is the person depicted on the identification document.

2. Screen the visitor for weapons. No weapons are allowed in Sheriff's Office secure areas except when carried by authorized personnel. (Signs are to be posted)

3. A visitor to the Jail is to be screened for electronic devices. No personal electronic devices are allowed in the Jail, unless carried by authorized personnel.

4. Personnel assigned to escort visitors are responsible for evacuating visitors in cases of emergency. Escort personnel are trained to utilize appropriate evacuation routes and emergency protection procedures.

5. Sheriff's employees are required to report any unauthorized physical, logical, and/or electronic attempt to enter or gain access to Sheriff's secure areas or systems to their direct supervisor.

6. Requests for tours of Sheriff's Office secure facilities by individuals or groups are to be forwarded to the Sheriff's employee at each Sheriff's Office facility, e.g. Headquarters, Jail, etc., designated as the coordinator

of such requests for the facility. All policies regarding escorted visitors apply to each individual of the group.

C. The visitor check-in process implemented by employees assigned to this function includes, but is not limited to, the following:

1. Ensures all visitors to Sheriff's Office secure facilities check-in before entering the facility by:

   a. Assisting the visitor with signing in to the visitor access log.

   b. Issuing the visitor the appropriate badge and documenting the issued badge number on the access log.

   c. Instructing the visitor to display the page by wearing the lanyard and badge in a visible manner while in any of the Sheriff's facilities.

   d. Instructing the visitor to stop at the check-in location and return the badge and/or the badge will be collected by a Sheriff's employee at the end of the visit.

2. Visitors are required to check-in at each Sheriff's secure facility when visiting multiple buildings.

3 Ensures the visitor is escorted a by Sheriff's employee for the duration of the visit.

   a. The escort requirement applies to all delivery and service personnel.

VII. Policy Enforcement

A. It is the responsibility of Sheriff's employees to implement and enforce the provisions of this policy. Failure to implement or improperly adhere to this policy may subject an employee to disciplinary action as described in Sheriff's Office Policy 319, Disciplinary Action and Appeals.

By Order of the Sheriff,

Joseph K. Pelle, Sheriff

11/13/2019

Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Travel Expenses **NUMBER:** 212

EFFECTIVE: January 23, 2018 **SUPERSEDES:** November 6, 2006

POLICY:

It is the policy of the Boulder County Sheriff's Office to provide for the payment of necessary and reasonable expenses for required or authorized travel, and/or local attendance of conferences, training, or seminars by Sheriff's Office employees and volunteers.

DEFINITIONS:

Sheriff's Office Employees: For the purpose of this policy, Sheriff's Office employees are full-time, part-time, hourly, and Sheriff's volunteers.

PROCEDURE:

I. Overnight, Out of County Expenses

A. Per Diem

1. Employees are provided funds equivalent to the Federal GSA per diem rate, in accordance with current county policy, for meals and incidental expenses per day of activity, for authorized travel where overnight lodging is required.

a. Incidental expenses are defined as laundry, dry cleaning, fees and tips for services.

b. The Federal GSA rate is established by the Internal Revenue Service.

c. Conferences or events that provide two or more meals (i.e. lunch provided each day of the conference), beyond continental breakfasts, as part of the conference registration fee, may have their daily per diem reduced accordingly. Any reduction in the per diem rate for meals provided will be made at the current GSA rate for the appropriate meal.

1) If an employee indicates that the meals provided do not meet their unique dietary requirements, actual meal expenses will be reimbursed with receipts.

2. Per Diem is obtained in advance of travel by submitting to the Sheriff's Office finance section a *Training and Travel Attendance*

form at least ten days prior to the date needed approved by the employee's Division Chief.

a. Per Diem for investigations and extradition travel does not require the conference form.

3. Expenses incurred that are in excess of issued per diem, which are reasonable and necessary, may be reimbursed if approved by the employee's Division Chief. Such expenses are to be documented with receipts.

4. Employees are not authorized to spend per diem for cancelled or shortened travel time, and are to return funds for that time to the Accounting Section as soon as is practical, but no longer than five working days after returning.

5. Conversely, employees will be reimbursed, up to the applicable per diem rate, for supervisor approved travel time that extends beyond what was initially funded.

6. Expenses for meals and incidentals for non-Sheriff's Office employees are not allowed with the exception of prisoners being extradited or transported by Sheriff's Office employees.

a. Receipts must be submitted for all expenses for extradited or transported prisoners.

II. Expenses for Travel Out of the County - Not Overnight

A. The employee's Division Chief may approve meal expenses for out of county travel, which does not include an overnight stay. Approved meal expenses may be placed on a county-issued P-Card, or reimbursed after the fact using the current employee reimbursement process.

1. Receipts are required for all meal expenses where overnight travel does not take place. All expenditures must be reconciled and all unused monies, if issued in advance of the training or travel, are returned to the Accounting Section the following business day. Unless pre-approved for articulable reason, meal reimbursements are subject to the current GSA meal rate where the employee is traveling.

2. Generally, only one meal is reimbursed per eight (8) hour period of time.

3. In general, expenses for meals for non-Sheriff's Office employees are not allowed with the exception of prisoners being extradited or

transported by Sheriff's Office employees and receipts are required.

a. Expenses for meals for non-Sheriff's Office employees may occasionally be authorized when carried out for legitimate Sheriff's Office business purposes. All purchases must comply with all applicable county policies. A memorandum articulating the circumstances surrounding the non-employee meal purchase(s), including the specific business-related purpose(s) and the names of those in attendance, must accompany the associated receipts.

4. When attending a training event, meal purchases – whether made on a county-issued credit card or reimbursed through an employee reimbursement form – must include proof of attendance along with the itemized receipt, as required by County Finance.

III. Personal Vehicle Use

A. Personal vehicle use is reimbursed at the current Federal GSA approved rate. However, if the employee chooses to drive when travel by air is possible and less expensive, only the lesser amount is paid by the Sheriff's Office.

1. Use of a personal vehicle requires that the employee provide, upon request, valid proof of insurance for the vehicle being used, and a valid driver's license. The employee is also required to sign the Boulder County Risk Management's *Responsibility for County / Personal Vehicles* form.

B. When calculating mileage for reimbursement, mileage shall be calculated from the employee's regular duty station if the travel occurs during a regular work day, or occurs in lieu of a regular work day as a result of an adjustment.

1. When the destination is closer to the employee's residence than their duty station, and it is a regular or adjusted work day, the employee's typical commuting mileage may be reduced from the calculation, unless the employee reports to their regular duty station first (i.e. meeting to carpool, traveling after reporting to work, etc.)

IV. Air Travel

A. Employees traveling by air will use the most feasible and/or economical fare available.

VI. Lodging

A. Overnight lodging is reimbursed at the single room rate unless two or more employees share a room.

B. Overnight travel is generally authorized when the destination is at least fifty (50) miles from the employee's normal duty station, and is a multiple day event.

1. A waiver to this requirement may be granted by the employee's division chief upon articulable cause. The requesting employee must articulate their cause in written form. Approved written waivers to this requirement shall be included in the documentation that accompanies the *Training and Travel Approval Form.*

V. Rental Cars

A. Rental cars are paid for when authorized in advance by the Division Chief. Other ground transportation is reimbursed when the transportation need occurs because a rental vehicle was not authorized.

B. The Sheriff's Office will pay for the least expensive vehicle type that can accommodate the traveling employee(s) and luggage.

VI. Training and Conference Registration Fees

A. Employees attending training, submit a *Training & Travel Attendance* form in accordance with their division policy. The Personnel & Training Unit in the Administration Division enrolls the employee and arranges for payment of appropriate fees.

1. If circumstances require the employee to self-register, or the employee is registered by their own division, a copy of the registration confirmation should be included in the *Training and Travel Approval Form* packet.

VII. Miscellaneous Expenses

A. Receipts for all expenses other than those covered by per diem are submitted to the Sheriff's Office Accounting Section through the employee's Division Chief within five working days of return.

VIII. Expenses Not Reimbursable

A. Expenses for entertainment, liquor, gifts, and expenses for a non-county employee traveling with an employee are not reimbursable.

IX. County and/or Sheriff's Office Credit Cards

A. Credit cards issued to the employee by Boulder County or the Sheriff's Office shall not be utilized for purchases of a personal nature. All purchases made by a county-issued credit card must comply with county policy, including documentation requirements.

X. Employee Responsibilities

A. Employees are responsible for providing all training and travel related documentation, both before and after travel, including any memorandums or justifications requested by the Accounting Section that document expenditures.

B. Employees that fail to follow county policy, or fail to provide documentation as required, or in a timely manner, may be subject to disciplinary action.

1. Employees who routinely fail to provide documentation or receipts as requested, may be required to seek reimbursement for expenses that cannot be invoiced to the department, in lieu of a being issued a county credit card.

By Order of the Sheriff:

_____ _____

Joseph K. Pelle Date

SUBJECT: FUND RAISING ACTIVITIES **NUMBER:** 213

EFFECTIVE: 02/06/2003

POLICY:

I. Limitations

A. Employees of the department may not be involved in fund raising activities on county time without the express consent of the Sheriff.

1. Nothing in this section precludes county employees from participating in fund raising activities as an individual on personal time.

II. Compliance with Laws and Regulations

A. Any fund raising activity must comply with all existing State, Federal and local laws.

B. Any fund raising activity must comply with all existing State, Federal and local regulations concerning, but not limited to, income tax, disbursement and reporting.

III. Department Logos, Symbols and Name

A. Any use of Boulder County Sheriff's Department logos, symbols, or name must be approved, in advance, by the Sheriff.

By order of the Sheriff,

_____ _____
Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURE MANUAL

SUBJECT: CCIC/NCIC GUIDELINES AND USAGE **NUMBER:** 214

EFFECTIVE DATE: August 18, 2008

POLICY: It is the Policy of the Boulder County Sheriff's Office that Sheriff's employees having authorized access to CCIC/NCIC know, and comply, with the proper protocol for using the system.

DEFINITIONS:

Colorado Bureau of Investigation (CBI): CBI manages the CCIC system and is accountable for all records entered by its users. CBI is required to comply with FBI/NCIC guidelines and to monitor Colorado's use of the NCIC system.

Colorado Crime Information Center (CCIC): The Colorado computerized information system established as a service to all criminal justice agencies.

CCIC Coordinator: The coordinator is a Sheriff's employee appointed by the Sheriff to act as point of contact for CBI and a liaison between the Sheriff's Office and CBI. The coordinator is also responsible for monitoring Sheriff's employee system use, enforcing system discipline, and ensuring that CCIC operating procedures are followed by the all Sheriff's users. The coordinator complies with the requirements set forth by the CBI as outlined in the CCIC Coordinator Responsibilities.

National Crime Information Center (NCIC): The nationwide computerized information system established as a service to all criminal justice agencies. NCIC follows FBI protocols.

Operator Security Number (OSN): A five digit numeric identifier that allows an operator access to the system.

User: Includes any Boulder County Sheriff's Office employee with an OSN and authorized access to CCIC/NCIC.

PROCEDURE:

I. CCIC Coordinator Responsibilities

A. Unifies agency responsibility for system user discipline and serves as a CBI point of contact for handling record validation, quality control matters, dissemination of manuals and other publications, security matters, user training, audits and other matters involving CCIC/NCIC which may arise.

B. Responsible for applying for OSNs and determining access levels for users of the CCIC/NCIC system.

II. User Responsibilities

A. All CCIC/NCIC users are required to:

1. Contact the CCIC Coordinator for issuance of an OSN.

2. Read and sign the CCIC/NCIC Internet Usage Agreement.

3. Maintain CCIC/NCIC certification by testing at their assigned level every two years.

4. Use the CCIC/NCIC system in accordance with the rules set forth in the CCIC/NCIC Internet Usage Agreement, and only access the system for legitimate law enforcement purposes.

5. Report any misuse of the system immediately to the CCIC Coordinator.

III. Enforcement

A. Upon notification of an allegation of system misuse, the CCIC Coordinator for the Boulder County Sheriff's Office contacts the supervisor of the user suspected of the misuse, and also notifies CBI.

B. The CCIC Coordinator is required to report and cooperatively investigate any unauthorized access ("misuse") of the CCIC/NCIC computer systems with the CBI immediately. The coordinator, or designee, gathers the necessary documentation of the incident and provides the documentation to CBI and Sheriff's Staff.

C. The CBI may conduct an independent investigation (if the incident reported involves another agency) to determine whether or not the allegation is justified and report it's findings back to the involved agency.

D. Any violation of this policy may result in disciplinary action in accordance with Sheriff's Office policy including termination of employment. Criminal charges may also be filed against the user when warranted.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Contract Security Services **NUMBER:** 216

EFFECTIVE DATE: March 27, 2018 **SUPERSEDES:** [New Policy]

POLICY:

It is the policy of the Boulder County Sheriff's Office to utilize contracted security services to supplement staffing needs whenever necessary in order to effectuate the statutory responsibilities of the Sheriff in a cost-effective manner. Contracted security services are only utilized for low-risk and routine operations and are not authorized for any high-risk or non-routine operations.

DEFINITIONS:

Contracted Security Vendor: A private company that provides armed and unarmed security services, or traffic control assistance, on a contractual basis.

Private Security Officer (PSO): A civilian employee of a contracted vendor who provides security services to the Sheriff's Office upon request. The PSO is not a member or employee of the Sheriff's Office for any purpose.

RELATED POLICIES:
[N/A]

PROCEDURE:

I. Scope of Authority

A. Arrest Powers

1. Private security officers (PSOs) have the powers of arrest ordinarily granted to private citizens under Article 2, Title 16, of the Colorado Revised Statutes.

B. Use of Force

1. PSOs have the authority to use the same level(s) of physical force ordinarily granted to private citizens, as authorized under Part 7, Article 1, Title 18, of the Colorado Revised Statutes.

C. Peace Officer Status

1. PSOs shall not possess any peace officer authority by virtue of their contracted services with the Sheriff.

D. Uniforms and Equipment

1. The contracted PSOs are to wear the standard duty uniform provided by their employer when performing contracted services for the Sheriff's Office, unless otherwise requested by a Sheriff's supervisor.

    a. The Sheriff shall approve of the vendor's uniform and issued equipment that will be carried and/or used by the contracted security officers while fulfilling duties of contracted service with the Sheriff.

2. PSOs are not authorized to identify themselves as members or employees of the Sheriff's Office, nor are they authorized to wear any Sheriff's Office uniform article or implement.

3. All uniform and personal equipment items necessary for the mission of the PSO(s) shall be supplied, maintained, and inventoried by the vendor.

    a. Any necessary department specific equipment (e.g. pac-set radios programmed with specific channels, etc.) will be provided to PSOs on an as-needed, mission-dependent basis upon approval of the Sheriff's Office.

4. PSOs may carry a handgun for their personal safety and defense in performance of their duties, but must do so in accordance with their employer's policy and procedures, pertinent Sheriff's Office policy, and state and federal law.

E. Compliance with Sheriff's Office Policy

1. PSOs are responsible to perform their duties in accordance with Sheriff's Office policy, procedure, and directives, for the division, units, and/or sections they are contracted to assist. It is the responsibility of the commander of the unit in which the contracted security officers are utilized to provide relevant policies and procedures to the security vendor.

2. If a PSO uses force in the course of their duties, the PSO is required to immediately notify the Sheriff's supervisor overseeing the unit in which they are assigned to support. Additionally, the PSO shall document their use of force in

written form in accordance with their employer's policies and procedures and pertinent Sheriff's Policies and provides a copy to the Sheriff's Office upon request.

II. Vendor Requirements

A. Background Checks for Contracted Security Officers

1. CJIS Requirements

a. All contracted security vendors must be a part of the CJIS Vendor Management Program through the Colorado Bureau of Investigation (CBI), through which they will conduct CJIS-compliant background checks on any and all employees who will be assigned to posts under a Sheriff's Office security contract (https://www.colorado.gov/pacific/cbi/cjis-vendor-management-program).

b. Contracted security vendors are required to provide the Sheriff's Office with their assigned RAF number, which is provided by CBI upon successful enrollment in the CJIS Vendor Management Program.

c. Contracted security vendors shall be required to notify the Sheriff's Office through the established Records Section supervisor email address of the full name and birth date of any employee who may be assigned to work a post under the Sheriff's security contract, or whenever a PSO has left the vendor's employ or will no longer be assigned to work a Sheriff's post.

1) A Records Section supervisor is responsible for entering a vendor association in the CCIC system through the corresponding RAF number, and to add or remove contracted security officers from the Sheriff's flag list.

d. PSOs are ineligible for assignment to any portion of the Sheriff's security contract until they have successfully completed the CJIS background check and the notification in Paragraph 1.c above have been completed.

B. Training

1. Firearms

    a. Armed PSOs are required to pass the Colorado Peace Officer Standards and Training (P.O.S.T.) handgun qualification course for peace officers on an annual basis. It is the responsibility of the vendor to conduct all necessary firearms training, qualification, and maintain records of annual qualification.

    b. A certification of firearms qualification shall be provided to the Sheriff's Office on an annual basis by the contracted security vendor for any armed PSO assigned to a Sheriff's Office duty post.

2. Defensive Tactics & Handcuffing

    a. PSOs must be trained and demonstrate proficiency through testing by the contracted security vendor in a defensive tactics methodology authorized by Colorado P.O.S.T., including handcuffing.

3. Colorado Law

    a. The vendor must provide documented training to any security officer assigned under a Sheriff's security services contract. Training must include the applicable Colorado statutes related to arrests, use of force, and driving laws; firearms training; defensive tactics training; training for any less-lethal force options authorized or carried by security officers; and handcuffing.

C. Sheriff's Office Training

1. PSOs may be invited to participate in internal Sheriff's Office training events to assist with developing operational efficiencies, team-building, and general skills relevant to their contracted positions.

    a. PSOs are not authorized to participate in any Sheriff's Office training without the permission of their employer, as their employer maintains responsibility for their compensation, workers compensation insurance, and other related benefits.

2. A record of PSO training that is provided by the Sheriff's Office will be maintained in the Personnel & Training Section, in accordance with regular procedures. Copies of any related training records will be provided to the contracted security vendor upon request.

D. Record-Keeping

1. It is the responsibility of the vendor to maintain all training and qualification records for their employees who may be assigned to a Sheriff's post under the security contract. Training records shall be made available to the Sheriff's Office upon request.

E. Failure of Contractor to Follow Training Requirements

1. Failure to follow training requirements in this part II (B) & (C) or to supply documentation of training requirements upon the request of the Sheriff will be considered a breach of any agreement with a Contractor.

III. Court Security

A. Contracted security services are authorized to assist with the screening of visitors through the Security Access Points (SAP) at the Justice Center, Longmont County Courts Annex, and the Jail Courtroom. PSOs may be utilized to assist with the operation of x-ray machines, magnetometers, pat-searches, bag searches, and other safety screening operations.

B. PSOs are authorized to assist with management of vehicle traffic, pedestrian traffic, directing building visitors to specific areas, and/or to provide additional security presence on courthouse grounds when needed.

C. Absent exigent circumstances, or direction from a uniformed sheriff's employee, PSOs are not authorized to make arrests from within the courtrooms.

IV. Court Transports

A. PSOs are authorized to assist with inmate transport as "second deputies," under the direct supervision of a sheriff's deputy. PSOs utilized in this position must carry a firearm.

V. Hospital Duty and Medical Appointments

A. PSOs are authorized to maintain custody of inmates who are undergoing a medical appointment, or who have been admitted to the hospital for medical treatment. PSOs assigned to this function must carry a firearm.

B. PSOs, regardless of being armed or not, shall not be used to guard an inmate facing a class one, two, or three felony charge, is an escape-risk, high-profile, and/or has a high-risk status (e.g. charge history, prior in-custody behavioral problems, etc.). Deputies shall retain the responsibility to guard and transport these in-custody inmates.

VI. Mental Health Certification Hearings

A. When allowed by the court, PSOs are authorized to conduct low-risk transports of respondents currently placed on a certification hold to and from court to their treatment facility for case-related hearings, at the request of the Civil Section supervisors.

1. Respondents who refuse transport shall not be physically made to comply with any transport order. The attending PSOs are to note the date, time, and circumstances of the refusal, and make notification to the Sheriff's Civil Section, who will notify the Court.

B. Once in the care and control of PSOs, the respondent shall be given all due care. Custody and control of the respondent shall be maintained at all times until they are returned to their treatment facility, unless otherwise ordered by the court.

C. PSOs shall transport the respondent in handcuffs and belly-chain. At the discretion of the PSO based upon the respondent's behavior, one hand may be unsecured during the hearing in order for the respondent to take notes, if requested by their attorney.

VII. Security Operations

A. Crime Scenes: PSOs may be utilized to maintain chain-of-custody at crime scenes. Utilization of contracted security officers for crime scene security is under the direction of the Investigations commander, who is responsible to provide direction for proper protocols based on the specific scene or circumstance, including all records, logs, and documentation required.

B. Special Events: PSOs may be utilized to supplement a uniformed presence or security element for a special event, meeting, or disaster response, or for any other needed function at the discretion of the Operations Division Chief.

VIII. Traffic Control

A. PSOs may be utilized to provide traffic control, including manning barricades, or long-term traffic management needs.

B. PSOs may be utilized to staff traffic positions on extra-duty events as needed. In these instances, the extra-duty contract rate for civilian flaggers shall be charged to the sponsoring vendor of the event by the Sheriff's Office.

VIIII. Other Duties

A. PSOs may be utilized in any other position the Sheriff's Office determines necessary upon agreement of the contracted provider and the Sheriff.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Data Security, Management & Usage **NUMBER:** 217

EFFECTIVE: August 6, 2019 **SUPERSEDES:** November 20, 2018

POLICY: It is the policy of the Sheriff's Office that all employees adhere to the guidelines herein, the FBI-CJIS Security Policy, and all applicable laws, in order to ensure the safety, security, appropriate access, usage, protection, and dissemination, of protected data.

DEFINITIONS:

Colorado Crime Information Center (CCIC) Coordinator: The coordinator is a Sheriff's employee appointed by the Sheriff to act as point of contact for Colorado Bureau of Investigation (CBI) and a liaison between the Sheriff's Office and CBI. The coordinator is also responsible for monitoring Sheriff's employee system use, enforcing violations of the system policies and procedures, and ensuring that Colorado CCIC operating procedures are followed by the all Sheriff's users. The coordinator complies with the requirements set forth by the CBI as outlined in the CCIC Coordinator Responsibilities.

Colorado Bureau of Investigation (CBI): The CBI manages the CCIC system and is accountable for all records entered by its users. CBI is required to comply with Federal Bureau of Investigation (FBI) and National Crime Information Center (NCIC) guidelines and to monitor Colorado's use of the NCIC system.

Colorado Crime Information Center (CCIC): The Colorado computerized information system established as a service to all criminal justice agencies.

Criminal History Record Information (CHRI): Criminal History Record Information, sometimes informally referred to as "restricted data," is a subset of Criminal Justice Information (CJI). Due to its comparatively sensitive nature, additional controls are required for the access, use and dissemination of CHRI. In addition to the dissemination restrictions outlined in Criminal Justice Information Systems (CJIS) Policy, Title 28, Part 20, Code of Federal Regulations (CFR), governs dissemination of CHRI.

Criminal Intelligence Information (CII): Data which has been evaluated to determine that it is relevant to the identification of and the criminal activity engaged in by an individual or organization which is reasonably suspected of involvement in criminal activity.

Criminal Justice Information (CJI): The term used to refer to all of the FBI CJIS provided data necessary for law enforcement and civil agencies to perform their missions including, but not limited to biometric, identity history, biographic, property, and case/incident history data (cf. CJIS Policy § 4.1).

Direct Access: Querying any new CJI information from an original source database (e.g., a CCIC/NCIC query).

Employee: Any commissioned or non-commissioned member of the Sheriff's Office who serves in any capacity under the color of the Sheriff's authority, whether paid or volunteer.

Indirect Access: Querying of any CJI information from a secondary, non-direct source (e.g., *Tiburon™*).

Local Agency Security Officer (LASO): The LASO serves as the primary point of contact between the Boulder County Sheriff's Office and the CJIS Systems Officer (CSO) for CBI.

Mobile Device Management (MDM): Software that facilitates the implementation of sound security controls for mobile devices and allows for centralized oversight of configuration control, application usage, and device protection and recovery by the County or the Sheriff's Office.

National Crime Information Center (NCIC): The nationwide computerized information system established as a service to all criminal justice agencies. NCIC follows FBI protocols.

Personally Identifiable Information (PII): Information which can be used to distinguish or trace a specific individual's identity, such as name, social security number, or biometric records, alone or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, or mother's maiden name. Any FBI CJIS provided data maintained by an agency, including but not limited to, education, financial transactions, medical history, and criminal or employment history may include PII (cf. CJIS Policy § 4.3 and C.R.S. § 24-73-102).

Physically Secure Location: A physically secure location is a facility or area, a room, or a group of rooms within a facility, or within a County-owned vehicle, with both the physical and personnel security controls sufficient to protect the CBI/FBI CJI and associated information systems.

Protected Information: Any information protected by policy or law, or that is categorized as CJI, PII, CHRI, or criminal intelligence information.

Remote Access: Remote access is any temporary access to an agency's information system by a user (or an information system) communicating temporarily through an external, non-agency-controlled network (e.g., the Internet).

Security Awareness Training: Basic security awareness training is required for all personnel who have access to CJI (criminal justice information) within six months of assignment and every two years thereafter.

Sheriff's Computer Support (SCS) Group: The internal Sheriff's work group responsible for supporting the technical computing needs of the office and acting as liaisons to Boulder County I.T.

Software as a Service (SaaS): A software licensing and delivery model in which software is licensed on a subscription basis and is centrally hosted (e.g., cloud-based).

Terminal Agency Coordinator (TAC): The TAC serves as the point-of-contact at the local agency for matters relating to CJIS information access. The TAC administers CJIS systems programs within the local agency and oversees the agency's compliance with CJIS systems policies. For the Sheriff's Office, this individual is also the CCIC Coordinator for the agency.

User: Includes any Boulder County Sheriff's Office employee with an OSN and authorized access to CCIC/NCIC. This also includes employees who regularly access/view criminal justice information during the course of their duties at the Sheriff's office.

PROCEDURE:

I. Data Security, Management, and Access of County Resources

A. Use of County or Sheriff's Office Property

1. All information technology (I.T.) and communications devices and services, including, but not limited to, computers, peripherals, PDA devices, cell phones, pagers, software, hardware, files, e-mail messages, internet activity logs, remote access profiles, and any other data or records stored on devices or other media provided by Boulder County, are considered the exclusive property of Boulder County regardless of where they are maintained or stored, and are subject to this policy.

a. Employees must comply with any directive from the Sheriff's Computer Support (SCS) Group related to software updates and Mobile Device Management (MDM) configuration needs.

2. All employees using County-owned equipment, software, networks, e-mail, or any other County resources, have no expectation of privacy when using any communication device, service, system, network, file, or any other data (including e-mail messages) owned by the County.

3. Use of I.T. or communications devices, or access to the County's Local Area Network (LAN) and other services, are for conducting county and sheriff's business.

a. Employees shall only use their Boulder County issued e-mail account for conducting county or sheriff's related business. Use of personal email accounts is not authorized. Forwarding county or sheriff-related business to personal email is also prohibited.

b. Limited, occasional, or incidental use for personal, non-business purposes is allowed so long as it is of a reasonable duration and frequency, does not interfere with the performance of job duties, does not violate any policies, laws or regulations, and is not in support of a personal business.

4. Employees are not authorized to alter any County-issued device (e.g., "jail break" or "root" their department-issued phone, etc.), or remove County-pushed software or apps (e.g., *AirWatch*™) from a mobile device or other County-issued device.

5. Any County-issued laptop, tablet, phone, or other medium used to access data that becomes lost shall be immediately reported to the employee's chain-of-command and the Sheriff's SCS.

   a. Sheriff's SCS shall take immediate steps to remotely lock or wipe the device, and/or coordinate with County I.T. to blacklist the device from County networks and services, as necessary.

6. All devices utilized must comply with County I.T. rules.

B. Access Control

1. Employees shall not make unauthorized use or access of – or knowingly permit unauthorized use or access of, or to – any I.T. or communication device, service, software, file, or to any law enforcement data, including CJIS-protected information outlined in § II of this policy.

2. Employees are not authorized to share passwords to any SaaS service, resource, or network that contains CJI, PII, CHRI, or any other law-enforcement sensitive data or information.

3. Access to protected information is only authorized (a) on a County-issued, County-approved, and County-maintained device; or (b), on a privately-owned device, through a County-approved and supported remote or virtual portal, Virtual Private Network (VPN), or cloud-based service.

4. Access to data and information is only authorized for legitimate law enforcement, management, or administrative purposes.

5. Employees shall not leave any I.T. device logged into the County network and unattended. When leaving a work area or an I.T. device, the employee must log-out or invoke a password-protected screen saver to prevent unauthorized access.

6. Remote access

   a. Employees shall only access the County network and resources remotely through a secured and encrypted method (e.g., *NetMotion*™, the County's Employee Access Portal, etc.), or if from a County-issued mobile device, one that has MDM software installed.

      1) Any MDM software solution utilized by the Sheriff's Office shall comply with the requirements of § 5.13.2 of the CJIS Security Policy.

      2) Boulder County I.T. provides secure employee access to County-owned email, contact, and calendar functions on personally-owned devices. Sheriff's employees who utilize this service are obligated to follow all I.T.-related policies and requirements and are responsible to ensure protected information is not viewable by unauthorized individuals, including the general public, at all times.

   b. Employees may be issued a County-owned laptop capable of remote access to the County's network from any internet connection. When using a County-owned laptop, the following safeguards shall always apply:

      1) The employee shall ensure that any and all law-enforcement sensitive information, CJI, or other protected information is always safeguarded to not be observable, intentionally or unintentionally, by any unauthorized person, regardless of whether the data is accessed directly or indirectly.

      2) Remote access to the County's network from a County-owned laptop outside of the United States is not authorized

without written permission from the Support Services Division Chief and the County I.T. Director.

c. Security Requirements Under CJIS for Portable Devices

1) Authorized employees shall only access protected CJI data from a County-issued or County-owned portable device (e.g., a laptop, tablet, cell phone, etc.).

2) Sheriff's SCS shall configure remote access systems for portable devices to allow the access of CJI data, both direct and indirect, for authorized employees in accordance with the following:

Directly Access: Original query of protected CJI data requires security control that encrypts data at rest, in-transit, and with multi-factor authentication. *Examples: Direct query of CCIC data through OpenFox™, a CAD interface, etc.*

Indirect Access: Access of any protected CJI data outside of a direct source query requires security control that encrypts data at rest and in-transit. *Examples: Tiburon™ System Data, working documents maintained on network drives, etc.*

C. Storage of Protected Law Enforcement Data

1. Employees may save information on disposable or portable media (e.g., CD/DVD, thumb drive, flash memory devices, external hard-disk drives, etc.) only when necessary for business purposes and for only as long as is necessary. Employees retain all responsibilities for data security and management for information placed on disposable or portable media.

2. Employees who save protected or confidential information on disposable or portable media shall only save it in either an encrypted form or to an encrypted media device.

D. Dissemination

1. Employees shall not disclose any law enforcement sensitive information, protected information, intelligence information, or other restricted

information to anyone who is not authorized to receive it.

2. Public or other law enforcement agency requests for records should be referred to the Records Section in the Support Services Division.

3. When protected information is transmitted electronically, it must be done using an encryption standard accepted by CBI.

II. CJIS Compliance

A. The Sheriff designates the Manager of the Sheriff's Computer Support (SCS) Unit as the Local Agency Security Officer (LASO), and the Records Manager in the Support Services Division as the Terminal Agency Coordinator (TAC).

B. Local Agency Security Officer (LASO) Responsibilities

1. Serve as the primary point of contact (POC) between the Sheriff's Office and the CJIS Security Officer (CSO) with the Colorado Bureau of Investigation (CBI) and/or the Information Security Officer (ISO) with the Federal Bureau of Investigation (FBI) CJIS Division.

a. The LASO actively represents the Sheriff's Office in all matters pertaining to information security, including keeping the CSO or ISO, as appropriate, apprised of any information security needs or problems.

2. Disseminate information security alerts and other materials to the appropriate constituent recipients.

3. Maintain information security documentation, including configuration data, and network diagrams for how the Sheriff's network connects to CCIC. The LASO is also responsible to maintain accurate records involving the Sheriff's computer systems, interfaces, and internal policies regarding physical protection of systems, media protection, incident response, audit logs, system and communications protections and information integrity.

4. Assist with information security audits of hardware, policies, and procedures, with the CBI and/or FBI, and coordinate the implementation or any corrective actions necessary.

5. Identify who is using CSA approved hardware, software, and firmware, and ensure that no individuals or processes have or allow unauthorized access.

6. Ensure that personnel security screening policies and procedures are in effect to preclude unauthorized access to CJIS information, and support policy compliance by making notification to the affected division chief if an employee or business process is found to be out of compliance with policy.

7. Collaborate with County I.T. to develop any necessary procedures surrounding system and communications protections and information integrity including requirements for encryption of CJI, technical safeguards involving boundary and transmission protection and other areas such as patch management, malicious code protection, and spam and spyware protection, as outlined in Section 5.10 of the CJIS Security Policy.

8. Ensure the state-approved security measures are in place and are working as expected. If not, coordinate efforts to remediate the issues.

C. Terminal Agency Coordinator (TAC) Responsibilities

1. Serve as the primary contact for the Sheriff's Office relating to granting access to CCIC/NCIC systems, FBI-CJIS compliance within the agency, and reporting any misuse incidents to the CSO at CBI.

2. Ensures system user discipline occurs to ensure compliance with all policies and procedures that govern access.

3. Serves as the CBI point-of-contact for handling record validation, quality control measures, dissemination of manuals and other related publications, security matters, user training, audits, and other matters involving CCIC/NCIC, as needed.

4. OSN management (e.g., application, suspension, cancellation, etc.) of system users, including the appropriate access level, which is determined by job role and function, and maintaining the list of current authorized CCIC system users.

5. Oversee the *Security Awareness Training* for all Sheriff's Office employees, and any other County employees or vendors who have unescorted access to Sheriff's Office building and computer systems, and keep a record of those who have completed the training.

D. Security Awareness Training

1. Basic security awareness training, as prescribed by CBI, is required for all personnel who have access to CJI within six months of their initial assignment, and every two years thereafter.

E. Incident Response to Security or Data Breaches

1. The LASO shall notify Boulder County I.T. in the event of a breach or potential breach of CJIS data on any Sheriff's Office computer system.

   a. Once notified of a breach or potential breach incident, Boulder County I.T. is responsible for following the guidelines and procedures outlined in the *Boulder County Incident Response Guide*.

2. If a breach of data occurs, or is determined to have probably occurred, the LASO is responsible to notify the CBI CSO.

F. Auditing & Accountability

1. To ensure compliance with CJIS requirements, CBI and/or the FBI may routinely conduct audits. When notified of an audit, the LASO and TAC will provide any information required or requested by CBI and FBI on behalf of the Sheriff's Office.

G. Media Protection

1. This policy, in whole, is intended to ensure that access to digital and physical media in all forms is restricted to authorized individuals, in order to comply with § 5.8 of CJIS Policy.

2. The Sheriff's Office will provide any physical media reasonable and necessary for an employee to perform their job duties. Sheriff's Office-issued physical media is authorized to contain protected information on it, provided it is managed and secured consistent with this policy.

3. Any physical media that is used to store or access protected information shall be securely disposed of by the Sheriff's Office when no longer required. This includes any personally-owned device that contains, or contained, protected information.

   a. Physical media shall be destroyed by shredding or incineration, and

the sanitization or destruction must be witnessed or carried out by authorized personnel.

b. Proper sanitization is overwriting, at least three times, or degaussing, the digital media before disposal.

4. Physical media (e.g., computers, laptops, etc.) issued and maintained by County I.T. remain the responsibility of County I.T. for proper disposal.

H. Physical Protection

1. The Sheriff's *Facility Protection Policy* (#211) governs all required facility guidelines related to data security and is incorporated by reference herein.

I. County I.T. Responsibilities

1. Boulder County I.T. is responsible for all County network and hardware systems, including any applicable security requirements. Sheriff's SCS staff will be made available to consult or assist County I.T. on security issues, as needed.

III. Criminal Intelligence Information

A. Criminal intelligence information management is governed by 28 C.F.R. § 23.

1. Any employee involved in the collection, management, or use of criminal intelligence information is responsible for complying with all requirements and operational principles outlined in 28 C.F.R. § 23.

B. Criminal intelligence databases

1. Criminal intelligence information will not be maintained or entered into a database, unless the following requirements are met:

a. Reasonable suspicion that a named subject or organization is involved in criminal activity must exist prior to entry.

b. The confidence level of the information provided is used to determine the reasonable suspicion is based on two aspects:

<u>Source Reliability</u>. The levels of source reliability, from greatest to least, are:

- Reliable
- Usually Reliable
- Unreliable
- Unknown

Content Validity. The levels of content reliability, from greatest to least, are:

- Confirmed
- Probable
- Doubtful
- Cannot be Judged

c. Information that is classified as "unreliable" or "unknown" in source reliability, and/or "cannot be judged" in content validity, is not authorized for entry into any criminal intelligence database or record, internally or externally.

2. Access to criminal intelligence information is restricted to Sheriff's personnel where there is a need-to-know or right-to-know in the performance of a law enforcement activity.

3. If, after further investigation, criminal intelligence information leads to sufficient information amounting to probable cause that a named subject is involved in criminal activity, an appropriate crime report should be generated by the investigating deputy or detective.

C. Prohibited Activities

1. Random surveillance or random intelligence gathering on individuals or groups is prohibited.

2. Intelligence gathering on political, religious, and/or any other special interest group not suspected of any criminal activity or public safety threat is strictly prohibited.

D. Dissemination of Information

1. All reports, files, and records constituting criminal intelligence information is only disseminated, internally or externally, where there is either a need-to-know or right-to-know. All dissemination activities require supervisory

approval.

2. In circumstances where criminal intelligence information is deemed credible and immediate dissemination to another law enforcement officer, agency, or government official, is necessary to avoid imminent danger to life or property, dissemination is authorized with permission of a command-level supervisor.

   a. If information is disseminated under this paragraph, a record indicating who has been given the information, the name of the command-level supervisor authorizing the release of information, and the date that each dissemination takes place, shall be made. This record will be maintained for one-year from the date of inquiry.

E. Maintenance of Criminal Intelligence Information

1. The command level supervisor over the unit or section that collects criminal intelligence information in accordance with this policy is responsible to ensure a process exists to purge or destroy information that is no longer useful, or that cannot be validated within 1 year of receiving the information in accordance with this policy.

IV. Portable Fingerprint Scanners (PFS)

A. Authorized Use

1. Portable fingerprint scanners provide immediate access and inquiry to a database containing protected information, which is used to identify a subject. A PFS may be deployed and utilized by appropriately trained employees for any legitimate law enforcement purpose, upon the approval and certification of CBI of the hardware being deployed. Legitimate law enforcement purposes may include, but are not limited to:

   - Consent from an individual;
   - On a subject, during a lawful stop, that does not provide valid identification;
   - When reasonable suspicion exists that information pertaining to identification by a subject is false or fictitious;

- An individual is unconscious, unresponsive, or is non-communicative, and may not possess identification;
- A deceased person; or
- When probable cause exists that a subject has committed a crime.

2. Employees must always securely maintain any PFS device and not allow any unauthorized access or unauthorized use.

3. Employees who do not hold an active OSN are not authorized to use a PFS.

B. Training Requirements

1. Prior to deploying or utilizing a PFS scanner, a deputy or employee must receive documented training in its proper use, operation, maintenance, and any governing laws and procedures governing mobile fingerprint applications.

C. Divisional Requirements

1. Each division that deploys a PFS tool is responsible to develop a divisional policy and procedure, consistent with this policy, outlining proper PFS use, documentation requirements, and proper reporting and tracking procedures for when a fingerprint scan results in a system "hit."

V. Iris Scanners

A. Authorized Use

1. Iris scanners provide immediate access and inquiry to a database used to identify a subject. An iris scanner may be deployed and utilized by appropriately trained employees for any legitimate law enforcement purpose. Legitimate law enforcement purposes may include, but are not limited to:

- Biometrically identifying an arrestee during a booking process;
- Verifying identity prior to a release from custody.

2. Employees must always securely maintain portable iris scanner devices and not allow any unauthorized access or unauthorized use.

B. Employees who do not hold an active OSN are not authorized to use an iris scanner or any related mobile application.

By Order of the Sheriff,

Joseph K. Pelle	8/6/2019 Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Concealed Handgun Permits **NUMBER:** 218

EFFECTIVE: August 11, 2020 **SUPERSEDES:** April 8, 2020

POLICY: It is the policy of the Sheriff's Office to issue concealed handgun permits (CHP) to statutorily qualified applicants who reside within Boulder County. This policy outlines the procedural processes for the application, issuance, distribution, and/or revocations of concealed handgun permits. This policy does not apply to deputies issued concealed handgun permits through their Sheriff's Office employment, which is governed under a separate policy.

DEFINITIONS:

Law Enforcement Officers Safety Act (LEOSA): A federal law that exempts qualified current and retired law enforcement officers from state and local concealed weapons laws, permitting nationwide carry of a concealed firearm. 18 USC §926B and §926C.

Permit: A document or identification card issued pursuant to part 2 of article 12 of title 18, which authorizes the permittee to carry a concealed handgun within the state of Colorado for a period of five years.

Temporary Emergency Permit: A 90-day permit that allows a permittee to temporarily carry a concealed handgun within the state of Colorado.

RELATED PROCEDURES:
513 – Authorized Weapons, Use and Proficiency
SS410 – Concealed Handgun Permit Procedure (Records Section)

PROCEDURE:

I. Authorities

A. The Sheriff is required by statute to issue concealed handgun permits to qualified applicants in accordance with part 2 of article 12 of title 18 (§30-10-523, C.R.S.).

B. The Sheriff issues concealed handgun permits to residents of Boulder County or to persons who maintain a secondary residence or who own or lease real property used by the applicant in a business within Boulder County (§18-12-205(2)(a), C.R.S.).

C. The Sheriff delegates his/her general statutory obligations related to the receipt, processing, issuance, renewal, and revocation/suspension of concealed handgun permits to the Records Section of the Support Services Division.

1. Where matters are not statutorily clear, the Sheriff retains authority to make decisions on issuance, renewal, and suspension or revocation of permits.

II. Application & Qualifications

A. For the Sheriff to issue or renew a concealed handgun permit, an applicant must meet the following statutory requirements outlined in §18-12-203, C.R.S.:

2. A legal resident in the State of Colorado;

3. Is twenty-one (21) years of age or older, unless making application for a temporary emergency permit, in which the applicant must be eighteen (18) years of age or older (§18-12-209(2)(a), C.R.S.);

4. Is not ineligible to possess a firearm pursuant to § 18-12-108, C.R.S., or federal law;

5. Has not been convicted of perjury under §18-8-503, C.R.S., in relation to information provided or deliberately omitted on a permit application submitted pursuant to state law;

6. Does not chronically and habitually use alcoholic beverages to the extent that the applicant's normal faculties are impaired;

a. An exception to this requirement will be made if an applicant provides an affidavit signed by a state licensed professional counselor or addiction specialist that the applicant has refrained from using alcohol for three (3) years.

7. Is not an unlawful user of, or addicted to, any controlled substance;

8. Is not subject to any type of protection order, permanent or temporary, in effect at the time the application is submitted, including an extreme risk protection order.

9. Demonstrates competence with a handgun by submitting one or more of the following:

a. Evidence of experience with a firearm through participation in organized shooting competitions or military services;

b. Evidence that, at the time the application is submitted, the applicant is a certified handgun instructor;

c. Proof of an honorable discharge from a branch of the United States armed forces within three years preceding submittal of the application;

d. Proof of an honorable discharge from a branch of the United States armed forces that reflects handgun qualifications obtained within ten (10) years preceding submittal of the application'

e. A certificate showing retirement from a Colorado law enforcement agency that reflects handgun qualifications obtained within ten (10) years preceding submittal of the application; and/or

f. A training certificate from a handgun training class obtained within ten (10) years preceding submittal of the application.

B. Application Process

1. The Sheriff shall only accept concealed handgun permit applications submitted on the most current version of the statewide standardized form. No additional information will be sought from an applicant beyond the information required in the standardized application form (§18-12-205(1)(a), C.R.S.).

2. The applicant must submit the application, in person, at the Sheriff's Office Headquarters building, by appointment, unless otherwise waived by the Records Manager or Support Services Division Chief, during the established business hours for concealed handgun permit processing.

   a. At the time of appointment, the applicant will submit the completed application, provide identification, and will be fingerprinted and have their photograph taken.

3. Applications will only be accepted for processing under the following conditions (§18-12-205, C.R.S.):

   a. The standardized application form is completed in its entirety with all required supporting documentation;

   b. The application is signed in front of a Sheriff's Office employee after verification of identity by a Colorado driver's license or

identification card, or military photo identification;

c. All application and fingerprint fees are paid as authorized or required by law;

d. Two sets of fingerprints of the applicant are obtained; and

e. A full-frontal view color photo of the applicant's head taken within thirty days of submitting the application, unless the applicant is photographed by the Sheriff's Office for the permit.

C. Sheriff's Processing of a New Permit Application

1. The Sheriff's Office submits the applicant's fingerprints to the Colorado Bureau of Investigation for the statutorily required background checks in CCIC/NCIC. Copies of the response(s) from CBI are preserved with the applicant's application.

2. The technician assigned to process the permit application conducts a local history check in the Sheriff's Office records management system.

3. If an applicant has any relevant local, CCIC or NCIC histories, reports from the relevant jurisdictions are requested and reviewed as part of the determination.

D. Notification to Applicant

1. Within 90 calendar days after the date of receipt of the permit application, the Sheriff's Office shall approve the application and issue the permit, or deny the permit application pursuant to §18-12-203(1), C.R.S.

a. The permit shall be issued to the applicant unless he/she is not qualified to possess a handgun pursuant to state or federal law or is not otherwise qualified to obtain a permit to state law.

b. The permit issued by the Sheriff's Office and the contents therein shall meet all state requirements and is issued for a period of five (5) years.

2. If the permit application is denied in accordance with §III, the applicant shall receive written notification setting forth the reasons for the denial. This written notification shall be made within 90 calendar days of the date

the permit application was received (§18-12-206, C.R.S.).

a. The applicant may seek a second review of the application by the Sheriff and submit additional information for the record, or may seek judicial review of the Sheriff's determination pursuant to §18-12-207, C.R.S.

E. Exemptions

1. A certified peace officer who does not qualify under LEOSA or elects to obtain a Colorado permit, within the first five years after retirement, may obtain a concealed handgun permit by submitting a letter signed by the sheriff or chief of police of the jurisdiction of which the applicant was employed immediately prior to their retirement, attesting that the retired officer meets the statutory criteria in §18-12-203(1), C.R.S. (§18-12-212(2), C.R.S.).

a. A retired peace officer under this section is exempted from the fingerprint or criminal history check requirements in part 2 of article 12 of title 18 and is not required to pay the permit application fee.

b. Upon expiration of a permit granted under this exemption, the permittee may apply for a new permit under the §II.

IV. Temporary Emergency Permits

A. The Sheriff may issue a temporary emergency permit to a person whom the Sheriff believes has reason to believe may be in immediate danger (§18-12-209(1), C.R.S.).

B. An individual seeking a temporary emergency permit must submit an affidavit outlining the circumstances giving rise to the emergency request with their application.

C. The applicant must meet all criteria in §II.A—with exception of the requirement to submit documentary evidence of competency with a handgun (§II.A.8)—and must pay the required temporary emergency permit fee.

1. The Sheriff may issue a temporary emergency permit based upon non-fingerprint, agency-conducted CCIC/NCIC and national incident criminal background check through CBI that shows the applicant meets the criteria

of §18-12-203, C.R.S. (§18-12-209(2)(a), C.R.S.).

D. Temporary emergency permits issued by the Sheriff shall only be valid for ninety (90) calendar days after the date of issuance.

1. Prior to or within ten (10) calendar days after expiration of a temporary emergency permit, the permittee may seek re-issuance of the temporary emergency permit for one additional ninety (90) calendar day period (§18-12-209(2)(b)(I), C.R.S.). A request for re-issuance of the temporary emergency permit requires an affidavit from the permittee outlining the circumstances giving rise to the request for extension.

2. If the permittee is under twenty-one (21) years of age, the Sheriff may renew the temporary emergency permit for subsequent ninety (90) day periods until the permittee reaches twenty-one (21) years of age (§18-12-209(2)(b)(I), C.R.S.). Each request for re-issuance of the temporary emergency permit requires an affidavit from the permittee outlining the circumstances giving rise to the request for extension.

V. Denied Applications

A. The Sheriff shall deny a concealed handgun permit if an applicant or permittee in a renewal action fails to meet the criteria under this policy's qualified applicant section (§II) and Colorado statute.

B. Notwithstanding the statutorily required criteria in §II.A, the Sheriff may deny an application when a reasonable belief exists that documented previous behavior by the applicant makes it likely the applicant will present a danger to self or others if the applicant receives a concealed handgun permit (§18-12-203(2), C.R.S.).

VI. Renewals

A. To renew a concealed handgun permit, the permittee must complete and submit a renewal form to the Sheriff's Agency in his/her jurisdiction as early as 120 calendar days (four months) prior to expiration and up to 180 calendar days (six months) after expiration (§18-12-211, C.R.S.). A renewal request will not be accepted for processing until all materials are submitted together.

1. If a renewal application is received after the expiration date of the permit but prior to 180 calendar days after expiration, the permittee may still renew the permit by paying the statutorily-required late fee in addition to the renewal fee and all supporting documentation (§18-12-211(2), C.R.S.).

2. If a renewal application is received later than 180 calendar days after expiration, the permit is considered permanently expired and the permittee must re-apply as a new applicant (§18-12-211(2), C.R.S.).

B. The signing of a renewal application for a permit issued by the Boulder County Sheriff need not be signed in the presence of a Sheriff's Office employee when the following conditions are met:

1. When the renewal application is received by U.S. Mail or is submitted electronically to SheriffRecords@bouldercounty.org; and

2. Includes a photocopy of a valid Colorado-issued driver's license or identification card of the applicant.

C. Original Permits Issued by the Boulder County Sheriff

1. The Sheriff's Office shall investigate the renewal request and verify the permittee meets the relevant statutory requirements outlined in §18-12-203(1)(a) to (1)(g), C.R.S., and is not a danger as described in §18-12-203(2), C.R.S.

D. Original Permits Issued by Another Colorado Sheriff

1. If the concealed handgun permit being renewed, including a temporary emergency permit, was issued by another sheriff in Colorado, the permittee is required to submit a legible photocopy of the concealed handgun permit or temporary emergency permit to the Sheriff's Office, in addition to the materials in §II.A. (§§18-12-209(2)(b)(II) and -211(1)(b), C.R.S.).

2. The technician assigned to process a concealed handgun permit application, including renewals, shall contact the office of the issuing sheriff to confirm the permit has not been revoked or suspended (§18-12-211(1)(b)(II), C.R.S.).

E. Original Permits Issued Outside Colorado (Reciprocity)

1. A permit to carry a concealed handgun issued by a state that recognizes the validity of permits issued pursuant to part 2 of article 12 of title 18, C.R.S., shall be valid in Colorado if the permit is issued to a person who is (a) twenty-one (21) years of age or older; and (b) is a resident of the state

that issued the permit or is a Colorado resident for no more than ninety (90) calendar days. (§18-12-213, C.R.S.).

VII. Restraint or Revocation Actions

A. If the Sheriff or any of his/her deputies or designee(s) have a reasonable belief that a permittee no longer meets the criteria required under state or federal law, the Sheriff shall suspend the permit until it is determined the permittee is eligible to possess it.

1. Deputies acting under this paragraph are authorized to physically collect a permit and return it to the Records Section technician responsible for processing concealed handgun permit applications.

B. If the Sheriff suspends, revokes, or refuses to renew a permit, the Sheriff shall notify the permittee, in writing, of the grounds for the action and the permittee's right to seek a second review by the Sheriff, to submit additional information for the record, and to seek judicial review pursuant to §18-12-207, C.R.S. A copy of this written notification is retained with the applicant's permit file.

C. If a permit is lost, stolen, or destroyed, the permit is automatically invalid (§18-12-210(2), C.R.S.).

VIII. Fees

A. The fees associated with concealed handgun permits are to be posted and maintained on the Sheriff's Office's public website.

B. Fees shall never exceed the maximum statutory amount.

IX. Annual Reporting

A. The Records Section shall annually prepare a report specifying, at a minimum, the number of permit applications received during the year for which the report was prepared, the number of permits denied during the year, the reasons for denial, the number of revocations during the year, and the reasons for the revocations (§18-12-206(4), C.R.S.).

B. This report shall be prepared no later than March 1st of every year. A copy of the report shall be provided to the General Assembly, as required, through the County Sheriff's of Colorado, and a copy shall be made available to the public upon request (§18-12-206(4), C.R.S.).

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

By Order of the Sheriff,

Joseph K. Pelle	8/11/2020
Joseph K. Pelle	Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Public Information **NUMBER:** 219
(Formerly #603)

EFFECTIVE: July 9, 2019 **SUPERSEDES:** April 9, 2014

POLICY:
It is the policy of the Boulder County Sheriff's Office to establish and maintain a cooperative and responsive climate that facilitates and/or initiates the release of information to the news media and the public in a legal and timely manner. Sheriff's Office media releases are public information and are to be made available to any person or organization upon initiation of a records request. The Sheriff's Office maintains several social media platforms, as they provide a valuable means of community outreach and information exchange, time-sensitive notifications to the community, problem-solving, recruiting, and investigative and crime prevention objectives.

Employees are not authorized to comment or represent themselves on behalf of the Sheriff's Office unless authorized under this policy. Additionally, no employee is authorized to publicly comment or distribute information concerning personnel or internal investigation matters without specific authorization from the Sheriff.

RELATED POLICIES & PROCEDURES:
325 – Social Media
527 – Records Inspection

DEFINITIONS:

Page: The specific portion of a social media website where content is displayed. Pages are managed by an individual or individuals with administrator rights.

Post: Content that an individual shares on a social media site, or the act of publishing content on a site.

Profile: Information that a user provides about an individual or an agency on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user-participation.

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, or by expressive conduct, symbolism, photographs, video, or related forms of communication.

PROCEDURE:

I. General Administration and Direction

A. The Sheriff designates a command-level deputy to serve as the Office's chief spokesperson (Chief Public Information Officer (PIO)) to oversee the Public Information Unit and coordinate all public information activities, including social media platforms, on behalf of the Sheriff's Office.

B. Sheriff's employees are not to offer comment to an inquiry made by media on another agency's case or incident; rather, the employee is to refer the person to the appropriate agency.

C. Under most circumstances, the identities of employees of the Sheriff's Office are a matter of public record. Employees may be publicly identified by name in a media release, social media postings, and in official photographs or portraits.

II. Public Information Officer (PIO) Function

A. Routine Incidents

1. Operations Division

a. Public information duties are the responsibility of the supervisor-in-charge of an incident. The supervisor is authorized to delegate the PIO role to another employee and is to specify whether the assignment is that employee's sole duty or ancillary to other incident responsibilities.

1) If there are insufficient resources available to fill the PIO role the supervisor or incident commander may request Communications contact the on-call PIO and request they assume PIO duties.

2. Jail Division

a. Public information functions involving incidents that occur within the jail or involve jail operations are coordinated by the Public Information Unit.

b. Media interview requests involving an in-custody inmate will be referred to the inmate's attorney of record. If the inmate is

unrepresented, a jail employee will inquire of the inmate whether or not he or she wishes to meet with the interviewer.

3. Support Services Division

   a. Normal Business Hours: When a Records or Communications employee receives media inquiries during normal business hours, a media request for information can be referred to the Public Information Unit by telephone (x1500) or email (#SheriffPIO).

   b. Outside Business Hours: When a Records or Communications employee receives media inquiries, and no PIO has been designated, he or she is to notify the appropriate deputy, supervisor, or incident commander.

      1) In the interim, the employee is authorized to provide the media person with the time of the call, the location, the nature of the event, and the agencies that are involved. The supervisor or incident commander is responsible for providing any additional information that was requested, either personally, or by designating another employee to fulfill the PIO function.

B. Personnel Issues, Internal Investigations, and Policy Decisions

1. The Sheriff or Undersheriff will act as a spokesperson for matters related to department policy decisions, budget, personnel matters, internal investigations unless delegated by the Sheriff or Undersheriff to another individual.

C. Major Events and Incidents

1. The Chief PIO is responsible for all public information activities related to major events and incidents.

2. In the event the Emergency Operations Center (EOC) has been activated, and the incident falls under the jurisdiction of the Boulder County Sheriff's Office, the Chief PIO is responsible for coordinating public messaging with the ESF-15 function. The Sheriff's Office retains all public messaging authority unless otherwise delegated by the Sheriff, in writing, to the ESF-15 support function or an Incident Management Team (IMT).

   a. While the Sheriff's Office generally retains authority over all public

information functions in a major incident, the Chief PIO is expected to coordinate with the IMT's field PIO, incident commander, and ESF-15 function to ensure accurate and coordinated public information is distributed.

III. Social Media

A. Administrative

1. Section (III) of this policy only governs the Sheriff's use of official Sheriff's Office social media accounts, which are to only be used for official business purposes. The policy governing employee use of personal social media accounts is found in the *Social Media* policy (#325).

2. The Chief PIO is responsible for determining the individual(s) authorized to post to the Office's social media accounts. Individuals authorized to post on behalf of the Sheriff's Office are responsible for ensuring posts comply with this policy, and related divisional policies and procedures, and all applicable laws.

3. The Chief PIO is responsible to determine what, if any, social media platforms are to be used by the Sheriff's Office as official accounts.

4. Members of the Sheriff's Office authorized to speak publicly on behalf of the agency may create individual official social media accounts under their name and rank/position. Any individual official social media account, including all account content, are considered part of the employee's official duties and are subject to all provisions of this policy.

   a. Speech made pursuant to official duties is not protected speech and may form the basis for disciplinary sanction if it violates Sheriff's Office policy.

5. Any political content requires the express permission of the Sheriff before posting.

6. Use of images of the Sheriff's Office badge, logo, patch, uniforms, or vehicles, is only authorized for official Sheriff's Office social media accounts and websites established under this policy.

B. Guidelines for Social Media Posts and Content

1. Original posts of incident or event-related content are limited to incidents

or events that occur within the Sheriff's law enforcement jurisdiction. Re-posting, forwarding, quoting, or re-tweeting another agency or organization's original content is excepted.

2. When the responsibility for social media messaging and postings have been assumed by the ESF-15 position of the Boulder Office of Emergency Management (OEM), OEM social media accounts are to post original content, and Sheriff's Office accounts then re-post, quote, or re-tweet the content, to ensure consistent distribution of information.

3. All social media posts are to comply with the law and Sheriff's Office policy, including the guidance and constraints in §§IV.C, V.B, and V.C of this policy, as they will be viewed as an abridged version of a media release.

C. Public Terms of Use

1. The Sheriff's Office shall establish terms of use for each social media platform utilized. These terms of use shall be prominently displayed on the social media platform, either by text or website link. The terms of use shall include, but are not limited to:

   - The purpose of the account;
   - A statement that posting on the account constitutes acceptance of the terms of use;
   - That the page is not monitored 24/7/365 and is not to be used to report an emergency or in-progress crime;
   - Contact information for crime reporting; and/or
   - General guidelines around content that violates the terms of use and is subject to removal. Examples include, but are not limited to: obscene, indecent, or profane content; content that compromises the privacy and/or safety of any citizen, including a Sheriff's employee; hate speech directed at race, color, sex, sexual orientation, national origin, ethnicity, age, religion, or disability; any commercial content; copyright-protected or proprietary content used without permission; and any other content that violates the terms of use.

2. All terms of use for Sheriff's Office social media accounts shall be content-neutral and avoid viewpoint discrimination.

3. The terms of use may be updated as often as necessary to comply with current laws and policies. All updates to the terms of use are to be reviewed by the Sheriff's legal advisor before implementation.

D. Violation of Terms of Use and Removal of Content

1. Under no circumstance may a user be blocked (e.g., obscuring an account, cannot see posts/tweets, cannot reply to posts/tweets, cannot view followers, cannot post or communicate) by an official Sheriff's Office social media account (including official accounts of individual agency members), including for repeated violations of the terms of use. However, a user may be muted (e.g., removing posts/tweets from a timeline or page only when they violate the terms of use, but allows other communication or posting to still occur).

2. A post by any member of the public may be deleted or hidden from view only when a violation of the terms of use has occurred.

   a. Post content is to be considered on an individual post basis and may only be removed individually when a violation of the terms of use has occurred.

   b. Before removing any content for violation of the terms of use, the content is to be memorialized or preserved.

3. Nothing in this section restricts the ability of the Sheriff's Office from removing any original content made or placed by the Sheriff's Office, even if it results in the incidental removal of all related public comment.

IV. Media Releases

A. Media releases are issued promptly on matters of public interest that include, but are not limited to:

- Unattended deaths that occur in a public venue, or may be of public interest in the opinion of the on-duty supervisor, staff duty officer, Chief PIO, or member of the Operations Division command staff;
- Deaths believed to be criminal in nature, regardless of venue;
- Robberies;
- High-value theft;
- High value or multiple burglaries;
- A significant arrest;

- Aircraft crash;
- A significant search and rescue event;
- Any structure fire with significant damage or injury;
- Any wildland fire;
- A significant act of bravery on the part of a deputy or citizen;
- A significant occurrence in the jail;
- Escape from custody other than a walk-away from the jail work-release or work-crew program;
- SWAT callouts for significant, in-progress crimes; and
- Any in-custody death

B. Employees are encouraged to issue media releases on significant employee accomplishments, promotions, awards, the introduction of new programs, or any other matter of public interest that portrays the operations of the Office.

C. Content

1. Media releases are to be written in a standardized format that includes the date of the release, the nature of the event, any related case numbers, the author's name, a phone number for follow-up questions, and a descriptive narrative.

   a. A media release requires a review by an appropriate supervisor before it being posted and/or released publicly.

2. Unless such information would be detrimental to the investigation, the release is to contain a brief description of the event, including, location and time, other agencies assisting, property loss, injuries sustained, and/or damages resulting from the incident.

3. The identities of victims of sexual assault and juveniles, where protected by law, are not to be released absent a court order.

4. The identity of persons who have died can only be released when authorization has been received from the Coroner or his/her designee.

5. The identity of a persons who have died may also be withheld if it is in the public interest to do so or if releasing the identification information would be detrimental to the investigation.

6. Other victims and witnesses are identified by name, age, and city of residence with the following exceptions:

a. The identity of a victim with critical injuries is to be delayed until their immediate family members have been notified.

b. A suspect in a criminal event is at large and who may pose a threat to the victim, witness, or their families.

7. Descriptions of injuries sustained by victims (e.g., in a car accident or search and rescue incident) are to be limited to broad terms (e.g., "The victim sustained head and neck injuries" or "the victim was transported to the hospital in critical condition").

a. The exact name and location of the treatment facility should be withheld and replaced with generic terms (e.g., the victim was transported to a local hospital).

5. Information and descriptions of unidentified suspects and related vehicles are to be included, when available, and when the release of the information will not hinder the investigation.

6. The identification, description, and related vehicle information of a fugitive for whom an arrest warrant(s) has been issued are to be included in the release. If it doesn't compromise the investigation, a mugshot or photograph should be included in the release whenever practicable.

7. A suspect is not to be identified by name unless there is probable cause for an arrest, and the responsible detective or detective supervisor has approved the release of the name(s).

8. Specific information about a crime, which may be known only to the perpetrator, is not released.

9. The media release is not to contain language that can be interpreted as being speculative or conjecture.

10. In most cases, the names of deputies involved in an event (e.g., arresting deputies, deputies responding to a search and rescue call, etc.) are not included in a release unless circumstances require it (e.g., identifying the deputy/detective responsible for the investigation where tips or other information may be directed).

a. Employees involved in a critical incident or major investigation (e.g., an officer-involved shooting, in-custody death, etc.) will not be immediately identified publicly. Public identification of involved

employees will occur when:

1) The employee has had the opportunity to notify their immediate family members;

2) The investigation would not be hindered by public identification of the employee; and/or

3) There is no articulable threat to the employee's safety.

D. Distribution

1. All written media releases, including joint releases with other agencies or governmental entities, are to be distributed using the County's media release distribution service to the Sheriff's listserv.

a. All media releases shall utilize the established Sheriff's Office media release template.

V. Arrest Information

A. Generally, information regarding the circumstances of an arrest, including the arrestee's name, DOB, address, etc., is released to the media. However, the timing of the release is often dependent on the nature of the crime(s) under investigation and whether there exists a possibility that future investigative efforts would be hindered if an immediate release occurs (i.e., public knowledge of the release could alert accomplices to flee and/or destroy evidence, endanger the victim, hamper follow-up interviews, line-ups, scene processing, etc.).

B. When the timing is appropriate for the release of arrestee information, the following information is generally included in the media release:

1. Time and place of arrest;

2. Defendant's name, age, and residence; and if relevant, their employment, and past local adult criminal history information;

3. The charge(s) for which the arrest was made;

4. Facts and circumstances relating to the arrest, such as resistance, pursuit, or the use of a weapon;

5. Identity of the agency responsible for the arrest;

6. Scheduled dates for various steps of the judicial process, if known;

7. Pretrial release or detention arrangements, including the bond amount and place of detention; and/or

8. Arrestee's mugshot unless it needs to be withheld for investigative purposes.

C. The following types of information are not to be released after the arrest of a suspect(s) and before disposition of the case:

1. Comments about the character or reputation of the defendant;

2. Information about the existence or content of a confession, admission, or statement by the defendant;

3. The refusal of the defendant to make a statement;

4. The refusal of the defendant to submit to tests or examination;

5. Information that the defendant directed investigators to the scene of a weapon or other evidence;

6. Opinions about the credibility of testimony, or other merits of the case or quality of evidence gathered;

7. Opinions regarding the guilt or innocence of the defendant(s); and/or

8. Information regarding the defendant's mental state or medical condition

D. Restoring Individuals Safely & Effectively (RISE) Program

1. Once an in-custody inmate has been approved for placement in the RISE Program by Colorado's Office of Behavioral Health (OBH), the individual is no longer considered an inmate but is reclassified as a medical patient.

2. Public Records of RISE Program Patients

a. Once classified as a medical patient in the RISE Program, the in-custody patient shall be treated under all pertinent HIPPA regulations.

1) The in-custody patient information shall be removed from all public-facing documents and reports.

2) Sheriff's employees may not confirm or deny if an in-custody RISE Program patient is being housed in our jail.

VI. Media Access

A. Employees are to permit reasonable access to an area near the scene of an incident to news media personnel, except when such access might compromise personal safety, contaminate or disturb evidence, compromise an investigation, or unnecessarily endanger lives or property.

B. Sheriff's employees are not authorized to grant access to the news media to enter upon private property without the consent of the property owner or owner's agent.

VII. Records

a. Media requests for Sheriff's Office records or records that require substantial research are to be made using the established records request process prescribed in the *Records Inspection* policy (#527). Questions that require no more than brief research may be answered by Public Information Unit staff without a records request.

b. In circumstances that involve high-profile cases, the Chief PIO, in consultation with a manager or supervisor from the Records Section, and the legal advisor if determined necessary is authorized to release records proactively (e.g., a mugshot, an arrest report, etc.) to reduce the adverse impact numerous records requests may have on the Records Section. Any record posted or disseminated under this paragraph must still comply with all policies (e.g., appropriate redactions applied) and laws.

c. Media releases are printed by the Records Section and are preserved in the corresponding case file; social media posts are preserved utilizing the contracted preservation service or on the social media platform.

By Order of the Sheriff,

Joseph K. Pelle — 7/10/2019

Joseph K. Pelle — Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Contact Data Collection & Reporting **NUMBER:** 221

EFFECTIVE: August 11, 2020 **SUPERSEDES:** [New]

POLICY: It is the policy of the Sheriff's Office to comply with the laws of the State of Colorado by collecting statistical data for enforcement related contacts required under § 24-31-309(3.5), C.R.S.

DEFINITIONS:

Contact: For purposes of this policy, a contact is any in-person interaction with a member of the public, whether incarcerated or not, by a deputy employed by the sheriff to enforce laws and ordinances, who suspects the individual may have committed a crime, or for the purpose of enforcing a law or investigating a violation thereof.

PROCEDURE:

I. Statistical Data Collection Requirements

A. As required by § 24-31-309(3.5), C.R.S., a peace officer shall have a legal basis for making a contact, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law. After making a contact, shall report the perceived demographic information of the person contacted.

1. Under the requirements of § 24-31-309(3.5), C.R.S., peace officers are to report the perceived demographic information of the person contacted, provided that the identification of the characteristics in § II (*Data to be Collected*) are based on the observation and perception of the employee making the contact and other available data.

2. Any contact made under the color of an employee's authority, whether on-duty or off-duty, is reportable under this policy. This includes contacts made during a regular duty assignment, an extra-duty assignment, or while off-duty if they take a law enforcement action (cf. *Policy 202 – Authority & Jurisdiction*).

B. Employees required to report contact data under this policy should do so as soon as practicable, but no later than end of shift, unless approved by a supervisor. If approved for delayed entry, the data shall be entered at the beginning of the employee's next workday. In no case shall the contact data be held over an employee's weekend or approved time off.

C. The official record for statistical contact data required under Colorado law and this policy is the electronic contact data application. Paper copies of the contact data fields reported may be provided to employees to allow documentation of contacts where electronic device connectivity may not be possible. If an employee uses these forms for notetaking, they are required to enter the contact data into the electronic system in accordance with § I.B., and then recycle or shred the paper form once entered.

II. Data to be Collected

A. Was the subject incarcerated at the Boulder County Jail at the time of contact?

B. Date of contact. (§ 24-31-309(3.5)(c), C.R.S.)

C. Time of contact, reported in a 24-hour format. (§ 24-31-309(3.5)(c), C.R.S.)

D. Location of contact, including jurisdiction (the specific municipality, unincorporated Boulder County, or outside of Boulder County). (§ 24-31-309(3.5)(c), C.R.S.).

E. Duration of contact (estimated), in minutes. (§ 24-31-309(3.5)(d), C.R.S.)

F. Race (as defined by the U.S. Department of Justice). (§ 24-31-309(3.5)(a), C.R.S.)

1. American Indian or Alaska Native. A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.

2. Asian. A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent including Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

3. Black or African American. A person having origins in any of the black racial groups of Africa.

4. Caucasian or White. A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

5. Native Hawaiian or Pacific Islander. A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands (e.g., Carolinian, Fijian, Kosraean, Melanesian, Micronesian, Northern Mariana Islander, Palauan, Papua New Guinean, Ponapean (Pohnpelan),

Polynesian, Solomon Islander, Tahitian, Tarawa Islander, Tokelauan, Tongan, Trukese (Chuukese), and Yapese. *Note: The term "Native Hawaiian" does not include individuals who are native to the state of Hawaii as their place of birth.*

6. Unknown.

G. Ethnicity (as defined by the U.S. Department of Justice). (§ 24-31-309(3.5)(a), C.R.S.)

1. Hispanic or Latino. Persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

2. Non-Hispanic or Latino. Persons who are not of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin.

3. Unknown.

H. Sex (gender). (§ 24-31-309(3.5)(a), C.R.S.)

1. Male

2. Female

3. Gender X (non-binary)

4. Unknown

I. Age. (§ 24-31-309(3.5)(a), C.R.S.)

1. The following commonly acceptable demographic standards shall be used by employees for reporting when determining a perceived or reporting an actual age:

   Under 10 years of age (YOA), 10-12 YOA, 13-15 YOA, 16-17 YOA, 18-20 YOA, 21-29 YOA, 30-39 YOA, 40-49 YOA, 50-59 YOA, 60-69 YOA, 70-79 YOA, 80-89 YOA, 90+ YOA.

J. Reason for contact. (§ 24-31-309(3.5)(e), C.R.S.)

1. Traffic code violation

2. Dispatched to location

3. Observed or investigating a non-traffic crime

4. Consensual contact

K. What crime is suspected? (§ 24-31-309(3.5)(f), C.R.S.)

1. The following broad criminal categories shall be used for classifying general crimes:

   Traffic offense, arson, assault, bribery, burglary, counterfeiting/forgery, curfew/loitering violations, destruction/damage/vandalism of property, disorderly conduct, domestic violence, drug offenses, embezzlement, extortion/blackmail, fraud/financial crimes, gambling offenses, homicide, human trafficking, kidnapping/abduction, larceny/theft, motor vehicle theft, pornography/obscene material, prostitution, robbery, sex offenses, trespassing, weapon law violations, and other offenses.

2. When determining the appropriate crime category, if investigating multiple crimes, the category related to the most serious crime should be used.

L. Was consent-to-search a person, vehicle, or other property requested? (§ 24-31-309(h)(I), C.R.S.)

1. If yes, was consent granted?

M. Did you search the person, vehicle, or other property? (§ 24-31-309(3.5)(h)(II), C.R.S.)

1. If yes, what was the basis for the search?

   a. Consent
   b. Incident to arrest
   c. Warrantless search exception
   d. Vehicle impound inventory
   e. Jail policy

N. Was property seized as a result of a search? (§§ 24-31-309(3.5)(II) and (III), C.R.S.)

1. If yes, what evidence, contraband, or property was collected?

a. Illegal drugs or drug paraphernalia
b. Stolen property (including suspected stolen property)
c. Illegal weapon
d. Other evidence of a crime
e. Evidence or contraband related to a jail rule violation
f. Property for safekeeping

O. Did [the deputy] unholster any weapon(s) during the contact? (§ 24-31-309(3.5)(h)(IV), C.R.S.)

1. If yes, what weapon(s) were unholstered?

a. Firearm
b. Conductive energy device (i.e., a *Taser*™)
c. Baton/impact weapon
d. OC spray or other chemical munition

P. Was a firearm discharged during the contact? (§ 24-31-309(3.5)(h)(V), C.R.S.)

Q. Was this a traffic stop? (§§ 24-31-309(3.5)(b) and (g)(IV), C.R.S.)

1. If yes, what items were viewed, collected, and/or generated?

a. Driver's license
b. Proof of insurance
c. Vehicle registration
d. Driving history
e. Criminal history

R. Result of the contact? (§§ 24-31-309(3.5)(g)(I), (II), (III), and (4)(a), C.R.S.)

1. No action taken

2. Verbal warning – business card provided

3. Verbal warning – business card not provided

4. Citation – traffic

5. Citation – criminal

6. Written warning

7. In-custody arrest

    a. What in-custody arrest offense was charged?

        i. The deputy should enter the statute(s) charged in the free-form field, ordered from most serious to least serious.

8. Protective custody hold (i.e., M1, ARC, runaway, etc.)

III. Exceptions

A. There are no statutory exceptions to these reporting requirements under the law.

B. If an employee is injured as a result of a contact and is consequently unable to complete the required contact reporting, their supervisor may complete the contact reporting form on their behalf, with the information known at the time.

IV. Supervisory Responsibilities

A. The crime analyst assigned to Investigations in the Operations Division is responsible for publicizing, on a monthly basis, summary contact data for review by the Sheriff and his executive staff.

1. Executive Staff is responsible for reviewing the data periodically and adjusting any policies or practices, as necessary.

2. Division chiefs are responsible to ensure that employees under their command who are required to document contact data under this policy do so.

B. Supervisors are responsible for ensuring that employees under their command understand their obligations related to contact reporting, and, when provided summary reports of contact data by their division chief, to promptly review the report(s) and take any corrective action(s) necessary.

V. Record-Keeping and Reporting

A. Contact data under this policy is considered a record under Colorado's *Criminal Justice Records Act*, and shall be retained, in electronic form, in accordance with the corresponding retention schedule.

B. Copies of the data points enumerated under §II (*Data to be Collected*) of this policy

shall be made available to the public, upon request, through the Records Section using the established public records request process.

C. Summarized contact data shall be included in the Office's annual report.

By Order of the Sheriff,

Joseph K. Pelle — 8/11/2020
Date

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SUBJECT: CLASSIFICATION AND ASSIGNMENT **NUMBER:** 301

EFFECTIVE: November 9, 2006

POLICY:

It is the policy of the Sheriff's Office to maintain up-to-date job descriptions for each classification in the Sheriff's Office.

DEFINITIONS:

Classification: A grouping of jobs for which duties, responsibilities, qualifications, and conditions of employment are sufficiently alike to justify the same treatment with respect to personnel practices.

Job: One or more positions with duties and responsibilities that are identical in all significant respects, so that a single descriptive title can be used to identify the job.

Job Description: A written guideline describing a particular job to be done, including a list of general duties, responsibilities and requirements involved.

Job Task: A systematic examination of the functions and objectives analysis of each job to be performed as it relates to the knowledge, skills, and abilities required to perform the tasks or duties of the job.

Position: The duties and responsibilities that may be assigned to a person of a particular job classification.

PROCEDURE:

I. The Sheriff's Office maintains a written classification plan, which may be reviewed annually, and revised when necessary by the Sheriff's Office Personnel Section. A classification plan is comprised of positions with similar duties, responsibilities, required knowledge, skills, and training. The Boulder County Human Resources Department groups positions into classifications for salary and benefit purposes. The Human Resources Department and the Board of County Commissioners review this plan annually.

II. Classification and position descriptions are available for review to all employees of the Sheriff's Office.

III. Job Descriptions

A. All job assignments have written descriptions of the duties and responsibilities associated with the position. These job descriptions are available to all employees of the Sheriff's Office through the Personnel Section.

IV. Job Task Analysis

A. A written job task analysis shall be maintained for every position. The job task analysis includes at a minimum the following:

1. Duties, responsibilities and tasks.

2. The frequency with which each task is performed.

3. Minimum qualifications or level of proficiency necessary in the job related skills, knowledge, abilities, and behaviors.

B. The objective of the job analysis is to:

1. Serve as a basis for the position classification plan.

2. Provide guidance to employees and their supervisors concerning the duties and responsibilities of individual positions.

3. Assist in the establishment of training curricula.

4. Provide a basis for minimum requirements in recruitment, examination, selection, appointment, promotion, and performance evaluation.

C. Development and maintenance of job specifications are the responsibility of the Sheriff's Office Personnel Section.

V. Classification Criteria

A. Selection of personnel for assignments within a given position classification are based on specific criteria:

1. Knowledge skills and abilities required for specialized assignments.

2. Formal educational requirements.

3. Length of experience required.

4. Past performance

B. All assignments, to include specialized assignments, may be reviewed annually by the Division Chiefs and Personnel section employees. This review may include an evaluation of the initial need for the position, the cost benefit of any specialized position and whether the position should be classified as sworn, or civilian.

C. Depending on the classification nature of an assignment, the availability of special assignments are either posted on a Sheriff's Office bulletin board, the Sheriff's web page, or announced through email, as soon as practical prior to the target date for the assignment.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

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SUBJECT: Salary and Compensation Plan **NUMBER:** 302

EFFECTIVE: March 30, 2020 **SUPERSEDES:** December 26, 2019

POLICY: The Sheriff's Office administers the annual allocated salary and benefit budget in compliance with applicable county policy and current state and federal labor law or regulations. Where there is a conflict between the Sheriff's policy and county policy, Sheriff's policy takes precedence. Supervisors schedule time off for employees based on Sheriff's Office needs and in a way that ensures that no fewer than the minimum number of needed employees are on duty.

While every effort will be made to accommodate an employee's request to receive pay instead of time off as compensation for extra hours worked, there will be occasions when paying an employee for overtime will not be possible. Therefore, it is the policy of the Sheriff's Office to compensate employees with compensatory time-off instead of paid overtime when necessary to avoid overspending the allocated salary and overtime budget.

Any comp time accumulated by a non-exempt or 7(k) exempt employee, up to the current cap set by the Sheriff, will be purchased when the employee leaves County employment.

DEFINITIONS:

Acting Supervisor: An employee appointed to serve in an acting supervisory, command, or executive level role above their permanent job classification and level of responsibility, on a temporary basis, during an absence of the incumbent position holder.

Adjusted Time: One-for-one trading of hours off for extra hours worked that occurs within a designated work period. Adjusted time off is not counted as hours worked.

Administrative Leave: Administrative leave is time off with pay. This leave is not deducted from vacation time, compensatory time or sick leave. Administrative leave must be approved by the Sheriff, Undersheriff or Division Chief and may be granted to: (1) employees who are the subject of an administrative or other investigation; (2) FLSA executive exempt employees; or (3) when it is determined to be in the best interest of the employee, the Sheriff's Office, or the public.

Call-Out: Is the same as "Recall, Call In, Call Back, or Emergency Response Time," and is defined as a return to work during off-duty hours.

Compensable Time: Hours worked for which compensation is received. Except for compensatory time off, all paid and unpaid leave times are not considered hours worked.

Compensation: Money, time-off and fringe benefits are given to an employee for work performed.

Compensatory Time: Time-off, instead of money, given to an employee for work performed.

Employer: The employer of Sheriff's Office employees is the current sheriff.

Exempt from Fair Labor Standards Act (FLSA): Exempt employees are not subject to FLSA regulations. To keep this exemption, an employer must pay these employees a salary, and the salary amount must not be affected by the quantity of work performed by the employee. There is no requirement under FLSA for an exempt employee to receive any additional compensation beyond their salary for hours worked above any threshold. FLSA overtime requirements do not cover a person working in one of the following position categories: An elected official, personal staff of an elected official, and an employee classified as executive, administrative, or professionally exempt, as defined by current FLSA regulations (cf. County Policy 4.8).

Flexible Scheduling or Flex Hours: Moving work hours within a workday or workweek (e.g., working 10:00 a.m. to 6:30 p.m. rather than working 8:00 a.m. to 4:30 p.m.) working Saturday rather than Friday.

Holiday Bank or Holiday Pool: The practice of allowing employees the flexibility of "banking" holiday hours given to each employee annually by the BOCC and allow those employees required to work a County holiday to have an alternate day off within the applicable calendar year.

Holidays: Legal County holidays as adopted by resolution each year by the Boulder County Board of Commissioners.

Holiday Pay: Extra paid compensation that is given to an employee when the employee works on a "premium" holiday (Thanksgiving, Christmas or New Year's Day).

Hourly Rate of Pay: Salary structure based on job description determined by the County as based upon payroll classification and the monthly salary. FLSA refers to this as the regular rate.

Major Discipline: Any disciplinary sanction which includes unpaid suspension, demotion, or disciplinary removal from a specialty unit or collateral duty.

Non-Exempt: Those employees not classified as exempt or 7(k) exempt under FLSA, and must be compensated at a rate of 1.5 times their hourly wage in time or money for every hour worked over 40 hours in a seven-day workweek. Employees in this classification include, but are not limited to law enforcement techs, dispatchers, data-entry positions, librarians, maintenance workers, mechanics, and other non-deputy series positions.

Overtime Pay: The hourly rate of an employee's salary multiplied 1.5 times.

Pay Period: The Boulder County pay period is set by County Finance as one calendar month from the 26th of one month to the 25th of the following month for full-time employees, and the 24th of

the month to the 23rd of the month for hourly employees. Payday is the last normal working day of each month.

Promotion: The vertical movement within the organizational hierarchy from a line-level position to a supervisory position, or from a supervisory position to a higher-level supervisory position.

Sabbatical Leave: A period of unpaid leave that is granted to an employee so that they may study, rest, travel, etc.

Scheduled Work Time: Work time requirements previously known to the employee (e.g., an employee's regular duty schedule, voluntary coverage of an overtime shift, etc.).

Special Duty Pay: A monthly stipend provided as additional compensation in recognition of the highly technical or specific skill sets required to perform certain advanced job functions (e.g., Investigations, Emergency Services, etc.) during the term of active assignment to the special duty job function.

Step-Plan: A non-merit salary structure based upon a standardized progression through a pay range for the Deputy I (RC1) job classification. Lateral-hires with commensurate Deputy I experience may be awarded tenure credit upon hire.

Unscheduled Work Time: Work time requirements not previously known to the employee before they occur (e.g., emergency call-backs, on-call response, early call-in, late holdover, etc.).

Volunteers: Persons not employed by the Sheriff's Office who do volunteer work for the Sheriff's Office.

Work Period: For nonexempt personnel, the work period is one week. For 7(k) exempt personnel the work period is one week unless modified by the Division Chief with the approval of the Sheriff.

7(k) Exempt: Employees in this category – police and fire – must be compensated at 1.5 times their hourly rate in time or money for hours worked beyond 42 in a 7-day work period. Duty assignments and job descriptions determine whether the 7(k) exemption is applicable, and the Sheriff's Office determines the 7(k) exemption for each employee. This category includes all deputies and firefighters.

PROCEDURE:

I. Sheriff's Office Salary Plan

A. Boulder County Policy guides the Sheriff's Office salary plan.

B. All job classifications except for the Deputy I series (RC1 and CA6) are in the County's merit compensation program. Deputy I's (RC1 and CA6) are in a step-plan

compensation program.

1. Beginning in January 2020, Deputy I's were removed from the County's merit compensation program and were placed into a phased-in step-program. As such, the Deputy I job classification (RC1) is ineligible for merit-related base compensation, including general or year-end merit increases, but remains eligible for merit bonus compensation (e.g., spot bonuses or award-related bonuses).

2. Movement through the Deputy I pay range is accomplished by annual step increases, as outlined below, which may be periodically adjusted by County HR through annual pay range (step-plan) adjustments based on market surveys and/or cost of living.

   a. If a Deputy I receives two "Inconsistent," "Rarely," or combination thereof, ratings on their annual evaluation, or have been the subject of major discipline during the evaluation year, they are ineligible to move to the next classification step the following year.

   b. Deputy I's are ineligible to move steps until they have completed 12-months of service and successfully completed their probationary period. Under no circumstance can a Deputy I move to a successive step within three months of a prior step increase.

      Example 1: A deputy hired in August 2019 is not eligible to move to the next step until their employment anniversary in August 2020. That employee, provided they successfully complete their probationary employment period, will receive their next annual step increase in the January 2021 pay period and each January thereafter.

      Example 2: A deputy hired in October 2019 is not eligible to move to the next step until their employment anniversary in October 2020. Given that the employee is within three months of the annual step increase, they would not be eligible to move to the next step until the following year, January 2022.

   c. The phased-in Deputy I step-plan approved by the Board of County Commissioners (BOCC) on December 12, 2019, contains the following implementation schedule:

      CY2020 – CY2021: 10 Steps
      CY2022 – CY2023: 9 Steps
      CY2024 – Beyond: 8 Steps

C. Job classifications in the County's merit compensation program receive any annually funded merit increase in the January pay period, provided the employee

has completed their probationary employment period.

1. Employees who are within their first 12-months of County employment or have not successfully completed their probationary period are ineligible for an annual merit increase. Once the employee has reached their one-year anniversary and successfully complets the probationary period, they will receive any funded annual merit increase for that year. Cost of living and range adjustments, if any, are applied every January regardless of probationary status.

   Example: A civilian employee hired in August 2019 will not receive the 2020 annual merit increase until their employment anniversary in August 2020, provided they successfully complete their probationary period. That same employee will then receive the next annual merit increase, if any, in the January 2021 pay period and each January thereafter.

2. If an employee in the merit compensation program receives two "Inconsistent," "Rarely," or combination thereof, ratings on their annual evaluation, or have been the subject of major discipline during the evaluation year, they are ineligible to receive a merit increase the following year.

D. Any salary negotiation or offer that rises above-entry level for any job classification, whether in the merit or step-increase compensation plans, must be based upon individual justification, in writing, and requires approval by the Undersheriff and County HR.

II. Salary Plan Augmentation

A. The Sheriff's Office Salary plan is augmented in the following ways for employees that are not classified as FLSA exempt employees:

1. Compensable and non-compensable activities:

   a. Stand-by time is compensable when the employee is not free to leave the "stand-by" location or area, and the Sheriff's Office determines the wait duration.

   b. On-call time is compensable when the employee is called out so often, or the employee's freedom is so restricted, that the employee is unable to use the on-call time for their benefit. The requirement to leave a call-back telephone number, carry a pager or department-issued cell phone, monitor a radio, or respond to work within a specific time frame, are not sufficiently restrictive enough to establish that the time spent in on-call status as

compensable time.

c. Unscheduled work time is compensable for any job-related activity required or approved by a supervisor. This work-related activity may include, but is not limited to, the following:

1) Handling emergencies during off-duty time

2) Completing required work before and after regular shifts

d. Unscheduled work time that occurs when an employee is off-duty – and is not an extension of a regularly scheduled work shift – is compensated portal-to-portal. Therefore, the employee is compensated from the time the employee begins to travel to the designated work site until the job assignment ends and the employee's round-trip travel is complete. A two-hour minimum is compensated for any unscheduled work time.

1) Employees compute unscheduled work time in quarter-hour increments. Rounding is done to the nearest five minutes (e.g., one hour and five minutes is rounded to one hour; one hour and ten minutes is rounded to one hour and fifteen minutes, etc.).

Example: Employee "A" is at home on a regularly scheduled day off and is required to attend court in Boulder. The employee's round-trip travel time from home to court is forty minutes, and the employee is in court for twenty minutes. The employee will be compensated for two hours (two-hour minimum).

Employee "B" is in Denver while off-duty and is called back to duty. The employee's travel time to the duty site is forty-five minutes from Denver. The employee is on duty for three hours and returns home which takes fifteen minutes from the duty site. The employee is compensated for four hours – three hours of work time and one hour of round-trip travel time.

e. Scheduled work time, including voluntary coverage of overtime shifts, are not compensated portal-to-portal.

f. Breaks from work of up to 15 minutes are compensable. Employees are authorized to take a 15-minute break for every four hours worked during a work period of 8-hours or longer. These breaks may be combined with an unpaid 30-minute meal break to increase that meal break to one hour instead of taking any 15-minute breaks.

1) A Division Chief or the Undersheriff may approve a schedule whereby nonexempt employees may end their workday after 8 or 10 hours, as applicable, when they work through their meal break and take no more than two, 15-minute breaks during the workday.

   a) When approved, the affected employee is <u>not</u> authorized to combine the two, 15-minute breaks, but must take them as separate and distinct breaks during the workday, except as described for dispatchers in paragraph (2) below.

2) Due to the unique work requirements for dispatchers working in the Sheriff's Communications Center, the Support Services Division Chief may approve a schedule whereby employees, upon supervisory approval, may combine all or a portion of the 15-minute breaks instead of taking them individually. Combining the breaks cannot be used to shorten the workday.

   Example: When there is sufficient staffing, and a supervisor gives approval, an employee may combine two 15-minute breaks in an 8-hour workday into a 30-minute break; or three 15-minute breaks in a 12-hour workday into a single 45-minute break. This extended break cannot be taken at the beginning or end of the workday, the effect of which would be to shorten that workday.

3) Non-exempt employees, excluding dispatchers, who take more than 30 minutes of cumulative break time during a workday, are required to be at work 8.5 or 10.5 hours, as applicable.

g. A meal break is not compensable time when the time taken for the break is 30 minutes or longer in duration, the employee is relieved of all job duties, and the employee has the option to leave the assigned post or area.

   1) Non-exempt employees and 7(k) exempt employees are off-duty when they leave their duty post for a meal break that is 30 minutes or longer, including travel time.

2. <u>Training:</u> Off-duty time spent training is compensable with comp time, extra pay, or adjustment by applicable sections of this policy.

a. Training adjustment time is to be made hour-for-hour, and not shift-for-shift or day-for-day.

B. Travel to Training or Alternate Work Site

1. Commuting to work from home is not compensable.

a. Travel time between home and the airport or home and an alternate work site (i.e., training, court, or meetings) is not compensable for the amount of time normally spent traveling between home and the employee's normal duty site.

b. Travel time more than regular commute time that occurs because of a temporary change in job site location (i.e., out of town training, meetings, court) and extends the employee's workday is compensable.

C. Out of Town Travel

1. When an employee is offered air transportation but elects to drive, the compensable travel time is the amount of time required for the air transportation.

2. Out-of-county travel on a workday or day off — not related to an extradition or prisoner transport — is compensable up to eight (8) hours for that day.

a. Supervisors are to adjust the employee's days off and workweek to accommodate the travel whenever possible.

3. All travel time related to an extradition and/or prisoner transport is computed as hours worked and not as travel time.

D. Trading Time

1. The trading of time between employees has no effect on compensable time or the calculation of overtime based on hours worked within a work period when it is optional, voluntary and suggested by the involved employees, and it is done with the affected shift supervisor's approval.

2. The employees trading time are responsible for ensuring all obligations are met, and scheduled tasks are completed.

3. The scheduled employee and substituting employee each record the particulars of the trade in the comment section of their respective timesheet on the day(s) the trade occurred. (e.g., John Doe worked for me on [date]; worked for Bob Smith today).

4. The scheduled employee records their regular duty schedule hours on his or her timesheet, not to exceed their normal scheduled shift total, as if no trade occurred. The hours worked – up to the full shift total - are credited to the scheduled employee as if that employee worked the shift and counted as hours worked for the scheduled employee in that work period.

    a. The divisional schedule is to be updated with the employee actually working the shift.

5. The substituting employee only records on his or her timesheet the hours that exceed the normal scheduled shift, which will be compensated with comp or pay – at their supervisor's discretion - for any hours worked beyond the regular full shift by normal work period policies.

6. Trade days must be completed within 60 days of each other unless an extended timeframe has been authorized by the employee's Division Chief.

E. Adjusted Time

1. All extra hours worked within a work period as a result of a **job-related, pre-planned event**, are required to be adjusted 1-to-1 against any **comp or holiday** hours taken off within that same work period unless the holiday hours taken off are on the actual holiday. A job related, pre-planned event, includes, but is not limited to the following:

    a. Meetings, panel discussions, community events, etc.

    b. Training

    c. Extraditions

    d. Any hours worked beyond an employee's normal shift or on an employee's regularly scheduled day off that are pre-planned by the employee and approved by the employee's supervisor.

F. Leave time, except when taken as comp time, does not count towards hours worked when computing compensable time. This leave time includes, but is not

limited to vacation time, sick leave, holiday leave, administrative leave, suspensions, disability leave, jury duty, injury leave, unexcused leave of absence, and adjusted time off.

1. The use of compensatory time off ("comp time") is considered hours worked and are included in the total hours worked in a work period when computing overtime, except as described in Paragraph E, above.

2. Compensating extra hours worked by non-exempt employees.

    a. Daily work in excess of 8 hours (5-day work schedule) or 10 hours (4-day work schedule) for non-exempt employees is compensable with:

        1) Adjusted scheduling of one hour off for each extra one hour worked when this adjustment occurs with the employee's one-week work period.

        2) Straight time pay of one hour off for each extra one-hour worked if less than 40 compensable hours are worked within the employee's one-week work period.

    b. Non-exempt employees working more than 40 hours in a one-week work period are compensated with:

        1) Overtime pay, compensatory time at the overtime rate, or a combination of both.

2. Compensating extra hours worked by 7(k) exempt employees.

    a. When the daily hours worked by a 7(k) exempt employee exceed the employee's normal daily work hours – 8.5, 10.5 or 12 hours – the employee is compensated with either:

        1) Adjusted scheduling of one hour off for each extra one hour worked when this adjustment occurs within the employee's two week work period, or

        2) Straight time pay of one hour for each extra one hour worked when the employee has less than a total of 42 compensable hours within the employee's one-week work period; or

3) A combination of time and pay.

b. Compensable hours by a 7(k) exempt employee that exceed 42 total hours within the employee's one-week work period is compensated with either:

1) Overtime pay, compensatory time at the overtime rate, or a combination of time and pay.

3. An employee classified as administrative or professionally exempt may receive paid compensation for extra hours worked under the following conditions:

a. The extra hours worked are related to a major event, EOC activation, or natural disaster, or;

b. The paid compensation is approved by the Sheriff or by the Undersheriff in the Sheriff's absence.

c. The extra hours worked by an employee in this category are paid at the employee's straight time rate for hours that exceed the employee's normal daily shift up to a maximum of forty hours in a seven-day work period. Any hours worked beyond the forty hour threshold are paid at the employee's overtime rate.

4. Compensatory Time

a. All employees, excluding those with an executive exempt classification, are allowed to accumulate a maximum of 80 hours of compensatory time. Supervisors are responsible for maintaining accurate compensatory time records.

1) An administrative or professionally exempt employee is authorized to carry over comp time to the new calendar year, but any carryover hours remain ineligible for payout upon termination of employment.

b. A Division Chief may authorize an employee's accumulated compensatory time balance to exceed 80 hours — up to 120 hours — for up to six months. The Division Chief will notify the Accounting Section of the decision to exceed the eighty-hour cap.

1) The Sheriff may authorize the accumulation of compensatory time up to the FLSA limit for 7(k) exempt

employees of 480 hours after consulting the Board of County Commissioners (BOCC).

c. Supervisors are responsible for keeping employee's accrued compensatory time under 80 hours. Supervisors may utilize the following methods to accomplish this objective:

1) Adjustment of overtime worked within the work period when the circumstances meet the criteria described in this policy; or

2) Requesting that the employee voluntarily take accumulated compensatory time; or

3) Paying the employee for accumulated compensatory time in excess of 80 hours when authorized to do so by their Division Chief.

a) Any hours paid for using this option are purchased on an hour for hour basis using the employee's straight time (1.0) hourly rate.

4) Supervisors may elect to pay for overtime worked when authorized to do so by their Division Chief, rather than allow compensatory time to be accumulated.

5. Deducting Time for Absences

a. Authorized absences from work are deducted from the employee's balance of compensatory, vacation, sick or other authorized leave time, as applicable, on an hour-for-hour basis.

b. NON-EXEMPT EMPLOYEES: The total deductions from the applicable leave balances are not to exceed the hours worked by the employee in a regular full workday, or forty hours in a one-week work period.

c. 7(k) EXEMPT EMPLOYEES: The authorized leave hours are deducted from the applicable leave balances on an hour-for-hour basis not to exceed the hours worked by the employee in a regular workday and not to exceed forty-two (42) hours in a one-week work period.

d. Executive exempt employees, when taking off half or more of a scheduled workday without adjusting extra hours, are to use benefit time to account for their absence.

6. Leave Without Pay (LWOP)

a. A Division Chief is authorized to approve a "leave without pay" request for up to two full workdays in a pay period, at his or her discretion, when such a request is submitted by an employee of the chief's division, and when approval is in compliance with the limitations and conditions of this section.

b. A Division Chief is authorized to approve LWOP when:

1) The employee or the employee's direct supervisor communicates the request to the affected Division Chief before the employee's absence from work, or in the case of sudden illness or injury, as soon as is practical.

2) The request to be absent from work does not exceed two full workdays in the pay period.

3) The employee has exhausted all available qualifying and applicable leave including, but not limited to vacation, comp time, holiday, funeral leave, personal days, medical leave, etc.

c. When an employee's request for LWOP exceeds two workdays in a pay period or is projected to occur over a number of pay periods, the request will be forwarded to the Undersheriff. The Undersheriff is authorized to approve the request after consulting with the Division Chief, County HR, and the Sheriff, to ensure short-term and long-term ramifications are understood and considered before approval is given.

d. Absence from work may be viewed as a performance issue and subject to corrective or disciplinary action when an employee is absent from work without authorization or frequently requests LWOP because the employee's other leave types have been exhausted.

7. County Holidays

a. Each year the Board of County Commissioners set specific dates for

county holidays and the number of holiday hours for the year (i.e., 96 hours).

b. Sheriff's employees are authorized to "bank" holiday hours and take time off on days other than the designated holiday and designate it as holiday time — up to the total number of holiday hours approved by BOCC — when performed in accordance with the provisions of this policy. Each hour taken off is subtracted from the employee's remaining balance of holiday time.

1) Employees must be employed on the actual day of the holiday in order to take hours off for that holiday. However, the employee's supervisor may project that the employee will be employed on the actual holiday for up to sixty days before the holiday occurs, and allow the employee to take time off at a rate of eight (8) hours for each projected full-day holiday and four (4) hours for each projected half-day holiday.

1) When an employee takes time off and designates it as holiday time, but is not employed on the actual day of the holiday as projected, the time off is recovered by subtracting the used time from the employee's remaining comp or vacation time balance, as of their final day of employment with the Sheriff's Office.

2) Hours designated as 'floating holiday' time by the Board of County Commissioners may be used at any time upon approval of their supervisor.

c. It is the responsibility of the employee to schedule the use of the holiday time in a manner that is consistent with this policy.

d. Holiday time not used during the year is lost unless the employee's Division Chief specifically approves the limited carryover of holiday hours to the next year.

e. When an employee takes time off on a normally scheduled workday, which is also a holiday, that time off is deducted from the employee's pool of accrued holiday hours.

1) The holiday time off is deducted one hour for each hour off. However, the employee may elect to cap the holiday time

deducted at eight hours and use comp or vacation time to make up the difference between the eight hours of holiday time and the total hours taken off.

Example: An employee normally works a 12-hour shift on a Monday that is also a county holiday. The employee receives approval to take the day off. At least eight of the twelve hours, or the balance of remaining holiday hours, if less than eight, must be taken off as holiday time, but the employee may choose to use vacation and/or comp time to make up the balance of hours taken off.

f. An employee will not be compensated for unused holiday time upon termination or resignation.

1) If an employee over-expends their holiday bank by using hours for holidays that occur after their termination or resignation date, the County will recuperate the time by reducing the over-expended hours from the employee's remaining bank of vacation or comp time prior to payout of those accrued benefits.

8. Sabbatical Leave Without Pay (SWOP).

a. The Sheriff's Office recognizes that some employees may have an interest in unpaid time off. SWOP maybe used for personal, non-medical reasons such as pursuing growth opportunities or extended vacations.

b. Employees are only eligible for SWOP leave after a minimum of 5 years of continuous full-time employment with the Sheriff's Office and may not have been the subject of major discipline within the prior twelve (12) months. SWOP leave is only eligible once every five years.

c. The Division Chief, after consultation with the Sheriff, may grant a maximum of three (3) months of unpaid SWOP leave.

1) The maximum available SWOP leave time will be reduced by any other unpaid leave during the prior twelve (12) month period.

d. All vacation and compensatory leave must be exhausted prior to utilizing this leave.

e. Sabbatical Leave requests must be submitted to the employees

Division Chief at least two (2) months prior to the desired start date of leave.

f. Medical Benefits while on SWOP

1) Boulder County continues medical insurance benefits for employees on the county's medical plan during SWOP.

2) Employees must continue to pay their portion of any and all applicable insurance premiums while on SWOP.

3) The employee's share will be paid by submitting payment for the current month to HR prior to the end of that month.

g. Leave Accrual

1) Vacation and medical leave will not accrue during SWOP.

2) Holidays are not paid while on SWOP.

a). If a County recognized holiday occurs during the SWOP, the employee's total holiday leave balance will be reduced accordingly.

G. Earned Time Calculation

1. Extra hours worked within a work period are not calculated as either straight time or overtime until the work period is complete.

2. In situations where a portion of a work period is carried over to the next pay period, all extra time worked within that specific work period are not calculated as either straight time or overtime because that work period is not complete until the beginning of the next pay period.

3. Extra hours worked are to be adjusted when required by policy.

H. Supplemental Pay

1. Special Duty Pay

a. There are a number of job assignment positions within the Sheriff's Office that have been designated to receive special duty pay as additional compensation in recognition of the highly technical, or

highly skilled nature of the job role that goes beyond that of peer groups of the same job classification.

b. Special Duty Pay determinations, including rate, are made by the affected Division Chief, in consultation with the Undersheriff, and are paid from the affected divisional budget(s) and are contingent upon available funds. Special Duty Pay determinations shall be made based upon job functions of an assignment, not on an individual employee basis.

c. Special Duty Pay is only eligible for payment while an employee is actively working in an eligible job assignment. Employees who are on FMLA Leave, LWOP, Administrative Leave, Military Leave, Job Injury Leave, or Benefit Leave, and who have not worked any hours in a pay period in the eligible job assignment, are not eligible to receive Special Duty Pay for that pay period.

2. K9 Pay

a. K9 handlers receive a monthly stipend to provide for the on-going off-duty care and maintenance of their assigned K9 partner.

b. K9 handlers are to receive the full monthly stipend if they are responsible to care and maintain their K9 partner at least one day in a pay period, regardless of whether the employee works any days within that pay period or not.

3. FTO/CTO Pay

a. Employees who are responsible for the training and direct supervision of new employees in an on-the-job training program (e.g. Field Training Officers, Communications Training Officers, etc.) shall receive additional compensation for their increased duties and supervisory responsibilities. Additional compensation for these increased job responsibilities is made on a per-day basis and is only eligible for payment on days in which they serve as an FTO/CTO to a new employee in training.

i. Supervisors are not eligible for FTO/CTO pay, as they already receive compensation for their training and supervisory responsibilities through their regular salary.

4. Acting Supervisor Pay

a. When an employee is appointed to serve as a temporary acting supervisor – beyond being designated a short-term employee-in-charge (e.g., temporary OIC or ODS) – in a pay grade higher than their current classification, the employee's pay will be adjusted accordingly to compensate them for their increased duties and responsibilities.

b. Short-term acting supervisory pay (typically for a period of 14 to 30 days) is compensated through the Office's Spot Bonus Program.

c. Long-term acting supervisory pay (typically for any period greater than 30 days) is compensated by a temporary increase in base salary, subject to budget availability and County HR approval. The temporary increase is commensurate with the pay increase typically awarded with promotion, which is 10% above the range of the job classification the employee previously occupied.

III. Premium Holiday Compensation

A. Thanksgiving, Christmas, and New Year's Day are designated as "premium holidays."

B. Non-exempt and 7(k) exempt employees working premium holidays receive an additional hour of straight-time (ST) pay for each hour worked within the 24-hour period of the holiday.

1. All other normal payroll rules apply and employees receive ST and/or OT compensation — in addition to the premium pay — as determined by hours worked within the applicable work period.

C. There is no additional compensation for holiday time off on a scheduled workday other than compensation described in this policy. Holiday time earned by an employee is accounted for separately from compensatory time.

IV. Overtime Compensation, "Flex" Time, and Administrative Time for Executive Exempt Employees

A. The job positions held by executive exempt employees (employees with the rank of Commander and above) may require the employee to work a number of hours that exceed a normal workday, or that does not conform to a normal shift. Therefore, these employees have the flexibility to adjust their schedules or flex their time to meet their job position requirements.

B. Executive exempt employees are responsible for being at work when needed, for

the length of time necessary, and for using flex and admin time in a way that is consistent with the Sheriff's stated philosophy and these guidelines.

C. A schedule "adjustment" or flexing is the process of moving work hours around in a pay period to meet work needs. Extra time is not to be "banked" or used in a 1-for-1 exchange for time off. Working more than 40 hours in a week is part of the expectation for executive exempt employees. In return for the extra hours worked, these employees have greater schedule flexibility and the latitude to work some partial days during the pay period without using leave time.

D. In recognition of the fact that executive exempt employees typically work extra hours beyond their regular work schedule over the course of a year, executive exempt employees are awarded 8-hours of executive administrative leave per pay period.

1. These 8 hours must be taken before the end of the pay period and unused time cannot to be carried over to the next pay period or "banked." The time off is not eligible to be purchased when the employee terminates Sheriff's Office employment.

E. An executive exempt employee may receive paid compensation for extra hours worked under the following conditions:

1. The extra hours worked are a result of a local, state or federally declared disaster.

2 The funds to pay for the compensation are eligible for state or federal reimbursement.

3. The paid compensation is approved by the Sheriff, or the Undersheriff, in the Sheriff's absence.

a. Eligible hours are paid at the employee's straight time rate.

F. In special circumstances, where an extraordinary amount of extra time has been worked, the Undersheriff and Division Chiefs have the authority to award additional executive administrative days off to an executive exempt employee after consulting with the Sheriff.

G. Executive exempt employees are not eligible to receive any additional compensation higher than their equivalent straight-time rate of pay or the top-out sergeant overtime rate, whichever is greater, including when working a contracted extra-duty event that requires a command-level deputy.

V. Off Duty, Extra Duty, and Voluntary Employment

A. Voluntary and optional off-duty employment by personnel for a second employer doing work, which is unrelated to their Sheriff's Office duties, does not affect their FLSA status and is governed by the provisions of Policy and Procedure #314. Overtime for each job is computed separately.

B. Voluntary and optional off-duty employment by personnel for a second employer doing work which is related to their Sheriff's Office duties is not considered joint employment by a single employer and is governed by Policy and Procedure #314. Overtime for each job is computed separately.

C. Voluntary and optional work for the Sheriff's Office on a part-time basis performing the same type of services for which the employee is regularly employed is not permissible.

D. Hours worked for the Sheriff's Office in a second capacity that does not involve the same type of services as the primary capacity, and the second job is on an occasional or sporadic basis, are compensated at the rate set for the second job and the hours do not accrue toward overtime requirements of the employee's primary job.

E. Non-exempt and 7(K) exempt employees may not volunteer to perform any work for the County that involves doing the same tasks as those required by their regular job.

VI. Limitation on Consecutive Hours Worked

A. Except in extraordinary circumstances, and upon approval by the employee's Division Chief or his/her designee, a Sheriff's employee is prohibited from working any Sheriff's Office assignment, including extra duty assignments, when the employee has worked any combination of Sheriff's Office employment, extra duty assignments and/or private employment that exceeds sixteen (16) hours in a 24-hour period unless there has been an intervening eight (8) hour break.

1. When a Sheriff's Office supervisor has reason to believe that an employee has exceeded the 16-hour threshold, or that the employee's well-being or performance may be compromised unless he or she gets some immediate rest, the supervisor is authorized to remove the employee from his or her assignment and prohibit the employee from performing any further Sheriff's Office tasks until the employee has been off-duty for at least eight hours.

a. When a supervisor requires an employee to leave his or her assignment under the circumstances described in this section, the employee's time off is recorded on the employee's timesheet in compliance with applicable Sheriff's office policy.

VII. Review and Approval of Timecards

A. Employees are responsible for the accuracy of their timecards, including the accurate use of leave time. As such, employees are to sign-off on their timecard at the conclusion of each work period, and for the entire timecard before the payroll "sign-off" deadline established by their supervisor.

1. Corrections to timecards may periodically be needed when the employee's timecard must be "signed off" before the completion of the pay period (the 25th of each month for FTEs; the 23rd of the month for hourly employees) and a change to their pre-scheduled work hours occurs in this period.

a. Historical corrections to timecards are made by completing a *Historical Edit* form available through the Accounting Section, having the historical edit approved by a supervisor, and then forward the form to the Accounting Section or divisional payroll coordinator for entry.

B. Supervisors are responsible for review and approval of timecards for their subordinate employees to ensure compliance with this policy and accurate timecard reporting.

1. Timecards will be reviewed and approved by the responsible supervisor at the conclusion of each work period. The entire pay period must be approved before the payroll "sign-off" deadline established by the Accounting Section each month.

2. Supervisors are not required to "clear exceptions" (system flags in *BCTime* to indicate the deviation of reported hours from scheduled hours) on the timecard before approval.

C. Failure to maintain accurate timecards – or for supervisors, to accurately review and approve timecards in accordance with this policy – is a job performance issue and subject to corrective or disciplinary action.

VIII. BCTime (Kronos) Pay Rules

A. Pay rules have been established in the County's payroll and timekeeping system (*BCTime*) for all Sheriff's employees. Pay rules allow for automatic system calculation of overtime in accordance with this policy.

1. The determination of which pay rule an employee is assigned to at any given time is made by their job or position classification, FLSA status, and/or work schedule.

B. Periodically an employee pay rule must be adjusted due to a job classification or a work schedule change, which often results in one or more modified work periods in which *BCTime* will not automatically calculate overtime compensation or needed leave time, and which requires a schedule adjustment.

1. The responsibility for the manual calculation of the modified work periods is the responsibility of the divisional payroll coordinator, or in their absence, the Accounting Section.

2. When determining work schedule adjustments, they should be viewed in light of the following:

a. Employee schedule adjustments should be viewed on a duty week schedule basis.

b. If two regularly scheduled weekends abut (e.g., a 7(k) exempt employee on a 12-hour shift schedule moves from the front half of the week to the back half of the week), the employee does not require any schedule adjustment days.

c. If two regular shift duty schedules abut with no weekend days off (e.g. a 7(k) exempt employee on a 12-hour shift schedule moves from the back half of the week to the front half of the week), the employee is granted two days off as a weekend, in lieu of working seven or eight 12-hour days back-to-back.

1) If shift staffing does not allow the two-day weekend adjustment, and the employee volunteers to work, the employee will receive overtime compensation for working their adjustment day(s).

d. Any time an employee is short in a work period due to shift change or schedule adjustments will be accounted for by a payroll

coordinator using the "SO Shift Change Admin Time" pay code with a note containing the specific details attached.

1) Notwithstanding the provision of paragraph (c)(1) in this section, "SO Paid Special Circumstance" and "SO Shift Change Admin Time" do not constitute hours worked. Any overtime accrued in a work period or modified work period in which these pay codes are used to supplement employee hours, is reduced, hour-for-hour, and is not available to be paid as overtime, either at a straight-rate or an time-and-a-half rate, until the administrative hours given are completely off-set.

3. When pay rule and work period adjustments are made consistent with this policy guidance, and questions remain as to the most appropriate and equitable adjustment, the resulting decision should be made in a manner more favorable to the employee.

IX. Reclassification & Reassignment

A. Reassignment to a New Position or Job Classification

1. Promotion: When an employee is promoted to a new job classification, the employee's new salary is 10% above the top of the range for the job classification they previously occupied (e.g., a Deputy I is promoted to a Deputy II position – the new salary would be 10% above the Deputy I top-out rate.)

2. Non-Promotion: When an employee is reassigned to a new position in a classification with a higher pay range that is not a promotion, the employee's new salary is the entry-level salary for the new position, or 10% above their current salary, whichever is greater.

3. When an employee is reassigned to a new position in a classification with a lower pay range, the employee's new salary must fall within the new job classification pay range.

B. Reclassification of Positions or Desk Audit Adjustments

1. When an employee is reclassified at a higher pay range as a result of a desk audit or other County Human Resources-initiated personnel action, the employee is eligible for up to a 10% increase at the discretion of the Sheriff.

C. Any increase to salary is contingent upon the availability of funds with the Sheriff's

Office budget for the applicable fiscal year and the approval of County HR.

X. Pay Plan Review and Evaluation

A. The pay plan is evaluated annually by the Sheriff who then gives input to the Boulder County Board of Commissioners with recommended changes in the county pay and/or benefits plans.

XI. Miscellaneous

A. The Sheriff reserves the right to approve of any special circumstance solution not covered within this policy.

B. The Undersheriff and Division Chiefs are responsible for ensuring the philosophy and guidelines are equitably and uniformly applied across divisional lines.

By Order of the Sheriff,

Joseph K. Pelle — 3/31/2020
Date

SUBJECT: BENEFITS **NUMBER:** 303

EFFECTIVE: November 9, 2006

POLICY:

The Sheriff's Office follows the guidelines of Section VII of County Policy, Chapter V of Personnel Policies when those policies do not conflict with Sheriff's Office policies and do not compromise the capability of the Office to perform its public safety mission.

DEFINITIONS:

Boulder County Personnel Manual: The manual maintained by Boulder County Human Resources and can be accessed at: http://iweb.co.boulder.co.us.

PROCEDURE:

I. Benefit Information

A. It is the responsibility of the Administrative Services Division of the Boulder County Sheriff's Office to provide information and counsel to employees concerning their pay, benefits, and other county programs.

By Order of the Sheriff,

Joseph K. Pelle, Sheriff Date

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SUBJECT: CONDITIONS OF EMPLOYMENT **NUMBER:** 304

EFFECTIVE: November 9, 2006

POLICY:

It is the policy of the Sheriff's Office to clearly describe expectations of employees in regards to hours' worked and other related conditions.

DEFINITIONS:

Longevity: The length of time a person has been employed by Boulder County with no more than a thirty-day break in service.

Seniority: The length of time an FTE employee has in a job classification (time in grade) with no more than a thirty-day break in service.

PROCEDURE:

I. Business Hours

A. The Sheriff or designee establishes the hours of operation for the Boulder County Sheriff's Office.

1. The business offices of the Sheriff's Office are closed on County holidays.

B. The division chiefs' are responsible for establishing the hours of operations for public services provided by their respective divisions

C. The division chiefs' are responsible for establishing the work hours that conform to all applicable laws, regulations and policies, for all employees under their command.

II. Job Assignments

A. Each employee may be assigned job tasks in a division, section, or unit as provided by state statute, policy, procedure, or directive.

B. Due to the nature of public safety operations, employees may be required, as a condition of employment, to work shifts, weekends, and holidays. Time off may be interrupted or canceled due to calls for service and emergencies. Employees may be required to work overtime.

III. Reporting for Duty

A. Employees are to report for duty at the time and place designated by their respective duty schedule, assignment, or orders.

B. Supervisors are to advise affected employees of revised schedules or assignments in a timely manner.

IV. Vacations

A. Vacations requests are handled on a first come first serve basis, keeping in mind staffing requirements.

B. In the event two employees of equal rank, from the same shift, submit their request for a vacation at the same time, and for the same time period, the senior employee is given first consideration.

C. Vacation requests are submitted to the employee's supervisor in compliance with divisional procedures.

V. Absences

A. Absences are reported to the appropriate on-duty supervisor as soon as possible prior to the beginning of a shift (emergency situations excepted).

B. Any employee who fails to report for duty without notification is "absent without leave.” Such an absence is reported to the employee's Division chief. Supervisors are responsible for attempting to contact the absent employee in order to determine the reason for the absence. An absence without leave is cause for disciplinary action. Absences without leave in excess of three days may be considered a resignation.

C. In the event that more than three consecutive medical leave days are taken, the Division chief may require certification of the illness or injury from the employee’s doctor.

1. County Human Resources is notified in order that employees are notified of their rights under the Family Medical Leave Act.

VI. Inclement Weather

A. In extreme weather situations, the Board of County Commissioners may declare County Offices closed. Announcement of closures may be made on local radio stations, the cable station serving Boulder County, the county website and the ”snow line” (441-3800). In the event that the Sheriff declares that certain functions of the Boulder County Sheriff’s Office are to be closed, division chiefs are to ensure that affected personnel are notified.

B. Division chiefs determine which employees are required to remain at, or report to work.

C. If the closure is authorized during a regular business day, employees at work will be excused at that time and paid for their regular work hours.

D. Employees not at work when the closure is authorized because they had taken time off will be charged that time as though the offices had remained open.

E. Employees, who for personal reasons wish to leave work early during severe weather conditions, may do so with permission from their supervisor and will be charged vacation time or comp time for the time they are absent from work.

F. Employees, who do not come to work due to weather conditions when a closure has not been authorized, will be charged vacation or comp time for an amount equal to the hours of their regular workday.

VII. Seniority

A. Seniority is based upon total FTE time in job classification or grade as long as there has not been a break in service longer than 30 days.

B. When employees change to a higher job classification or grade, their seniority changes. They always retain their county employment longevity.

C. When employees are downgraded or reduced to a lower job classification or grade, the division chief determines whether or not the employee retains seniority based upon the particulars of the downgrade or reduction.

D. At the discretion of the division chief, seniority may be taken into consideration for shift assignments, days off, leave requests, and on-call.

VIII. Longevity

A. Longevity is taken into consideration for compensatory benefits, such as vacation and sick leave accrual levels.

B. Longevity may also be used as a consideration when it is necessary to make reductions in the work force.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Fitness & Essential Job Demand Testing **NUMBER:** 305

EFFECTIVE: March 31, 2020 **SUPERSEDES:** April 27, 2012

POLICY:
It is the policy of the Sheriff's Office to require deputies to maintain a satisfactory level of physical fitness in order to perform their work effectively. Criteria for physical fitness shall be established in relationship to the work regularly performed, as well as work that may be occasionally demanded in specific positions, in accordance to applicable laws and regulations.

The Sheriff's Office recognizes that deputies are responsible for maintaining a level of physical fitness that is necessary to capably perform their positions. The Sheriff's Office encourages employees to take advantage of wellness and fitness programs available through the county or the Sheriff's Office.

All deputy classifications (RC1 through RC4) and security deputies are required to take an annual test to establish their capability to meet the essential physical demands of their position.

DEFINITIONS:

Essential Job Demand: The minimum physical demands required for each position to effectively perform the duties of the job; also referred to as EJD.

Fitness for Duty: The establishment of an individual's ability to effectively perform the essential job demands of the position to which they are assigned.

PROCEDURE:

I. The Essential Job Demand Test

A. All Sheriff's Deputies are required to take an Essential Job Demand test annually.

1. The Sheriff may exempt an employee from this requirement for special considerations, including short term disabilities, accommodation for medical issues, and specialty of assignment. Any exemption granted must be made in writing and placed in the employee's personnel file, including the duration of the exemption.

2. A deputy may be required to successfully pass the EJD test prior to returning to full duty (cf. *Policy 316 - Injury & Illness – Modified Duty*).

B. The Division Chief is responsible for arranging for the EJD test for deputies under his/her command.

1. Personnel administering the EJD test must be familiar with the Sheriff's Office EJD evaluation process.

C. Prior to taking the EJD test, deputies will be given a form with a written description of each phase of the test and the minimum standards.

1. Deputies are to review the form and then acknowledge by signing the form that they understand the expectations, demands and risks involved with taking the test.

a. Deputies are to indicate whether they are capable of taking the EJD test or not.

b. If the deputy feels he/she is not capable of taking the test, the test will not be administered.

1) In such cases, a copy of the form is to be forwarded to the deputy's Division Chief and an oversight action will be initiated.

II. Establishing Essential Job Demand Test Standards

A. The EJD test standards are based on job functions and job relatedness.

B. It is the responsibility of the Personnel & Training Unit staff to ensure EJD test standards are reviewed on an annual basis. After review, any recommendations for change of any portion of the test and/or standards are presented to Executive Staff prior to implementation of any change.

III. The Essential Job Demand Test Standards

A. Deputies must meet or exceed the standards outlined in their respective division's test.

1. Deputies working overtime or extra-duty in another division are required to complete that division's EJD test in addition to their own home division's.

B. Deputies who cannot meet the prescribed minimum standards are directed to improve their physical fitness to comply with this policy.

C. Re-testing

1. Deputies are required to re-take the entire EJD test within ninety days of not passing the annual EJD test.

    a. When a deputy does not pass the subsequent test, the deputy's Division Chief shall be notified as soon as practical.

2. A deputy who cannot meet the EJD Evaluation Standards within ninety days may be subject to an oversight action. The objective of such action is to assist and direct the employee in meeting the EJD test standards.

    a. The deputy who is subject to an oversight action may be restricted from participating in law enforcement activities or related extra duty assignments until he or she is able to pass the EJD test.

    b. A deputy who cannot meet the EJD test standards despite an oversight action may be deemed unable to meet the position's essential job demands and may be subject to re-assignment, demotion, or termination. A typical oversight action is ninety (90) days.

        1) If a deputy remains under an oversight action for more than 180 days, the Undersheriff must be notified.

IV. EJD Test Report and Record Keeping

A. The original EJD test report is filed in the participating deputy's personnel file after being endorsed by the deputy's division chief. An electronic copy of the test report shall be provided to the participating deputy by the Personnel & Training Unit if requested.

1. The documentation will include the actual test scores along with an indication of whether the deputy passed or failed the test.

    a. If the participating deputy did not pass, then an additional category will be completed indicating the date (ninety days later) by which the test must be passed.

By Order of the Sheriff,

Joseph K. Pelle — 3/31/2020
Date

ATTACHMENTS:

305A – Acknowledgement & Certification Form
305B – Test Report
305C – Operations Division EJD Test
305D – Jail Division EJD Test

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Essential Job Demands Test – **Acknowledgement & Certification** **NUMBER:** 305A

EFFECTIVE: March 31, 2020 **SUPERSEDES:** April 27, 2012

NAME OF SUBJECT TESTING: _____ **Divisional Test:** ☐ **Jail** ☐ **Ops**

The essential job demand evaluation in which you are about to participate will require you to:

Jail Test: *The test in which you are about to participate will require you to sprint a distance of 100 yards, starting from a seated position, within which you will have to navigate an obstacle course requiring you to open two doors as you enter and leave a room, serpentine around two stationary obstacles and clear two 16" high hurdles within 45 seconds. Upon completion of the 100-yard run, you will then have to place a compliant person into handcuffs while giving verbal commands (double-locking is not expected). You will be required to lift, carry and drag 150 pounds on a level surface twenty five feet, push a 150 pound weighted sled for a distance of 25 feet, lift a 25 pound medicine ball and carry it up 13 stairs and back down, lift 35lbs from the ground up to chest height and then return it to the ground.*

Ops Test: *The test in which you are about to participate will require you to sprint a distance of 100 yards from a sitting position in a vehicle or chair simulating a driver's seat, within which you will ascend and descend two flights of stairs, ascend and descend a step ladder, crawl through either a twelve foot long tube or underneath a twelve foot long obstacle and return to the rear of the vehicle within 101 seconds. You will be required to lift and carry or drag up to 155 pounds on a level surface twenty-five feet and push a patrol car ten feet on a level surface. You will be required to climb over a five-foot-high wall, fence or other barrier from a standing position and immediately run 1/4 mile in distance. The running portion of this test must be completed within 162 seconds.*

This process tests your ability to perform minimum essential job demands in accordance with policy.

The essential job demand test is physically demanding and will cause you to exert a high anaerobic demand on your cardiovascular system, utilize up to the maximum strength of your muscles, joints, and back. Therefore, this test may pose certain risks for those who have medical or physical conditions, which may be affected by the amount of exertion needed to perform the test. If you have any doubt about your ability to perform this test safely you are to have your personal physician review the demands and requirements prior to taking the taking the test.

It is your responsibility to maintain a physical fitness level that allows you to perform the job-related essential functions of the position that you are assigned. If you feel you cannot participate in the essential job demand test, it is your responsibility to notify the administrator of the test prior to engaging in any activity associated with it. If you cannot participate in the testing or you do not complete the test, you will be given a notice of having failed the test and your Division Chief is notified of such. You may be subject to an oversight action as a result of not passing the Essential Job Demand test.

☐ **CAPABLE OF TAKING TEST** ☐ **NOT CAPABLE OF TAKING TEST**
Reason(s):

By signing you acknowledge you have read and understand the above.

_____ _____
Signature Date

_____ _____
Test Administrator Signature Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Essential Job Demands Test – **TEST REPORT** **NUMBER:** 305B

EFFECTIVE: March 31, 2020 **SUPERSEDES:** April 27, 2012

TEST SUBJECT NAME: _____ **TEST DATE:** _____

JAIL DIVISION TEST	
Obstacle Course *Max of 45 seconds* _____ sec	☐ Pass ☐ Fail
Standing Compliant Handcuffing *+ verbal commands (no double-lock req'd)*	☐ Pass ☐ Fail
Weighted Stair Climb *25# medicine ball, up and down 13 steps*	☐ Pass ☐ Fail
Shelf Lift *35#s from floor to chest height*	☐ Pass ☐ Fail
Body Drag *150#'s, 25 feet + 10 second hold*	☐ Pass ☐ Fail
Weighted Sled Push *150#'s, 25 feet*	☐ Pass ☐ Fail
A POST-certified jail deputy authorized to work extra-duty in the Operations Division must also annually pass their EJD test.	
OVERALL RESULTS ☐ Pass ☐ Fail	

OPERATIONS DIVISION TEST	
Obstacle Course *Max of 101 seconds* _____ sec	☐ Pass ☐ Fail
Shelf Lift *35#s from floor to height of 60"*	☐ Pass ☐ Fail
Weighted Carry *60#s, 25 feet*	☐ Pass ☐ Fail
Body Drag *150#'s, 25 feet*	☐ Pass ☐ Fail
Car Push *Ten feet on level surface*	☐ Pass ☐ Fail
Scale 5' Barrier *From standing position (fence or wall)*	☐ Pass ☐ Fail
¼ Mile Run *Max of 162 seconds* _____ sec	☐ Pass ☐ Fail
OVERALL RESULTS ☐ Pass ☐ Fail	

ANY FAILED TEST REQUIRES A RE-TEST WITHIN 90 DAYS. Maximum Re-Test Date: _____

_____
Signature of Test Subject
☐ *Copy of Test Report Requested (Employees Only)*

_____
Test Administrator Signature

_____
Division Chief

_____
Personnel & Training Unit

The original test report will be placed in the test subject's personnel or testing file. If an employee requests a copy of the test report, an electronic version will be provided to them by Personnel & Training after all endorsements are received.

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SUBJECT: Essential Job Demands Test – **Operations Division** **NUMBER:** 305C

EFFECTIVE: April 27, 2012 **SUPERSEDES:** [All Prior Versions]

Part I – Obstacle Course

The participant will run an obstacle course that begins:

1. From a sitting position in the driver's seat of a vehicle or on a chair simulating the driver's seat, and running 150 feet to stairs, running up and back down a flight of stairs 9-10 feet high two times or flight 4 to 5 feet in height, four times, and then:

2. Run 25 feet to an 8-foot ladder and ascend / descend five steps or rungs, and then:

3. Run 50 feet to a 12-foot long tube or obstacle, crawl through the tube (or under the obstacle) and return, to the rear of the vehicle or back to the chair within 101 seconds.

Part II – 5-foot Wall & ¼ Mile Run

Within two minutes of completing the obstacle course, the participant will:

1. Climb over a 5-foot wall, fence, or barrier from a standing position.

2. Upon scaling the barrier, the participant will run 1/4 mile within 162 seconds or, at the discretion of the administrator, run on a treadmill at 6 mph at a 4% grade for two minutes and 30 seconds.

Part III – Strength

The participant must have the ability to:

1. Lift 35-pounds to a height of sixty inches.

2. Carry 60-pounds twenty-five feet.

3. Pull/drag a 155-pound bag or dummy, twenty-five feet on a level surface.

4. Push a stopped patrol car ten feet on a level surface.

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SUBJECT: Essential Job Demands Test – **Jail Division** **NUMBER:** 305D

EFFECTIVE: March 31, 2020 **SUPERSEDES:** April 27, 2012

Part I – Obstacle Course

The participant will run an obstacle course that begins:

1. From a sitting position in a designated chair and run 100 yards or 300 feet through an obstacle course which entails having to open an unlocked door to enter a room and then open another door to exit the room, followed by having to serpentine around two fixed obstacles, then clear two 16-inch-high hurdles to finish the course.

Part II – Fine Motor skill assessment

Within two minutes of completing the obstacle course, the participant will have to demonstrate their ability to complete fine motor skill task upon immediate completion of the obstacle course.

1. The participant will have to place a volunteer into handcuffs by using both verbal directives and physically applying handcuffs to the individual using the "Standing Compliant Handcuffing" technique. There is no expectation the test subject double-lock the handcuffs.

Part III – Strength Assessment

Within two minutes of completing the fine motor skills assessment, the participant will:

1. Pick up a 25 lb. medicine ball from the ground (using proper lifting techniques) and carry it up 13 stairs and then carrying it back down 13 stairs where they will place the medicine ball back on the ground.

2. Upon completion of the medicine ball carry, the participant will then have to pick up a 35 lb. kettlebell from the floor, lift it to chest height and place it on a designated landing. The participant will then lift the 35lb. kettlebell off the landing and placing it back onto the floor.

3. The participant will then make their way to the mock jail cell located in the DT /FT studio, where they will enter the cell. Upon entering the cell, they will have to lift a 150lb. drag dummy that is seated on the floor (using proper lifting technique), up and off the floor and drag the dummy out of the cell. Once they are out of the cell, they will have to hold the dummy up for 10 seconds. Upon completion of the 10 second time limit, the participant will drag the dummy back into the cell and place it back on the floor.

4. Once the 150lb. dummy drag is completed, the participant will be directed to a 150lb weighted sled. Tahey will then be instructed to push the 150lb. weighted sled 25 feet.

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURE MANUAL

SUBJECT: Recruitment and Selection **NUMBER:** 306

EFFECTIVE: February 3, 2020 **SUPERSEDES:** January 8, 2019

POLICY: The Boulder County Sheriff's Office maintains a Personnel & Training Unit, which is responsible for the administration of personnel recruitment and selection. The Personnel & Training Unit consults with the Boulder County Human Resources Division when necessary. The Sheriff's Office is an Equal Opportunity Employer, and all components of a selection process are administered in a manner compliant with all applicable federal and state laws and regulations.

DEFINITIONS:

Closed Recruitment: An internal recruitment process announced only within the Sheriff's Office to eligible employees, which may include hourly employees, reserve deputies, volunteers, etc.

Conditional Offer of Probationary Employment (COPE): A formal job offer that is dependent on the prospective employee successfully completing certain tests or conditions.

County Human Resources: The entity, which is a part of Boulder County's Administrative Services Department, that administers the recruiting and selection function for other County Departments.

Open Recruitment: An external recruitment process allowing acceptance of applications outside the Sheriff's Office for a vacant position.

Probationary Employee: Any employee within the first twelve (12) months of their job classification, during which time their suitability for a regular position is evaluated.

Probationary Period: The first twelve months of an employee's tenure in any given job classification during which the employee must adequately demonstrate the skills, knowledge, and abilities associated with the job function. The probationary period is the final component of the selection process.

Recruitment: For the purposes of this policy, recruitment means the same as a hiring process through advertising, screening, pre-offer testing, interviewing, and selection.

Term Employee: An employee hired for a limited time period.

PROCEDURE:

I. Recruitment

A. When there is a vacancy in the Sheriff's Office, the Personnel & Training Unit, with

direction from the Undersheriff, determines which type of recruitment methods will be used to fill the position. The process for filling positions of Division Chief, Undersheriff, and equivalent civilian positions is determined by the Sheriff.

1. The Sheriff's Personnel & Training Unit coordinates with the respective Division to develop a Position Opening Announcement, where advertising needs and requirements are established. The Sheriff's Office bears financial responsibility for advertising job vacancies when advertising and recruitment efforts go beyond posting to the County's paid *NEOGOV*™ service.

2. The period for accepting applications for all open positions is a minimum of five working days. All applications, whether internal or external, are to be submitted to either the County Human Resources office or the Sheriff's Office, as designated in the Position Opening Announcement, and must be received by the advertised deadline.

3. Applicants for all Sheriff's Office positions are required to complete a Sheriff's Office application.

4. The Sheriff's Office accepts unsolicited applications at any time. The Personnel & Training Unit maintains unsolicited applications on file for up to one year and notifies the applicant if an opening for the applicable position occurs within that time.

    a. Unsolicited applications remain active until the initiation of the next process for the applicable position, unless extended by the Undersheriff.

    b. Once an unsolicited application is placed into an inactive status, the applicant must re-apply.

    c. During an active application period, applications may be considered for other openings for which they qualify.

5. The Sheriff's Office Personnel & Training Unit screens all applications according to the posted minimum qualifications and Sheriff's Office guidelines before an applicant is invited to participate in a selection process.

B. All positions in the Sheriff's Office require a review of criminal history information to ensure that the applicant meets the minimum-security requirements prescribed by the Colorado Bureau of Investigation (CBI) and Federal Bureau of

Investigation (FBI). The applicant's criminal history will also be used to ensure that the applicant meets the minimum requirements of the position they applied for. An applicant's criminal history will be solicited on the application form as part of the hiring process and throughout the hiring process as needed

1. Factors that make an Applicant Ineligible for Employment

   a. Substance History

      1) Illegal Substances

         a) Illegal use of controlled substances, as defined by Colorado statute, in the past three years renders an applicant ineligible for employment.

   b. Marijuana

      1) Legal Use: A history of using marijuana legally under Colorado law will not solely render a candidate ineligible for employment. Once an applicant receives a Conditional Offer of Probationary Employment (COPE), the offer shall include a condition that all marijuana use must cease as of the date of the written offer. Any use of marijuana after a written COPE renders an applicant ineligible for employment.

      2) Illegal Use: A history of using marijuana illegally under Colorado law will generally render a candidate ineligible for employment; however, each application may be evaluated on a case-by-case basis (e.g., periodic use of non-medical marijuana by an underage person that occurred more than a year prior to their application may not render them ineligible, whereas non-personal use of marijuana or an illegal grow operation would render the applicant ineligible).

2. Criminal History

   a. An applicant's criminal history, including arrests and convictions, will be reviewed. Chronic or recent criminal violations may negatively impact an applicant's potential for employment, particularly arrests and convictions that do not comport with the Sheriff's Office mission, vision, values, and *Code of Conduct (#310)*

policy in the discretion of the Sheriff, Undersheriff, Division Chief, and/or Personnel & Training Unit.

3. Any conviction of a felony offense will prohibit an applicant from employment with the Sheriff's Office.

   a. Sworn Positions Only: Any conviction of a domestic violence related crime or a crime described in § 24-31-305, C.R.S., will preclude employment with the Sheriff's Office.

4. Driving History

   a. For positions that require a valid driver's license, the following generally disqualify an applicant from employment with the Sheriff's Office:

      1) Any accident(s) involving alcohol, drugs, reckless/careless driving, at-fault accident(s), or other serious incident(s) within one (1) year.

      2) Repeated arrests or summons for accidents involving alcohol, drugs, reckless/careless driving or at-fault accidents or other serious incidents.

      3) Traffic infractions that result in four (4) or more points being assessed against an applicant's driver's license in the 12-month period from the date of the application.

      4) Possession of a valid driver's license for less than one (1) year.

      5) Requirement to provide a certificate of insurance or a financial responsibility filing ("SR22 insurance").

      6) Chronic traffic violations.

5. Characterological Patterns

   a. Patterns of failure or a lack of consistency relating to professional or personal issues may be discovered in the pre-employment testing. These issues may involve a candidate's decisiveness, judgement, character, and problem-solving abilities, among other things and may prohibit an applicant from moving forward in a

hiring process when viewed in the collective.

II. Administration of the Selection Process

A. Administration of all selection processes, other than promotion processes are conducted by or under the guidance of the Personnel & Training Unit.

B. All procedures used in the selection process are administered consistently for all applicants eligible for each phase of the process.

C. Sheriff's Office employees may be temporarily assigned to participate in a selection process. If necessary, such personnel will receive specific training in the needs of the Sheriff's Office and recruiting techniques prior to participating in the recruitment process.

D. The Personnel & Training Unit is responsible for arranging for testing and interviews for vacant positions for those applicants deemed eligible to participate.

1. The Personnel & Training Unit, or a divisional representative, may conduct a pre-interview of applicants who meet the basic application requirements for hiring in order to further assess basic suitability before accepting the applicant into the hiring process. A pre-interview is generally only administered when the applicant pool is too large or unmanageable to invite all qualified applicants into the process.

2. Depending on the job requirements of an open position, various tests may be administered in accordance with previously approved testing procedures.

III. Interviews

A. Interviews may be conducted one-on-one and/or by an oral board.

1. All candidates appearing before an interviewer or oral board will be asked the same questions and graded on the same scale.

a. Follow-up questions shall be permissible in order to clarify an applicant's answers to individual questions.

IV. <u>Pre-Employment Testing</u>

A series of pre-employment tests will be conducted with the applicant based upon the position for which they apply. The results of any pre-employment tests will remain in the

employees testing file, which is confidential. Upon hiring, the testing file will remain in the employee's personnel file. If the individual is not hired, the testing file will be destroyed after three years.

A. Background Investigation

1. An in-depth background investigation will be conducted on each applicant as part of the selection process.

   a. Elements of the background investigation include, but are not limited to:

      1) Verification of the candidate's qualifying credentials, educational achievements, employment, age, residence, citizenship and driver's license.

      2) Review of the candidate's criminal, traffic, and court involvement history.

      3) A credit check.

      4) Interviews with prior and current employers, co-workers, landlords, roommates, neighbors, or personal references or other individuals.

2. A review of the applicant's public social media and online digital footprint will be conducted, including online posts.

3. The Personnel & Training Unit will review the background investigation and determine suitability of the candidate for further consideration.

B. Polygraph (Integrity) Examinations

1. Polygraph examinations are conducted for all positions unless specifically exempted by the Undersheriff.

2. The Sheriff's Office Personnel & Training Unit will review the results of all polygraph examinations.

   a. Admissions concerning illegal activities made during polygraph testing may be grounds for disqualification from further consideration and immediate removal from the application process.

C. Psychological Examinations

1. A psychological written test and interview are required for certain positions as designated by the Sheriff and are administered after the applicant is given a Conditional Offer of Probationary Employment(COPE).

2. Qualified professional psychologists selected by the Sheriff's Office will conduct psychological fitness and/or emotional fitness examinations and written tests.

3. Results will be reviewed in conjunction with other information available about the applicant.

D. Essential Job Demand Evaluation

1. All eligible applicants for deputy sheriff, security deputy, and certain civilian positions are required to complete and pass the Sheriff's Office Essential Job Demand Evaluation.

a. The Personnel & Training Unit coordinates the administration of the Essential Job Demand Evaluation test and determines whether the applicant meets the prescribed criteria.

V. Selection of Candidates

A. The Personnel & Training Unit may create an applicant pool comprised of eligible applicants to be utilized until the next hiring process for the same position, the eligible applicant list will be in place for one-year. A hiring process can be initiated regardless of the number of applicants in the existing applicant pool.

B. The Personnel & Training Unit will present the completed testing files of eligible applicants who have completed the selection process, along with any recommendations for appointment or placement on an eligibility list to the Undersheriff and the responsible Division Chief for further consideration and selection.

1. After approval by the Undersheriff and responsible Division Chief, the candidate(s) selected to fill a vacancy will be given a Conditional Offer of Probationary Employment (COPE), which shall remain contingent upon successfully passing the balance of the required testing.

2. All COPE's for employees whose primary duty station is at the Jail will be

required to receive the Hepatitis A and B series of vaccinations within their probationary employment period.

a. Employees who have already received these vaccinations can submit a signed letter from a doctor indicating that they have received the vaccines.

b. Employees assigned to the Jail who choose not to receive the vaccines due to religious or other personal beliefs must submit a letter to the Personnel and Training Unit prior to the start of their employment articulating their choice not to receive the vaccines.

3. Deputies assigned to the Operations Division will be offered the Hepatitis A and B vaccine series but will not be required to receive the vaccine.

VII. Notification of Ineligibility

C. The hiring decision is based on several factors. The nature of the selection process provides a comprehensive procedure (i.e., written tests, interviews/oral boards, background investigation, polygraph exam, psychological testing and interviewing scores, essential job demand evaluation, etc.). An applicant may be removed from the application process upon failure of any of these procedures at the discretion of the Personnel and Training Unit.

1. Applicants who are not hired shall be notified by the Personnel & Training Unit in a timely fashion.

2. Applicants who do not pass the typing portion of the testing process may retest one additional time during the same process. Applicants who do not pass a written or other similar position-specific evaluation may reapply the next time the position is posted.

3. Applicants who do not pass any other portion of the testing process and reapply for the same position or another position will be allowed to reapply with the approval of the Undersheriff. It is the responsibility of the Personnel and Training Unit to obtain this approval.

4. Information regarding the specific reason(s) for not selecting an applicant for hire are confidential to the public, including the applicant.

VIII. Records

A. The Personnel & Training Unit maintains all documentation of the recruiting and selection process. Any element(s) of a testing process conducted in a specific division in which there is a vacancy will be coordinated by an individual member of the division assigned to hiring process. That individual will be responsible for ensuring that testing processes occur at a divisional level and all applicable testing material, including all related records and notes, are returned to the Personnel & Training Unit in a timely manner.

B. All application materials and associated records become a permanent record of an employee's testing file and are securely maintained by the Personnel & Training Unit.

C. An applicant's testing results are confidential and are securely stored in a file system that is separate from a hired employee's personnel file.

1. Direct access by employees to materials generated by a hiring or promotion process is available only through the Personnel & Training Unit and only as allowed by law.

2. Certain information received as part of the hiring process is confidential and remains property of the Sheriff's Office. This information is not available to employees except as authorized by the Sheriff or designee. This information may include but is not limited to the following: Polygraph exam results, psychological testing and interview results, personal reference information and any other information obtained as a result of utilizing the employee's release of information form.

D. The Sheriff's Office Personnel & Training Unit is responsible for the appropriate disposition of all hiring and promotion process materials in accordance with established records retention schedules and/or policies.

IX. Probationary Status

A. All employees of the Boulder County Sheriff's Office are considered probationary employees for one year from the date of hire of their current position.

B. Extensions of the probationary period may be granted for the purpose of additional training or specialized instruction.

C. Executive staff level employees (the Undersheriff, Division Chiefs, and Sheriff's Assistant) are appointed by the Sheriff and do not have a probationary period.

D. Upon successful completion of the probationary period, employees will be appropriately classified in accordance with County policy. Successful completion of the probationary period serves as the final offer of permanent employment.

E. A person may be terminated at any time within their probationary period by the Division Chief

1. The Division Chief must consult with the Undersheriff and Sheriff prior to terminating the probationary employee.

X. Hiring Above Entry-Level and Transfer Movement

A. Subject to the availability of funds, and the approval of the Undersheriff and County HR, applicants with prior experience at another agency or the Sheriff's Office may be hired at a salary above entry-level.

1. Applicants with prior experience are responsible for submitting documentation, as requested, to support being hired above entry-level based on their prior experience. The prior experience must be reasonably recent, similar to the position for which they've applied, and directly related to the position for which they are being hired.

a. The documentation should include the organization's size and location of the applicants past employer(s), any specialty training and assignments, and experience with similar business practices or service areas.

2. The salary level for the lateral-entry or above-entry-level employee is set by the Undersheriff. In general terms, the above-entry or lateral salary will be calculated by taking the current entry level salary for the pay range, multiplied by the average annual merit increase the Sheriff's Office employees received over the last five years, compounded by the number of years of credit approved by the Undersheriff for prior experience. Exceptions to this general rule may be made on a case-by-case basis when authorized by the Sheriff.

a. Salaries for prior Sheriff's Office employees who return to employment in the same job classification will take into consideration prior salary history and location in the range upon prior separation of the employee from the Sheriff's Office.

3. Any above-entry-level salary is effective upon date of hire, unless negotiated otherwise.

B. A Sheriff's Office employee may apply for a transfer to an open position when the employee meets the posted hiring criteria or is granted a waiver for cause by the affected division chief.

1. Employees may be required to test and compete for an open position concurrently with outside applicants.

2. If selected, the timing of a transfer to the new job assignments will be agreed upon by the affected Division Chiefs.

3. The individual will become a probationary employee for purposes of the new position.

C. The process for employees approved for transfer to a new job assignment is as follows:

1. The Division Chief or designee of the division receiving the transfer will conduct a background investigation that may include, but is not limited to, the following:

a. Special Evaluation.

b. Interview with the receiving Division Chief or designee.

c. Review of the requesting employee's personnel file.

2. The receiving Division Chief will consult with the employee's current Division Chief and bring a recommendation to Executive Staff.

D. The Sheriff retains the authority and discretion to assign or reassign any supervisory employees.

XI. Hourly Employees

A. Each Division Chief has the ability to hire any number of hourly employees necessary, based upon what their divisional hourly budget can support.

B. Hourly employees are typically hired at a mid-range rate of pay for the job classification under which they are hired; however, the hiring rate of pay may be adjusted as necessary at the discretion of the affected Division Chief with the approval of the Undersheriff.

BOULDER COUNTY SHERIFF'S OFFICE
OPERATIONS DIVISION
POLICY AND PROCEDURE MANUAL

By Order of the Sheriff,

Joseph K. Pelle	2/4/2020
Joseph K. Pelle	Date

SUBJECT: PERFORMANCE EVALUATION **NUMBER:** 307

EFFECTIVE: May 9, 2011

POLICY:

It is the policy of the Boulder County Sheriff's Office to utilize a performance evaluation process that consists of four major components:

1) Significant event documentation;
2) Periodic personal management interviews;
3) A process of setting specific goals and objectives and accountability for meeting those goals and objectives; and,
4) An annual written evaluation.

The process focuses on an employee's job performance related to areas encompassing character, competence, and communication and utilizes a "working file" system to maintain job performance related documentation. The process is centered on providing written and verbal feedback using "character qualities" adjectives to describe job performance strengths, accomplishments and behavior rather than solely rewarding achievements.

DEFINITIONS:

Character Qualities: Word descriptors to aid supervisors in using a common vocabulary that praises an employee's character rather than an employee's achievement.

PMI: Personal Management Interview. A formal meeting between a supervisor and subordinate designed to provide a structured format to facilitate communication around an agenda that may include, but is not limited to: job performance, goals and objectives, issues or concerns and the working relationship between the two.

Significant Event: A job related event, deemed worthy of documentation by an employee's supervisor, in which an employee stands out by exhibiting exceptional character qualities or by exhibiting behavior that is the opposite of these qualities.

Working File: The file is maintained and stored by an employee's direct supervisors and is a temporary storage location for documentation of significant events, performance agreements, goals and objectives and any other material pertaining to the employee's job performance.

PROCEDURE:

I. Significant Event Documentation

A. Supervisors provide immediate feedback to an employee when the employee's performance is worthy of note or when their performance does not meet standards or expectations and correction is needed.

B. A supervisor documents all significant events in writing. A copy of the document is given to the employee, the employee's commander, and the division chief or equivalent civilian supervisor. A copy of the document is placed in the employee's working file or in the employee's personnel file when approved by the division chief.

II. Personal Management Interview

A. An employee's direct supervisor is responsible for scheduling and conducting a formal PMI. The purpose of the PMI is to provide a scheduled meeting time and structured framework designed to foster the development and maintenance of a supervisor-subordinate relationship built on trust, mutual respect, and communication. The PMI generally includes, but is not limited to, the following components:

1. Provide feedback to the employee about the strengths and weaknesses of their job performance.

2. Set goals and objectives as needed and/or measure progress towards meeting previously set goals and objectives,

3. Discuss issues, concerns, needs, etc., related to the employee's job assignment, the employee's division, or the Sheriff's Office as a whole,

4. Deal with any interpersonal issues that may exist between the employee and the supervisor conducting the PMI.

B. Supervisors are encouraged to conduct a PMI with each of their subordinates each month but may elect to increase or decrease the frequency as needed based on the performance level of the employee and status of current goals and objectives of the employee and/or work group.

1. However, all supervisors are to conduct a PMI with each of their subordinates at least twice annually.

C. A copy of any documentation that is generated from the PMI process is provided to the employee. A copy is also maintained in the employee's working file.

III. Annual Job Performance Evaluation

A. An employee's direct supervisor is responsible for completing a written job performance evaluation each year using the currently approved Sheriff's Office evaluation format. The performance evaluation is signed by the employee and the supervisor and forwarded to the employee's personnel file via the employee's chain of command. All evaluations are reviewed and signed by the Sheriff before being placed in the employee's personnel file.

1. A dispute related to the evaluation process is to be discussed by the supervisor who wrote the evaluation and the affected employee. The direct supervisor or division chief of the supervisor who wrote the evaluation may intercede to facilitate this interaction at his or her discretion. In cases where an agreement is reached on wording changes or changes to the category evaluation box that was checked, a corrected version is signed and submitted in the normal fashion.

2. There is no further appeal from this process. The affected employee may write an addendum to his or her evaluation regardless of whether the employee agrees with the final rating or content. The addendum is to be attached to the evaluation and is to be read and initialed by the employee's direct supervisor and chain-of-command.

3. An employee who is rated below "Consistent" in one or more categories may have some or all of his or her annual merit increase withheld as directed by the Sheriff. (See the Addendum to this policy for current modifications to this section.)

IV. Working File

A. A working file is created and maintained for each employee by the supervisor responsible for evaluating that employee.

1. The working file is comprised of documentation and notes related to the employee's job performance, PMI meetings, and significant events.

2. Supervisors are responsible for periodically purging the file of all documentation that is older than 12 months when it is no longer needed to track or detail an ongoing situation. The supervisor purging the file ensures that documentation of good job performance or disciplinary actions is placed in the employee's personnel file in compliance with applicable Sheriff's Office policies and procedures.

a. Any documentation selected for inclusion in an employee's personnel file is to be seen and initialed by the employee before it is placed in the file.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

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ADDENDUM

SUBJECT: Merit Pay

EFFECTIVE: May 9, 2011

POLICY:

The Sheriff authorizes pay increases in a manner that is consistent with the annual pay policies enacted by the Board of County Commissioners. In years where the increase is tied to job performance the pay increase given to each employee may vary based on whether their job performance is rated below standard, standard or above standard as further described in this addendum.

I. Standard Merit

A. Standard merit pay is the amount set by the board as the base increase – typically in percentage terms – for the coming calendar year.

B. An employee who receives a rating of “Consistent” or above in all three categories of his or her annual evaluation qualifies to receive the base amount effective January 1 of that year, or on the anniversary of their hiring date, as applicable.

1. An employee receives the increase on his or her anniversary date when they have been employed with the Sheriff’s Office for less than one year as of January 1st of the new budget year.

II. Less Than Standard Merit

A. An employee who receives a rating of “Inconsistent” or below in one category of his or her annual evaluation, receives a percentage increase in pay that is below the base amount but not lower than one-half of the base amount, i.e. if the base amount approved is 4%, the employee would receive less than 4%, but not less than 2%.

1. The Sheriff sets the base percentage increase each calendar year.

B. An employee who receives a rating of “Inconsistent” or below in two or more categories of his or her annual evaluation does not qualify for a merit increase of any amount in the current budget year, except as described in B. 1., below.

1. The Division Chief has the discretion to authorize an increase later in the calendar year – not to exceed that year's base amount – when satisfied that certain performance objectives have been met as part of a performance agreement.

III. Greater Than Standard Merit

A. "Greater than standard merit", is a percentage increase that is above the merit base as set annually by the BOCC. The maximum merit increase that an employee can receive in a calendar year is set by the board and additional merit about that amount can be awarded without prior approval of the board. Typically, the amount is 2% above the base merit amount, i.e. the annual merit increase base amount is 4% and the merit maximum amount is 6%.

B. The number of employees eligible to receive an above standard merit increase is limited and may vary from year-to-year based on the projected availability of funds within the merit budget. Each year the Sheriff's sets the maximum number of employees that are eligible for this increase.

C. It is the responsibility of the Division Chiefs to establish a procedure within their divisions to identify specific employees eligible for the salary increase that generally meets the following guidelines:

1. The employee has received a "With Distinction" in one or more categories in the evaluation applicable to the current budget year.

2. In addition to the annual evaluation, the employee's supervisory team provides documentation that describes the employee's performance during the applicable time period, including numerous specific examples, that distinguishes the employee from his or her peers.

3. The Division Chief brings the names of the employees he or she is recommending for an above standard merit increase, along with justifying documentation, to executive staff for final review and selection.

D. The Sheriff identifies the pay period in which the additional percentage increase becomes effective and determines what amount each of the affected employees receives.

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Promotions **NUMBER:** 308

EFFECTIVE: August 24, 2020 **SUPERSEDES:** September 3, 2019

POLICY: It is the policy of the Boulder County Sheriff's Office to use a consistent testing process to identify employees eligible for promotion to the rank of sergeant or commander, or their civilian equivalent positions. A promotion testing process is intended to comprehensively measure a candidate's suitability for promotion in view of the organization's mission, vision and values, and in the candidate's character, competence, and communication. The Sheriff appoints, at his or her discretion, individuals who report directly to the Sheriff at an executive staff level. This includes the Undersheriff, Division Chiefs, and the Sheriff's Administrate Assistant, by whatever criteria he or she believes pertinent to the position.

DEFINITIONS:

360 Degree Evaluation: A method through which information related to a person's performance is gathered through survey methodology.

Appointment: The Sheriff is the appointing authority for all employees in the deputy series.

Command Staff: A division's mid-level and senior management team, which is comprised of the division chief, and commanders or their civilian equivalents.

Executive Staff: The Sheriff's senior executive management team, which is comprised of the undersheriff, division chiefs and their civilian equivalents, and the sheriff's legal advisor.

Promotion: The vertical movement within the organizational hierarchy from a line position to a supervisory position, or from a supervisory position to a higher-level supervisory position.

Promotion Process: A formal competitive process used to assess a candidate's suitability for promotion or hire into a non-executive supervisory position.

PROCEDURE:

I. Administration

A. The Undersheriff is responsible for the oversight of all promotional processes, including both sworn and civilian supervisory positions.

B. The objective of the promotion process is to identify a pool of candidates who are eligible for promotion to the vacant supervisor's position. The Sheriff retains the authority to appoint an applicant for a supervisory position, regardless of rank,

from outside the organization.

C. A promotion process shall have multiple components designed to comprehensively assess a candidate's suitability for promotion, including both the candidate's character and their competence. A promotion process contains elements that utilize the perspectives of both internal and external assessors.

1. The evaluation method for each process element shall be the same for each candidate and shall be developed based on the position's job description, job task analysis, and/or other directly related job performance factors.

2. Each component or exercise in a promotional process shall be the same for each candidate, and each candidate is required to participate in every area of the promotion process in order to be considered eligible for promotion. The content of each component or exercise is the same for each candidate and cannot be modified after any individual candidate has completed it.

   a. While each component or exercise—including initial questions—shall be the same for each candidate, assessors are authorized to ask the candidate follow-up questions within the scope of the candidate's original response in order to clarify, probe, and/or understand their proffered response.

D. A promotion process may be initiated for a current or expected vacancy in a supervisory position, which includes establishing an eligibility list for future openings.

1. The affected Division Chief is to notify the Personnel & Training Unit of a current or anticipated supervisory vacancy. Prior to initiating a promotion process, the affected Division Chief will consult with the Sheriff and Undersheriff to determine if the vacancy will be filled through an internal lateral transfer of an incumbent who already holds a like position, through a job announcement posted to internally eligible candidates, or through a job announcement posted both internally and externally.

E. Generalized key performance behaviors that guide the development of testing elements and/or scoring in a promotion process are attached to this policy as *Attachment A*.

F. Only the Sheriff is authorized to change or modify the promotion process outlined in this policy.

II. Initiating a Promotional Process

A. Once a determination has been made that a supervisory vacancy, or expected vacancy, will be filled through an internal or a combination internal/external process, the Undersheriff will initiate a promotion process.

III. Job Posting, Process Announcement, and Invitation to Test

A. The Undersheriff is responsible for posting the announcement of a promotional process to all Sheriff's Office employees prior to its commencement. The announcement shall be posted for at least ten (10) calendar days prior to the application window closing. The announcement should include, but is not limited to the following:

1. The job description for the position, which shall include the minimum qualifications and eligibility requirements;

2. A general schedule of dates, times, and locations for all elements of the process, including the date and time of the deadline to apply;

3. A description of the process to be used in selecting the person to fill the vacancy;

4. Instructions for the resume component, including the submission deadline; and/or

5. Any bibliography of study materials for any written exam.

B. Eligible Sheriff's employees applying to participate in the promotional process shall submit a letter of intent to the Undersheriff through their chain-of-command prior to the posted deadline. The letter of intent should briefly outline that the candidate meets the minimum qualifications and eligibility criteria.

1. Candidates must have the recommendation of their chain-of-command to participate in a promotion process, including their Division Chief. Each supervisory level in the chain-of-command, through their recommendation, affirms that the candidate (a) meets the basic eligibility criteria, and (b) has consistently demonstrated the minimum qualifications contained in the job description in both the areas of character and competence, and are documented in an employment record.

2. If the candidate is not recommended for participation in a promotion

process, the individual will be notified by the supervisor in their chain-of-command who is not endorsing their letter of intent.

a. Appeals for any non-recommendation of a letter of intent in the chain-of-command are made to the affected Division Chief. There is no appeal from the Division Chief's decision.

3. Only the Sheriff or Undersheriff have the authority to waive any portion of the minimum qualifications contained in the job description and/or any eligibility criteria.

C. 360-Degree Evaluation

1. Purpose

a. The general purpose of the 360-degree evaluation component is to assess the applicant's performance and reputation in the areas of character, competence, and open communication—including their interpersonal relationships—and determine if their co-workers, including their work group, team, and any specialty units they may be a part of, believe they have the minimally required skills to credibly serve and function in the supervisory role being applied for based upon the written job description.

b. Only the applicants who have consistently demonstrated the minimally required skills in the job description in light of the 360-degree evaluation feedback will be invited to test in the promotional process.

c. Attributed survey responses in the 360-degree evaluation component will only be seen by the survey administrator.

2. Process

a. The 360-degree evaluation instrument is distributed to an applicant's peers (e.g., work group, team, or specialty unit, etc.), supervisors, and, if already in a supervisory position, their subordinates, through an electronic survey instrument.

1) Completion of the 360-degree evaluation is only required for candidates (including a self-evaluation), their work group, and supervisors within the applicant's division with

first-hand work experience with the candidate, including first-line and second-line supervisors.

Employees of other law enforcement agencies who are assigned to the same work group as a candidate are strongly encouraged to complete the evaluation (i.e., Drug Task Force, and the Computer Forensic Lab, Boulder County Parks & Open Space rangers).

b. The link for the survey instrument is to remain active for a minimum of ten (10) calendar days.

c. The survey instrument shall be distributed in a manner that ensures that only employees can complete the evaluation and only one candidate evaluation can be completed per employee.

3. Review and Invitation to Test

b. The affected division's command staff will review the content of the 360-degree feedback received and collectively determine, based on both the feedback received and the collective experience of the management team, if the applicant meets the minimally required skills in the areas of character, competence, and communication, and has the foundation to credibly serve and function in the supervisory role being applied for based upon the written job description.

1) In addition to the aggregated 360-degree feedback data, an applicant's working file and personnel file may be reviewed as part of the consideration for an invitation to test.

c. The Undersheriff is responsible for notifying each applicant of whether they are being invited to test in the promotion process or not.

1) In the event an applicant is not invited to test, the applicant will receive a summary copy of the 360-degree feedback received, including any comments submitted, and a written memorandum that outlines the areas the division's command staff determined the applicant's performance did not meet the required minimum standards.

4. Appeals

   a. An applicant who is not invited to test in the promotional process based upon the determination they do not meet the minimally required skills in the written job description may appeal the decision of the affected division's command staff to the Undersheriff within three (3) calendar days.

   b. Appeals to the Undersheriff must be made in writing. The appeal must be based upon the written job description and specifically address the deficiencies the candidate was notified of in the written memorandum from their Division Chief.

   c. The Undersheriff shall respond to the appeal, in writing, within three (3) business days.

   d. The first element of the promotion process will not commence until the appeal window for acceptance into the process under this section has been exhausted.

5. 360-Degree Feedback in the Promotion Process

   a. If the 360-degree feedback is used in a subsequent element or component of the promotion process (e.g., an oral board, an assessment center exercise, etc.), it must be used for every candidate. Each candidate shall receive the summary feedback content, with or without scoring, at least 24 hours prior to the related process element.

   b. Candidates will receive summary reports of the feedback for each level of feedback received (peer, supervisor, and subordinate), including any comments entered.

      1) Unless the evaluation is completed by a supervisor, the candidate will not receive feedback specifically attributed to any one employee, unless comments provided are so specific that they serve to identify the employee submitting the feedback.

   c. The Undersheriff and affected Division Chief will review all feedback received prior to the feedback being aggregated into a summary report for the candidate. If any feedback is either unduly

harsh or unduly praiseworthy and is unsupported by specific comments or feedback to justify the rating(s), it may be set aside and not included in the summary report or final score.

IV. Promotion Process

A. Resume

1. The purpose of the resume is to assess the candidate's professional, educational, and career history. The scoring matrix for the resume and personnel file review component is affixed to this policy as *Attachment B* and outlines the minimally acceptable score for each respective process.

   a. While an applicant may submit their resume with their letter of intent to test, only applicants invited into the testing process will have their resume scored.

2. Applicants will receive resume instructions in the initial job posting, including the date the resume is due to the Undersheriff.

B. Written Test

1. The purpose of the written test is to assess the candidate's competencies and knowledge base using their reading and comprehension abilities. A written test contains approximately 50 questions, which may be comprised of multiple choice, true/false, and/or a narrative answer format. The main areas of focus of a written test may include, but are not limited to:

   a. <u>First-Line Supervisor (Sergeant) Process:</u> Policies, procedures, statutes, and relevant case law specific to decision-making a sergeant may engage in as a first-line supervisor; incident command systems and the initial attack or response phase of an incident; basic leadership concepts; and any other areas of knowledge that may be required for effective leadership, problem-solving, and decision-making with little time for researching answers.

   b. <u>Second-Line Supervisor (Commander) Process:</u> Policies, procedures, statutes, and relevant case law specific to decision-making a commander may engage in as a command-level supervisor; incident command systems in the extended attack or

response phase of an incident; complex leadership concepts; and common employment law issues; and any other areas of knowledge that may be required for effective leadership, problem-solving, and decision-making, including the ability to conduct research as part of the process.

2. The minimally acceptable score on any written test is 75%.

   a. After all the applicants complete the test, the Personnel and Training Unit Commander will grade and review the tests, looking for questions more than half of the applicants missed. These results will be evaluated and discussed with the affected Division Chief and Undersheriff. If the test needs to be changed or modified the Undersheriff has the authority to strike question(s) from the test. If questions are removed from the test, the test will be rescored prior to the applicants receiving their score.

C. Written Exercise

1. The general purpose of the written exercise is to assess a candidate's written communication skills and written work product. This assessment may be made by internal or external assessors, or a combination of the two.

2. The written exercise may be a stand-alone element of the promotion process or may be incorporated within another element (e.g., the assessment center), in whole or part. Any written exercise component should be designed to measure the candidate's own writing ability, unassisted by others.

3. If used as a standalone element, the minimum acceptable score for the written exercise is 60% (e.g., 3 out of a possible score of 5) of the maximum available points.

D. Assessment Center

1. The general purpose of the assessment center is to externally assess (a) the candidate's overall suitability for the position; (b) their ability to apply their accumulated knowledge and experience to a variety of situations beyond a written test setting; (c) their problem-solving and decision-making skills in close to real-time; and (d) their verbal and non-verbal communication skills.

2. There shall be a minimum of three external assessors for each exercise conducted in an assessment center. The external assessors should be subject matter experts in the content of their specific exercise.

ii. For purposes of this policy, to be considered a subject matter expert, the assessor should have a minimum of two years' experience in at least the same grade as the rank, or a relevant civilian equivalent, being tested.

iii. In unforeseen circumstances (e.g., an external assessor becomes ill, is suddenly unable to attend due to an emergency, etc.), the Undersheriff or Sheriff may appoint an internal assessor to replace the external assessor or may elect to only have two assessors in the exercise.

iv. There shall be a minimum of at least three separate exercises in any assessment center component.

a. The affected Division Chief, in consultation with their divisional command staff, is responsible for identifying the exercises a candidate will be tested on, including the performance components the exercise intends to measure.

1. Each exercise and the related performance measures must directly relate to the supervisory job role sought.

2. Each exercise should be constructed to assess and/or measure a different job competency that has not been measured by another exercise.

b. While not required, strong consideration should be given to the inclusion of at least one professional civilian panel member (e.g., members of the district attorney's office, the county attorney's office, other county departments or offices, the courts, fire departments, external cooperators, etc.), and one community or employee panel member.

v. Scoring and Evaluation

a. Assessors may independently take notes of a candidate's

performance; however, the official score and evaluation of the exercise must be the result of a consensus among the assessors.

b. The minimum acceptable score for the assessment center component is 60% of the maximum available points.

1) The candidate must pass the assessment center exercises—either by quantitative score, qualitative score (assessor feedback as to suitability), or a combination thereof—to successfully complete the assessment center component of the promotion process.

2) The Sheriff and Division Chiefs are invited to attend a summary discussion with external assessors, which is facilitated by the Undersheriff, at the end of each assessment center testing day. The discussion with external assessors is an opportunity for the Sheriff, Undersheriff, and Division Chiefs to discuss each candidate's performance, and their strengths and weaknesses, with the assessors, and to ask any clarifying questions necessary.

d. Oral Board

i. The general purpose of the oral board is to assess (a) the candidate's oral communication ability; (b) their philosophical positions related to leadership, supervision, management, and the organization; and (c) the candidate's character.

ii. The oral board panel shall be composed of internal assessors but may be supplemented with external assessors of at least equal rank or higher. For a first-line supervisor (sergeant) process, the panel is comprised of the affected division's commanders; for a second-line supervisor (commander) process, the panel is comprised of the affected division chiefs.

iii. The oral board may or may not be included as one of the assessment center exercises. If the oral board is not included as an exercise, effort may be made to schedule the oral board on the same date as the assessment center component whenever practicable.

iv. The minimum acceptable score for the oral board is 60% of the maximum available points.

e. Other

i. Additional elements may be added to a promotion process when the added element is designed to measure a key job competency that is not effectively measured by another existing element.

ii. The addition of an element to the promotion process not described in this policy should be disclosed to potential candidates during the position announcement when practicable. The announcement of the additional element should contain a general description of the added element, what the element is designed to assess or measure, and what the minimum acceptable passing score for the element will be.

d. Candidate Selection & Eligibility List

a. Candidate Selection

i. Only candidates who have successfully passed every element of the promotion process are considered eligible for promotion.

ii. The Undersheriff is responsible for presenting the results of the promotion process to the Sheriff, the affected Division Chief, and the Sheriff's Executive Staff.

iii. Any candidate from the eligibility list may be selected for promotion by the Sheriff who is the appointing authority for all supervisory positions.

a. Overall scores are a secondary consideration in any promotion decision, as the Sheriff and Executive Staff must give significant weight and consideration to the strengths of each candidate and the current skill needs of the affected division, which are not considered in any other element of the promotion process.

iv. Promotion decisions made by the Sheriff are final and not subject to appeal.

b. Eligibility List

i. Candidates who have successfully passed every element of the promotion process but were not promoted may be placed on an eligibility list for future vacancies. An eligibility list is made at the discretion of the Sheriff.

1) A promotion eligibility list generally contains no more than three to five candidates. If the number of eligible candidates exceed this

target range, at the discretion of the Sheriff, scores from the promotion process may be used to separate the candidates based upon their performance in order to establish an eligibility list within this target range.

ii. A promotion eligibility list will remain in effect for one year from the last day of the promotion process under which it was established. The Sheriff, in his or her discretion, may increase or decrease the length of time the list is in effect depending on current circumstances and Sheriff's Office needs.

a. Absent extraordinary circumstances, a promotion eligibility list will not be extended beyond two years from the last day of the promotion process under which it was established.

iii. Employees on an eligibility list may not be grandfathered into a new eligibility list without retesting in a subsequent promotion process.

e. Review and Appeal of the Promotion Process

a. Review of Process Materials, Evaluations, and Scoring

i. A candidate is permitted access to all their evaluation forms and other testing materials after Executive Staff has reviewed the results of the promotion process and made a promotion and/or eligibility list determination. Copies of process materials may not be made or kept by the candidate.

ii. A candidate may not review any other candidate's materials, but may, at the discretion of the Undersheriff, be provided a composite range of scores to aid the candidate in evaluating their performance in the promotion process.

iii. The Undersheriff, or his or her designee, will provide summative feedback to each candidate upon request, including a summary of discussion involving external assessors following the completion of a promotion process.

b. Appeal Process

i. A candidate may contest the promotional process or results of the process by submitting a letter to the Sheriff within seven (7) calendar days of the announcement of the process results.

ii. Any reconsideration, retesting, or reevaluation in response to an appeal is done at the discretion of the Sheriff.

iii. There is no appeal from the Sheriff's decision.

f. Records

i. All materials related to the promotion process are maintained in the Sheriff's Administration Division for three years.

ii. The Undersheriff, or his or her designee, controls access to all files and records related to a promotional process.

a. Colorado open record laws govern access to the files by members of the public and media.

By Order of the Sheriff,

Joseph K. Pelle — 8/24/2020
Date

ATTACHMENTS:
308-A Key Performance Behaviors
308-B Resume Scoring Matrix
308-C Resume Template Form

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SUBJECT: Promotions – **Key Performance Behaviors** **NUMBER:** 308-A

EFFECTIVE: September 3, 2019 **SUPERSEDES:** October 28, 2014

DECISIVENESS

1. The ability to recognize key factors and finalize difficult decisions.
2. Ability to render judgment.
3. Ability to act
4. Ability to commit oneself.
5. Ability to express opinions despite disagreement.
6. Ability to perceive the impact and implications of decisions.
7. Ability to take in all that is going on around you.
8. Ability to give your undivided attention to the issue.
9. Ability to take the time and energy to make great decisions.
10. Ability to work through the decision for the best possible outcome.
11. Ability to be as efficient as possible during your decision-making.
12. Ability to use the wisdom of your education, training and life experience to make good decisions.

FLEXIBILITY

1. Willingness to change plans or ideas according to the direction of my authorities.
2. Ability to adapt strategies and tactics in a fluid and dynamic event and/or situation.
3. Ability to accept and apply information from others.
4. Ability to change direction in the middle of a situation, if the situation requires.
5. Ability to admit error and make appropriate corrections.
6. Ability to know how important right timing is in accomplishing right actions.
7. Ability to understand the deeper reasons why things happen and their application to the intended outcome.
8. Ability to know what factors and/or information will diminish the effectiveness of the outcome if neglected.

ORAL COMMUNICATION

1. Expressing ideas effectively in individual, group or public situations, both in verbal and non-verbal communication, by adjusting language or terminology to the needs or level of the target audience.
2. Ability to communicate in a clear, concise, articulate and persuasive manner, both under stressful and non-stressful situations.
3. Confidence that what the candidate has to say or do is true, right and just (boldness).

4. Ability to speak at the appropriate tone, speed, volume and pitch.
5. Ability to use the correct terminology and vocabulary, both in word and phrase.
6. Ability to adjust "technical" explanations as appropriate for the targeted listener / audience.
7. Ability to actively listen and decipher, detect, and accurately interpret non-verbal communication.
8. Ability to address individuals, small groups, large groups or the media effectively.
9. Ability to identify barriers in effective oral communication and overcome them.
10. Ability to anticipate unlikely questions with an ability to hear, correctly interpret and articulate a response (i.e. "thinking on one's feet").
11. Shows understanding and sympathizes with concerns and feelings of target audience.
12. Shows consideration and personal concern for those individuals in the target audience.
13. Speaks effectively and uses appropriate words and phrases while speaking to the target audience.

INTERPERSONAL COMMUNICATION

1. Ability to present the appropriate affect for the circumstances (i.e. the ability to control emotions) in order to clearly communicate opinions, ideas and / or views, in a courteous, tactful, appropriate and compassionate manner, when necessary.
2. Clearly communicates the same message, both verbally and non-verbally.
3. Ability to wait until all information is presented before offering an opinion or decision.
4. Ability to coach or mentor others, providing feedback on performance promptly, at the right time.
5. Ability to initiate action to improve of deal with problem relationships.
6. Ability to engage subordinates and provide them with feedback that is constructive or corrective.
7. Ability to receive feedback, both positive and negative.
8. Ability to establish and maintain relationships, in order to share knowledge, resources and experience, to reach a common goal(s).
9. Ability to be open, warm, friendly and personable, to be approachable.
10. Ability to understand and recognize the deeper reasons behind things that happen or are said and apply it to interpersonal communication as necessary.
11. Communicates truthfully.

JUDGMENT

1. Ability to draw upon background, experience and training.
2. Ability to plan and give guidance.
3. Ability to consider the short and long-term impact (i.e. "see the bigger picture").
4. Ability to see a situation for what it truly is.
5. Ability to know and interpret policies and procedures, and act accordingly.

6. Identifies potential problems from a decision and takes appropriate steps to mitigate undesired results when necessary.
7. Situational outcomes reflect appropriate judgment decisions based on information available at the time.
8. Involves and informs the right people.
9. Displays an awareness of everything that is occurring around them resulting in appropriate responses and actions.
10. When appropriate, undivided focus and attention given to the individual(s) or assigned task.
11. Recognized and identified what needed to be done and accomplished those tasks without receiving direction or being asked.

CHARACTER

1. Ability to present full and accurate information.
2. Shows honesty and integrity in actions and behaviors.
3. Ability to keep information confidential and disclose it only when authorized.
4. Ability to meet personal commitments and promises by fulfilling what they consented to do, even if it means unexpected personal sacrifice.
5. Earns future trust by accurately reporting past facts.
6. Seeks solutions to problems by recognizing what needs to be done before being asked to do it.
7. Encourages the attitudes, conditions and environment that bring about improved performance.
8. Ability to act beyond job responsibilities.
9. Actively attempts to influence events to achieve goals.
10. Respects others in the department, workgroup and community.
11. Acknowledges that achievement results from the investment of others.
12. Rejects wrong desires to do what is right.
13. Uses difficult times to demonstrate commitment.
14. Shows consideration and personal concern for others.

PROBLEM-SOLVING

1. Able to identify the practical solutions and keeps others apprised.
2. Utilizes the appropriate resources to overcome and resolve problems.
3. Successfully identifies, analyzes and solves problems.
4. Accepts a difficult problem or situation without giving a deadline to remove it (patience)
5. Approaches problems in a positive manner.
6. Views impediments as solvable challenges.
7. Shows patience in dealing with complex and time-consuming issues.
8. Willingly shares knowledge so others don't have to re-invent the wheel.
9. Able to break down obstacles or complex problems into their component parts and identify solutions.

10. Able to resolve issues in a timely manner by doing the right thing at the right time (punctuality).
11. Addresses problems and issues head-on, in a pro-active manner.
12. Effectively distinguishes between the causes and symptoms of problems.
13. Ability to approach a problem, task or idea from a new perspective.
14. Ability to recognize and identify key factors to solve difficult problems.
15. Ability to change plans or ideas according to a given situation in order to solve a difficult problem.
16. Ability to identify and apply various strategies and resources to solve problems.
17. Ability to give undivided attention towards solving difficult problems.

WRITTEN COMMUNICATION

1. Skill in explaining abstract concepts, in writing, as necessary.
2. Ability to organize facts and complete reports and other forms accurately.
3. Ability to critique written reports and documents.
4. Ability to express oneself clearly and concisely in writing.
5. Skill in communicating legal and technical research in a clear, articulate and concise manner (in writing), to the level of the target audience.
6. Ability to write clear and concise evaluations for subordinates (i.e. yearly evaluations, performance agreements, disciplinary problems, etc.).
7. Reports past facts accurately and concisely
8. Writing reflects an approach to an idea or issue from a new perspective.
9. Knows what facts or content will diminish the accuracy of a document if omitted.
10. Arranges the content of a document in such a fashion that the information is presented in a clear, logical, effective and efficient manner.
11. Content reflects a recognition and accurate perception of the attitude and emotions of the target audience.

DELEGATION

1. Once the task is delegated, the supervisor stays engaged but does not intervene or micro-manage, unless necessary.
2. Ability to identify the individual best suited to complete a task.
3. Ability to identify and implement appropriate use of delegation of tasks to effectively and efficiently completes them.
4. Ability to distinguish between tasks that should be delegated and tasks that are the responsibility of a supervisor.
5. Is persuasive in the process of delegating tasks by presenting information in a manner that shows recognition and adaptation to another's mental roadblocks.
6. Checks on progress, validates direction and ensures completion of assigned tasks.

PLANNING & ORGANIZATION

1. Ability to arrange yourself and your surroundings / workload to achieve greater efficiency.
2. Ability to analyze problems, then develop and prioritize strategies that achieve the preferred results based on the goals of the division or department.
3. Ability to coordinate and plan operations with large numbers of personnel.
4. Ability to work on several projects simultaneously.
5. Demonstrates skill in organizing information.
6. Ability to organize personnel, programs, equipment and budgets, based on available resources.
7. Ability to plan and develop law enforcement tactics to solve problems.
8. Ability to be aware of what is taking place around you so that the right response is made.
9. Ability to know how important right timing is in accomplishing right actions.
10. Ability to approach a need, task, or an idea from a new perspective.
11. Ability to accomplish the right goals and tasks at the right time, regardless of opposition.
12. Ability to see and respond to situations from a perspective that transcends the current circumstances or situation.
13. Ability to recognize what needs to be done and following through to complete it.

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Promotions – **Resume Matrix** **NUMBER:** 308B

EFFECTIVE: August 24, 2020 **SUPERSEDES:** September 3, 2019

FORMAL EDUCATION (20 Point Maximum)
Degrees awarded by accredited higher-education institutions.

High School:	0 Points
Collegiate Certificate Program:	5 Points
Associate's Degree or 60 Credit Hours:	10 Points
Bachelor's Degree:	15 Points
Master's Degree or Greater:	20 Points

SPECIALTY ASSIGNMENTS FOR SWORN PERSONNEL ONLY (25 Point Maximum)
Recognition for diverse job assignments experience in a deputy capacity.

Jail Division	
< 1 year:	0 Points
1 – 3 Years:	5 Points
3 – 5 Years:	10 Points

Operations Division	
< 1 year:	0 Points
1 – 3 Years:	5 Points
3 – 5 Years:	10 Points
3 – 5 Years (Investigations):	15 Points

Jail examples: Building C, Senior Booking Deputy, Classifications, Court Transports, Alternative Sentencing, RISE Unit, Personnel & Training Unit (Administration Division).

Operations Division examples: Investigations, Parks & Open Space Unit, Mountain Unit, Drug Task Force, Civil Unit, Court Security Unit, School Resource Officer (SRO) Unit, Personnel & Training Unit (Administration Division), Emergency Services Unit.

EXPERIENCE AND TENURE (5 Point Maximum)
There is no pro-rated credit for years between the benchmarks. Relevant law enforcement experience is experience in a like position in a like size agency (example: officer or deputy experience at another agency would be relevant to a sergeant's process, but prior experience as a dispatcher or a security deputy in a sergeant's process would not be relevant). Tenure with the Boulder County Sheriff's Office is total longevity with the Sheriff's Office as a paid employee.

Relevant Law Enforcement Experience	
5 Years:	1 Point
10 Years:	2 Points
15 Years:	3 Points
20 Years:	4 Points
25+ Years:	5 Points

BCSO Tenure (Longevity in-grade)	
5 Years:	1 Point
10 Years:	2 Points
15 Years:	3 Points
20 Years:	4 Points
25+ Years:	5 Points

DISCIPLINARY HISTORY (10 Point Deduction)

Major discipline is any disciplinary action that includes a suspension without pay, disciplinary transfer from a job assignment or collateral duty, or demotion. Formal discipline is any discipline that is the equivalent of a written reprimand or greater.

Formal Discipline </= 1 Year:	Not Eligible to test
Major Discipline </= 5 Years:	10 Point Deduction

DEPARTMENTAL AWARDS (10 Point Maximum)

Limited to awards received in-grade (e.g., a line-level employee) as a paid employee.

Class III Award as a Paid Employee:	1 Point Each *(longevity awards excluded)*
Class II Award as a Paid Employee:	2 Points Each
Class I Award as a Paid Employee:	3 Points Each
Divisional Employee/Officer of the Year:	5 Points Each

LEADERSHIP & MANAGEMENT DEVELOPMENT TRAINING

(1st Line Supervisor Process: 15 Point Maximum; 2nd Line Supervisor Process: 25 Point Maximum)

Leadership & management development points are limited to training and education relevant in law enforcement designed to develop or improve supervisory (leadership or management) skills. Copies of certificates of completion or other training record documentation must be attached to the resume at the time of submission to be considered for resume points. Professional development training must have occurred within five years from the date the resume is due. Includes CJM/CJO. Advanced ICS classes (e.g., ICS-300, ICS-400) acceptable. Certifications for a collateral duty (e.g., FTO) do not count as professional development.

Classes or Certificates </= 4 Training Hours:	1 Points
Classes or Certificates >4 Training Hours:	2 Points
Classes or Certificates >/= 40 Training Hours:	5 Points
Classes or Certificates >/= 120 Training Hours:	10 Points

FIRST-LINE SUPERVISOR PROCESS (Sergeant)

Maximum Score: 90 (Sworn Process) Minimum Passing Score: 30 (Sworn Process)
Maximum Score: 65 (Civilian Process) Minimum Passing Score: 26 (Civilian Process)

LEAD PROGRAM (10 Points)
To obtain resume points, the LEAD Program must have been completed, received, and signed-off by the Personnel & Training Unit, by the date the resume component of a promotional process is due. No partial points are awarded for partial completion.

COLLATERAL DUTIES (5 Point Maximum)
A collateral duty is a regular, additional job role(s) and/or responsibility which lie outside of the employee's basic job description, and which requires additional training, certification, work hours, or responsibilities. The candidate must be in good standing in the collateral duty for points to be awarded. Collateral duty examples include, but are not limited to: Field Training Officer (FTO) or Communications Training (CTO) Officer, K9, SWAT, EOD (Bomb Squad), Driving Instructor, Firearms Instructor, Intoxilyzer Instructor, DT/Force Instructor, Cadet Advisor, SFST Instructor, Peer Support Team, CPR/Medical (EMT), EOC Call Center or ESF function, Tech Advisory Committee, Policy Review Committee, etc. Specialty job assignments are not considered collateral duties (e.g., DUI officer, alternative sentencing deputy, courts or transports deputy, etc.).

Lead critical skills (DT, Firearms, Driving, and Force Tactics) instructors are designated as program leads by the Personnel & Training Unit. Lead critical skill instructors are those who are actively engaged in program development and instruction and have been involved in the development of lesson plans, regularly volunteer to help instruct courses, and strive to continue their professional growth within their discipline. There is no minimum timeline for lead critical skill instructors points to be awarded.

Only collateral duties held while employed at the Boulder County Sheriff's Office are eligible for consideration.

Collateral Duty for < 1 Calendar Year: 0 Points
Collateral Duty for >/= 1 Calendar Year: 1 Point
Lead Critical Skill(s) Instructor: 2 Points

SECOND-LINE SUPERVISOR PROCESS (Commander)

Maximum Score: 70 (Sworn Process) Minimum Passing Score: 28 (Sworn Process)
Maximum Score: 45 (Civilian Process) Minimum Passing Score: 18 (Civilian Process)

ORGANIZATIONAL DEVELOPMENT PROJECTS (5 Point Maximum)
An organizational development project is any team-based project, whether intra- or inter-divisional, that implements a new business process, solution,

Project < 3 Months: 0 Points
Project 3 Months – 1 Calendar Year: 1 Point
Project > 1 Calendar Year: 2 Points

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Boulder County Sheriff's Office
Promotional Process Resume Component (Form 308-C)

[Candidate Name]

8/31/2020

PROMOTIONAL PROCESS: ☐ First-Line Supervisor (Sergeant) ☐ Second-Line Supervisor (Commander)

FORMAL EDUCATION

Degrees awarded by accredited higher-education institutions. Highest degree or education completed:

☐ High School/GED (0 Points)
☐ Bachelor's Degree (15 Points)
☐ 60 Credit Hours (10 Points)
☐ Master's Degree or Higher (20 Points)

SPECIALTY ASSIGNMENTS

Recognition for diverse job assignment experience in current grade.

Specialty Assignment	Start Date	End Date	Time	Command Confirmation
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	

EXPERIENCE AND TENURE

Relevant experience is that in a like and similar size agency (or larger) in-grade (e.g., a commander candidate would only count relevant BCSO and outside experience as a sergeant or first-line supervisor, etc.).

Boulder County Sheriff's Office Experience

5 Years ☐ (1 Point)
10 Years ☐ (2 Point)
15 Years ☐ (3 Point)
20 Years ☐ (4 Point)
25 Years ☐ (5 Point)

Relevant Outside Law Enforcement Experience

Not Applicable ☐ (0 Points)
5 Years ☐ (1 Point)
10 Years ☐ (2 Point)
15 Years ☐ (3 Point)
20 Years ☐ (4 Point)
25 Years ☐ (5 Point)

DISCIPLINARY HISTORY

Major discipline is any disciplinary action that includes a suspension without pay, disciplinary transfer from a job assignment or collateral duty, or demotion.

☐ No relevant history
☐ Formal discipline within the past 12 months (not eligible to test)
☐ Major discipline in the past five years (10-point deduction)

DEPARTMENTAL AWARDS

Awards received, in current grade, as a paid employee.

Award Name	Award Date	Award Class
		[Select Award Class]
		[Select Award Class]
		[Select Award Class]
		[Select Award Class]
		[Select Award Class]
		[Select Award Class]
		[Select Award Class]
		[Select Award Class]
		[Select Award Class]
		[Select Award Class]
		[Select Award Class]
		[Select Award Class]
		[Select Award Class]
		[Select Award Class]
		[Select Award Class]

PROFESSIONAL DEVELOPMENT TRAINING

Training and education designed to develop or improve supervisory (leadership or management) skills, which has occurred in the past five years. ***Copies of certificates of completion or other training record documentation must be attached****.*

Course Name	Completion Date	4 Hours or Less (1 Point)	More than 4 Hours (2 Points)	40 Hours or More (5 Points)	120 Hours or More (10 Points)
		☐	☐	☐	☐
		☐	☐	☐	☐
		☐	☐	☐	☐
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		☐	☐	☐	☐
		☐	☐	☐	☐

FIRST-LINE SUPERVISOR (SERGEANT) PROCESS ONLY

LEAD PROGRAM (10 Points)

☐ Not enrolled (0 Points) ☐ Enrolled, not completed (0 points) ☐ Completed (10 Points)

COLLATERAL DUTIES

A collateral duty is a regular, additional job role(s) and/or responsibility which lie outside of the employee's basic job description, and which requires additional training, certification, work hours, or responsibilities. Specialty job assignments are not considered collateral duties (e.g., DUI officer, alternative sentencing deputy, courts or transports deputy, etc.).

Collateral Duty	Start Date	End Date	Time	Command Confirmation
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	

SECOND-LINE SUPERVISOR (COMMANDER) PROCESS ONLY

ORGANIZATIONAL DEVELOPMENT PROJECTS

An organizational development project is any team-based project, whether intra- or inter-divisional, that implements a new business process, solution, etc.

Development Project	Start Date	End Date	Time	Command Confirmation
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	
			[Select One]	

Boulder County Sheriff's Office
Promotional Process Resume Summary Score Sheet

[Candidate Name]

8/31/2020

PROMOTIONAL PROCESS:

	Minimum Passing Score	Maximum Score	Candidate Score
☐ Sergeant	30	90	
☐ Civilian First-Line Supervisor	26	65	
☐ Commander	28	70	
☐ Civilian Second-Line Supervisor	18	45	

	Candidate Score	Maximum Points First-Line Supervisor Process	Maximum Points Second-Line Supervisor Process
Formal Education		20 Points	20 Points
Specialty Assignments *(Sworn Only)*		25 Points	25 Points
Experience & Tenure		5 Points	5 Points
Disciplinary History		10 Point Deduction	10 Point Deduction
Departmental Awards		10 Points	10 Points
Professional Development		15 Points	25 Points
LEAD Program		10 Points	
Collateral Duties		5 Points	
Organizational Development Projects			5 Points

Scored By: _____ **Date:** _____

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Employee Records **NUMBER:** 309

EFFECTIVE: August 6, 2019 **SUPERSEDES:** July 3, 2012

POLICY: It is the policy of the Boulder County Sheriff's Office to protect the privacy of Sheriff's employees to the extent permitted by law. Employee records are not released without the employee's consent unless required by law or court order.

Employees' records are maintained in conformance with state law and written guidelines.

PROCEDURE:

I. Confidentiality

A. All personnel files of employees are confidential with access limited to the employee, employees responsible for maintaining the records and the employee's chain-of-command, or when law or court order permits access.

B. No employee may remove, or cause to be removed, any Sheriff's Office or divisional record without proper authority and/or permission from the Undersheriff or Sheriff to do so.

C. Personnel files are confidential. An employee's employment application and performance ratings are not "personnel files" pursuant to State law and may be released with the following redactions:

1. Social Security Number

2. Phone Number

3. Residence Address

4. Spouse's name, address, phone

5. Spouse's work information

6. Family members' names and addresses

7. Past Residences (where relatives currently reside)

8. Military Service Information

9. References

10. Affiliations

11. Financial history

12. Liquor and drug use

13. Arrest information - where there are no convictions

14. Driving citations - where there are no convictions

15. Health and medical history

II. Separation of Records

A. Personnel records may be kept in different files and locations for reasons of efficiency and function that may include the following: Boulder County Human Resources, Sheriff's Office Training & Personnel Unit and/or the Internal Investigations filing system.

III. Maintenance of Records

A. Sheriff's Office personnel files contain records of an employee's job and performance history. Any record submitted for an employee's personnel file remains in the file until removed by the Sheriff or designee.

1. Sheriff's Office Personnel Records

a. An employee's personnel file includes personnel action forms, evaluations, letters of disposition in disciplinary actions, letters of appreciation, records of education, job assignments, leave records, safety and accident records, training received, instructor certifications, and commendations and awards.

b. Personnel files are maintained for the duration of employment with the Sheriff's Office, plus five years.

2. Internal Investigation Files

a. These files contain records of allegations of employee misconduct and resulting investigations and are maintained and stored by the Sheriff or his or her designee.

b. Internal investigation files are maintained for the duration of employment with the Sheriff's Office, plus ten (10) years.

c. Internal investigation logs are permanent records and are maintained indefinitely.

d. A completed internal investigation that examines in-uniform or on-duty conduct of a peace officer involving alleged misconduct with a member of the public shall be made available for public inspection upon request within the constraints of §24-72-303, C.R.S.

1) Completed internal investigations that do not involve (1) an in-uniform or on-duty conduct by a peace officer, and (2) a member of the public, are not available for public disclosure.

2) If criminal charges are pending, an internal affairs investigation will generally not be considered completed until the final disposition of the criminal prosecution.

e. Public disclosure of a completed internal investigative file under a public records request shall only be made by the Records Section in the Support Services Division.

1) The Records Section is responsible for reviewing the investigative file and applying statutorily required redactions, if any, prior to inspection or release.

3. Employment Test Files

a. The personnel section maintains pre-employment testing records on current employees for the duration of employment, plus five years.

b. The application and any tests taken by an individual who was not hired are maintained for three years.

4. Workmen's Compensation/Medical Files

a. The personnel section maintains records and forms related to Workmen's Compensation claims except as excluded below.

b. Except for a doctor's recommendation related to an employee's fitness for duty, medical files, records and related notes are not maintained by the Sheriff's Office in any form.

IV. Responsibility to Inform Employee

A. The employee's direct supervisor, chain-of-command, and/or the Sheriff's Office HR specialist filing a document is to ensure that any documents related to matters of discipline and performance are initialed by the document's author and affected employee prior to being placed in an employee's personnel file.

1. All documents related to discipline or job performance are to be reviewed and approved by the employee's Division Chief and the Undersheriff before the documents are placed in the employee's personnel file.

By Order of the Sheriff,

Joseph K. Pelle — 8/6/2019
Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: CODE OF CONDUCT **NUMBER:** 310

EFFECTIVE: March 10, 2016

POLICY:

It is the policy of the Sheriff to clearly define expectations and requirements of Sheriff's employees and volunteers regarding on-duty performance and conduct, and off-duty conduct to the extent that it directly affects the employee's creditability as a public servant or the Office of the Sheriff. The directives described in this code of conduct policy cover most performance and conduct expectations but are not all encompassing given the inherent complexity that exists in the delivery of public safety services.

In general, employees and volunteers can expect to be held accountable for conduct and/or performance that does not further the mission and values of the Sheriff's Office, is not in compliance with Sheriff's policy or procedure, or is illegal.

DEFINITIONS:

Employee: Any commissioned or non-commissioned member of the Sheriff's Office who serves in any capacity under the color of the Sheriff's authority, whether paid or volunteer.

Unlawful Gratuity: A free or reduced priced service, or item, given to and/or accepted by a public servant for the purpose of influencing or gaining additional presence, or service, from that public servant.

PROCEDURE:

I. Rules

A. Sheriff's Office employees obey all federal, state and local laws, regulations or ordinances.

B. Each employee of the Sheriff's Office is responsible for ensuring that he/she is familiar with, and obeys and/or conforms to all Sheriff Office and applicable County policies, rules, regulations, lawful orders, or directives issued by the Sheriff or his/her designee.

1. An employee is not to commit an act, or fail to attempt to act, in a manner that violates any rule, regulation, lawful order, or directive; nor is an employee to aid or abet another to do so.

C. Each employee is to faithfully and properly perform all duties, and is prohibited from participating in any unlawful job action for the purpose of inducing, influencing or coercing a change in conditions, compensation, rights, privileges or obligations of employment.

D. Sheriff's Office employees treat the information they receive as a result of their employment or association with the Sheriff's Office with confidentiality and take appropriate steps to ensure that information, individual identities, and operational plans are not divulged to anyone not authorized to receive it.

1. Only authorized employees communicate with the media about Sheriff's Office affairs.

II. General Conduct

A. Abuse of Position — the creditability of the Sheriff's Office and the effectiveness of its delivery of public safety services to Boulder County is directly affected by the performance and conduct of Sheriff's employees and volunteers. In furtherance of protecting the creditability of the Office, Sheriff's employee and volunteers may face disciplinary action for conduct that involves any of the following:

1. Using their credentials, badge, identification, or position in any unauthorized manner or to earn personal financial gain.

2. Allowing the use of their name, photograph, or official title, in a manner that identifies them as an employee of the Sheriff's Office for the purpose of endorsing or advertising any product or service unless previously authorized by the Sheriff.

3. Using their employment with the Sheriff's Office for the purpose of soliciting, selling, or purchasing any product or service without the permission of the Sheriff.

4. Using their status as a member of the Sheriff's Office to avoid the consequences of illegal acts, or to obtain privileges not available to the general public except in the lawful performance of duty.

5. Using the Sheriff's Office as a mailing address for receiving personal mail, or as a home "address", unless authorized to do so by their Division Chief.

6 Using abusive, inappropriate, sexually suggestive, or belligerent language or conduct toward any person.

7. Treating another individual in an abusive manner by subjecting him or her to an unnecessary and/or malicious physical or verbal confrontation, or purposely insulting or threatening them.

8. Participating in gossip or the spreading of rumors that are intended to be undermining, disparaging, and/or offensive toward an individual employee or group of employees.

B. Gifts, Gratuities, or Bribes

1. Employees are prohibited from using their status as a Sheriff's Office employee to solicit or accept a bribe, unlawful gift, or gratuity.

2. Employees have a duty to refuse and/or return an unlawful gift or gratuity to the bestowing person or entity.

3. Any attempt by an individual to bribe, intimidate or induce an employee to either perform, or refrain from performing, any act that is a part of an employee's job function, is to be reported to the on-duty supervisor as soon as practical.

a. Deputies with arrest powers are expected to take appropriate action when probable cause exists that the person(s) attempting any of the acts listed in paragraph 3 of this section committed a crime.

b. Exception: A Sheriff's employee operating under the direction of a supervisor or assigned investigator may accept an item of value or service in order to obtain evidence of a criminal act or assist in the detection of a criminal act, e.g. acting in an undercover capacity.

C. Bounties and Fees

1. In the event that an employee is offered an item of value in the form of a prize or reward, or is eligible to receive a prize, reward, bounty or performance fee, the employee's Division Chief and Sheriff's designee(s), i.e. Undersheriff, Deputy County Attorney, etc., review the circumstances and determine whether any legal or ethical standards are violated, if accepted, prior to the employee accepting the item(s) of value.

D. Public Statements and Appearances

1. A Sheriff's employee is prohibited from publicly criticizing or ridiculing the Sheriff, the Office, Sheriff's Office policies or other employees where such statements are defamatory, obscene, unlawful, misleading and/or

disrespectful.

2. A Sheriff's employee is not authorized to publicly represent the Sheriff's Office or speak on behalf of the Sheriff without the Sheriff's permission unless acting in an official capacity under the provisions of the Sheriff's Office Public Information Policy.

E. Identification

1. Sheriff's employees are required to have a Sheriff's Office issued identification (ID card, commission card, and/or badge), and must present or display it as necessary, and/or required, to identify the employee and the employee's level of authority.

2. Employees must take appropriate measures and precautions to ensure that their badge and ID card and facility keys are protected from damage and loss.

3. All employees must honor requests for identification by presentation of their badge, commission card, ID card, or Sheriff's Office business card unless they are working in an undercover capacity.

F. Recognition of Plainclothes Commissioned Personnel

1. Sheriff's employees are not to indicate in a public location that they recognize an employee known to be working in a plainclothes or undercover capacity unless they are first addressed by that employee.

G. Residence Telephone and Address

1. Employees ensure that the Sheriff's Office has the employee's most current address and telephone number(s) of their current residence, and advise their immediate supervisor and the Sheriff's Office personnel section of any changes as soon as practical.

2. All Sheriff's deputies, and certain designated civilian employees, must have a telephone or cell phone that is functional at their place of residence to facilitate notification and/or call-out, as needed.

3. Employees are prohibited from divulging or releasing the home address or telephone number of another Sheriff's employee to anyone outside the Sheriff's Office without the permission of the affected employee.

H. Other Employment

1. Employees cannot be employed outside the Sheriff's Office when such employment would constitute a conflict of interest with their current Sheriff's Office assignment. Prior to accepting an offer of other employment, the employee is required to seek approval of the Sheriff, or Sheriff's designee, via his/her chain-of-command.

2. Employees who have received approval to engage in other employment ensure that the amount of time spent working that employment does not affect their ability to perform their job duties at the Boulder County Sheriff's Office.

I. Compensation for Damages Sustained on Duty

1. Employees are not to seek, or accept, money or other compensation from any person or organization, for any injury or illness, sustained in the line of duty, except as it relates to the provisions of their private insurance, prior to consultation with their Division Chief.

J. Possession and Use of Controlled Substances

1. Employees are prohibited from unlawfully using or unlawfully possessing any federally controlled drug or substance.

2. Notwithstanding the provisions of Colorado Constitutional Amendment 20, Medical Marijuana, and Amendment 64 legalizing the limited use of marijuana, the use or non-duty related possession of marijuana is a violation of federal law, and is prohibited.

K. Exercise of Authority While on Suspension or Disciplinary Leave

1. Employees placed on administrative leave pending an IA investigation, or on disciplinary suspension, cannot wear the Sheriff's Office uniform, carry the Sheriff's Office badge or ID card, carry a concealed weapon — unless in possession of a current civilian concealed carry permit — or exercise the powers of a peace officer until authorized.

L. Truthfulness

1. Sheriff's employees are required to be honest and truthful in the execution of their duties and are not to knowingly depart from the truth in any official report, memo, investigation, testimony, or conversation with a supervisor.

M. Affiliations

1. Employees are prohibited from having any affiliation with any person or group that advocates insurrection, treason, anarchy, or the overthrow of the United States government through unconstitutional means, or purports the superiority of one race over another, and/or commits, or encourages the commission, of any act that constitutes a hate crime.

III. On-Duty Conduct

A. While on duty

1. Sheriff's Office employees are to conduct themselves in a manner that favorably reflects the spirit and letter of the Sheriff's Office mission and values. Equipment, performance and public appearance are to be displayed in such a way as to foster high public esteem and comply with the standards and policies of the Sheriff's Office.

B. Reporting for Duty

1. Employees report for duty at the time and place required by assignment, schedule or orders, including judicial subpoenas, notices of hearings, and off-duty law enforcement related employment.

2. An employee is required to be physically and mentally fit to perform all duties.

3. Employees ensure they are properly equipped and physically and mentally prepared for the performance of duty.

C. Neglect and/or Dereliction of Duty

1. Employees are not to engage in any activities or personal business that would cause neglect or inattention to duty. This includes, but is not limited to recreational reading, game playing, watching television or movies, accessing computer software or Internet based web sites, or otherwise engaging in personal entertainment.

a. Neglect also involves abuse of meal and break periods and/or failing to efficiently perform job tasks.

2. Employees are required to remain awake while on duty unless given permission by their supervisor to sleep. If an employee has difficulty staying awake the employee is responsible for making their supervisor aware of the

problem. In these circumstances, the supervisor has the authority to relieve the employee of duty when it is deemed necessary.

3. An employee must receive permission from his/her direct supervisor, or designee, prior to leaving or changing their duty assignment.

4. The abuse of the privilege of using Sheriff's Office communications equipment, including telephones, cell phones, computers, mobile data computers or similar devices by unreasonably using these devices for personal use is prohibited. Unreasonable use includes, but is not limited to, the excessive sending or receiving of personal text messages, e-mails, photographs, videos, or making personal calls on any Sheriff's Office communication device.

5. Employees must ensure that their participation and/or appearance in any media format, to include any Internet based site, (e.g. Facebook, YouTube, Instagram, Twitter, etc.) does not damage the employee's professional status, or is done in a way that could it be used to impeach or adversely affect the creditability of any person testifying in any court proceeding, or that reflects negatively upon the Sheriff's Office.

D. Performance

1. All employees are responsible for maintaining sufficient knowledge and competency skills to properly perform the duties and assume the responsibilities of their job assignment. Each employee performs their duties in a manner that will maintain the highest standards of efficiency and effectiveness while carrying out the functions and objectives of the Sheriff's Office.

2. An employee who willfully, or through cowardice, negligence or insubordination, fails to perform the duties and responsibilities of their rank and position is subject to immediate removal from duty pending disciplinary action.

3. Employees are responsible for ensuring that their conduct, on or off-duty, does not interfere with an ongoing Sheriff's Office investigation or operation.

E. Physical Appearance and Fitness for Duty

1. Employees are responsible for maintaining a level of physical fitness and conditioning to adequately perform the official duties and responsibilities of their current job assignment.

a. For commissioned personnel, this may require running, jumping, crawling, and using physical strength and endurance as is required to complete the current public safety task facing them.

2. An employee's personal appearance, and uniform or dress, must be in conformance with Sheriff's Office and divisional policy and/or standards.

F. Providing Assistance

1. Deputies are directed to render assistance, by any practical means, to any individual who may be in danger or distress, or otherwise in need of law enforcement assistance.

2. When any on duty Sheriff's employee is contacted by an individual who requests assistance, information, or reports an incident, the employee is responsible for promptly and properly acting upon the nature of the contact in conformance with Sheriff's Office and Division policies.

G. Impartiality

1. Sheriff's employees are responsible for performing their duties with impartiality and without bias toward any person regardless of the person's gender, age, ethnicity, religion, creed, sexual orientation, economic status, personal characteristics, or national origin.

H. Relationship with the Public

1. It is the policy of the Sheriff's Office that all employees interact in a courteous manner with the public and are tactful and restrained in the performance of their assigned duties. The expression of any prejudice concerning race, gender, religion, creed, politics, national origin, lifestyle, sexual preference, or other personal characteristics is prohibited.

2. Employees are expected to exercise patience and discretion and control their temper and not engage in argumentative discussions or malicious physical retaliation, even in the face of verbal provocation.

3. Employees receive complaints from members of the public in a courteous manner and promptly record and/or report to a higher authority within the Sheriff's Office, the complaint regardless of whether it refers to the employee, another employee, or an action of the Sheriff's Office.

a. Each complaint is processed as described in Sheriff's Office policy #318.

I. Absence Reports

1. When possible, employees personally report their absence prior to the start of their scheduled shift. Employees report their absence to their immediate supervisor or designee, and may be asked to supply a telephone number where the employee can be reached.

    a. Employees cooperate with the applicable HR sections of the county and the Sheriff's Office and provides documentation as requested to support FMLA leave.

2. Employees do not feign illness or injury, falsely report themselves ill or injured, or otherwise deceive, or attempt to deceive any employee of the Sheriff's Office as to the condition of their health or the reason(s) for their absence from work.

J. Processing found and evidentiary Property

1. Property or evidence which has been found, gathered or received in connection with Sheriff's Office responsibilities is handled in accordance with Sheriff's Office and Division procedures.

2. Employees are not authorized to transfer property or evidence obtained in conjunction with the exercise of duties and responsibilities of any Sheriff's employee, for their own, or another's use, or tamper with, destroy, or withhold any property or evidence, except through lawful court order, or established policies and procedures.

K. Use of Alcohol or Drugs

1. Employees are prohibited from consuming intoxicating beverages in any amount while on duty, except in the furtherance of a Sheriff's Office sanctioned training class or covert operation while acting under proper and specific orders from a supervising employee.

    a. Illegal drugs and substances are not authorized for use in any circumstance.

2. The use of any prescribed controlled substance that may affect an employee's ability to perform their assignment must be immediately reported by the employee to his/her immediate supervisor.

3. Off-duty employees who are called to respond to any public safety situation are responsible for self-reporting to the on-scene or requesting supervisor

when they believe that they will not able to perform the required duties because of an illness, level of intoxication, or other physical or mental condition.

4. Employees are not to consume alcoholic beverages to a level that results in behavior which discredits the Sheriff's Office or renders them unfit to report for their next shift of duty.

5. Employees do not publicly consume alcoholic beverages while wearing any apparel identifying themselves as a Sheriff's employee.

6. Deputies are prohibited from wearing or deploying any type of firearm when using alcoholic beverages or drugs at a level that is above the legal standard for being impaired.

L. Use of Tobacco

1. An employee who uses tobacco while on-duty is to do so in a manner that complies with Sheriff's Office and county policy.

2. Employees are not to use tobacco of any type while on-duty when in the presence of private citizens, during information taking functions, in private residences, or where the use of tobacco is not conducive to good officer safety practices.

M. Relationships with Inmates or Arrestees

1. Employees are required to inform their immediate supervisors when immediate family members or close friends are incarcerated in the Boulder County jail.

   a. An employee, while in an on-duty status or in uniform, may not furnish bail for any person

2. Employees are not to become romantically and/or sexually involved with any person in custody and are discouraged from becoming romantically or sexually involved with former inmates or known convicted felons.

   a. Employees involved in such a relationship are required to notify their immediate supervisor.

3. Employees are not to mistreat persons who are in their custody.

4. Employees are not to engage the services, borrow money or any type of property, or lend money or any type of property, to any inmate, arrestee, or detainee while that person is in the custody of the Boulder County Sheriff's Office.

N. Knowledge of Criminal Activity

1. In accordance with 18-8-115 C.R.S., employees have a duty to promptly make a report to the appropriate law enforcement agency when they have reasonable grounds to believe that a crime has been committed.

2. Employees are required to report to their immediate supervisor when they have reasonable grounds to believe a Sheriff's Office employee is, or has, engaged in criminal activity.

IV. Orders

A. Sheriff's employees are required to carry out a lawful order given by a Sheriff's Office supervisor, acting supervisor i.e. field training officer, temporary supervisor, or designated supervisor, i.e. ICS supervisor, on-scene supervisor, etc.

1. Supervisors are accountable for the performance of subordinates under their supervision.

B. Unlawful Orders

1. An employee in a supervisory role is not to issue any order or directive that they know, or should know, to be a violation of federal, state, or county law.

2. Employees are not required to obey any order they know, or should know, to be a violation of federal, state, or county law. If, in good faith, an employee is in doubt as to the legality of an order, a request is to be made to the supervisor for clarification of the order.

3. When an employee receives an unlawful order the employee is authorized to refuse to follow the order and is to report the incident as soon as practical to the next person in the chain of command or to their Division Chief.

C. Conflicting Orders

1. An employee that receives an order from a supervisor that conflicts with a Sheriff's Office or division policy, procedure, or a directive from another supervisor, must advise the person giving the order that there is a conflict. If

the employee giving the order insists that the order be followed, the order is to be followed.

a. Both the employee issuing the order and the employee receiving the order share the responsibility to report the conflict to the next person in the chain-of-command or to their Division Chief.

D. Manner of Issuing Orders

1. Orders and directives are issued in a clear and understandable language and only for the purpose of accomplishing Sheriff's Office business.

E. Insubordination

1. An employee is to promptly obey any lawful order. Failure to do so, subject to other governing regulations, is insubordination, which is prohibited. Insubordination includes, but is not limited to the following:

a. The deliberate refusal to obey a lawful order given by a ranking employee of the Sheriff's Office. This would include orders relayed to an employee from a supervisor via another employee.

b. Conduct that impairs the operation of the Sheriff's Office by interfering with the ability of supervisors to maintain discipline.

c. Speech or conduct toward a supervisor, which is discourteous, abusive, disloyal, profane, or threatening.

d. Conduct which is designed to undermine confidence in a supervisor, a supervisor's decision, or any Sheriff's Office policy.

V. Abuse of Law Enforcement Powers

A. A sworn employee is prohibited from abusing law enforcement powers.

B. An employee is not to make false accusations regarding any federal, state, or local law enforcement agency.

C. An employee is not to use more force than is necessary to control suspects, arrestees, or any other person.

D. An employee is not to make an arrest, conduct a search, or make a seizure, which the employee knows to be illegal.

E. An employee is not to make promises or arrangements with an arrestee, or between a victim and an arrestee, intended to permit the arrestee to escape prosecution, without the knowledge and approval of their supervisor and the Boulder County District Attorney, or the District Attorney's designee.

VI. Disciplinary Action

A. Disciplinary actions may be taken for specific violations of the Code of Conduct, other violations of the Policy and Procedures Manual, or any other acts detrimental to the good order and discipline of the Sheriff's Office.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURE MANUAL

SUBJECT: Bilingual Compensation Program **NUMBER:** 311

EFFECTIVE: July 30, 2019 **SUPERSEDES:** June 4, 2019

POLICY: It is the policy of the Boulder County Sheriff's Office to provide monetary compensation through the Boulder County Bilingual Compensation Program to sheriff's benefit-eligible personnel who display a proficiency in languages other than English and who avail themselves for translation purposes. The other than English ability must be in a language that benefits and supports the primary mission of the Sheriff's Office. Monetary compensation is tied to tested skill level and willingness to participate in the program rather than frequency of use.

RELATED POLICIES & PROCEDURES:
County Policy No. 4.10 – Bilingual Pay

DEFINITIONS:
[None]

PROCEDURE:

I. Program Administration

A. The Sheriff's Office participates in the Boulder County Bilingual Pay Program, which is designed to compensate benefit-eligible employees for use of bilingual skills in the course of their work.

B. While participating in the County's bilingual compensation program, the Sheriff's Office bilingual compensation policy supersedes the County's bilingual compensation policy.

C. The Sheriff's Office has not prescribed any job classification or job assignment as requiring bilingual skills, nor has it designated any job classification or job assignments with bilingual skills as being preferred. The intent of the Sheriff's bilingual compensation program is to compensate individual employees, regardless of job assignment or job classification, who are frequently called upon to use their bilingual skills in performance of their duties.

D. The Undersheriff is responsible to oversee the sheriff's bilingual compensation program.

II. Eligibility & Application

A. The sheriff's bilingual compensation program is limited to benefit-eligible sheriff's employees who are proficient in a language other than English. Eligible employees

may apply to the program upon successful completion of their initial field or other on-the-job training.

B. Eligible employees make application to the Undersheriff through their chain-of-command. The application memorandum must include the foreign language spoken, the approximate (self-reported) level of fluency according to the *Oral Proficiencies in the Workplace* matrix (Attachment A), approximate frequency of use, and an affirmation from the employee that they will avail themselves when their foreign language skills are needed.

III. Compensation

A. All program applicants are required to undergo written and oral testing in their identified foreign language using the County's assessment vendor prior to a compensation decision being made. The associated costs for written and oral testing are the responsibility of the Sheriff's Office or the County.

B. Upon receiving the results of the assessment, the Undersheriff determines the appropriate compensation in consideration of the following:

1. The American Council on the Teaching of Foreign Languages (ACTFL) "ILR" proficiency level determined through the external assessment.

2. The frequency of use of the foreign language.

3. The willingness of the employee to use their foreign language skill whenever needed or required, both in oral and written form.

C. The Undersheriff is responsible to notify the employee of the resulting compensation decision. Copies of the written decision are provided to the employee and the affected Division Chief, who is responsible for dissemination of the determination to the employee's chain-of-command.

D. ACTFL ILR Proficiency Levels of *Intermediate Low (1), Intermediate Mid/High (1+), and Advanced* (2 and 2+):

1. When used on a frequent basis (e.g., at least weekly), an employee at an *Advanced* level (or higher) is eligible for a 2% increase to base salary, an *Intermediate Mid/High* level is eligible for a 1.5% increase to base salary, and an *Intermediate Low* level is eligible for a 1% increase to base salary.

a. In the event an employee will reach and/or exceed the top of their range when any additional bilingual compensation is awarded, any

amount of the one-time increase that exceeds their job classification range will be paid as an annual lump-sum merit bonus.

2. When used on a periodic basis (e.g., less than weekly, but more than twice in the course of a month), an employee at an *Advanced* level or higher is eligible for a $100 monthly spot bonus, an *Intermediate Mid/High* level is eligible for a $75 monthly spot bonus, and an *Intermediate Low* level is eligible for a $50 spot monthly bonus.

    a. For an employee to receive a monthly stipend for periodic use of a foreign language, their supervisor must notify the affected Division Chief, in writing, of the employee's name, the general number of times they used their foreign language skills in the pay period, and the employee's tested proficiency level. No additional documentation is required beyond this general information.

    b. If approved, the Division Chief will forward the written request to Accounting or a divisional payroll coordinator for processing.

3. When used on an incidental basis (e.g., one time in a month or less), the employee may be compensated by a non-monetary spot bonus (e.g., gift card) by their supervisor.

E. ACTFL ILR Proficiency Levels of *Novice* (0):

1. There is no bilingual compensation available.

F. Reassessment

1. Eligible employees may only take the proficiency assessment at Sheriff or County expense once every 12 months.

2. Employees who tested at less than an *Advanced* (2 and 2+) level of proficiency or higher who believe their written and oral communication skills have improved to a greater level are eligible for reassessment in accordance with paragraph (1).

    a. Employees who test at a higher proficiency level through re-assessment are eligible for the increased compensation at the newly tested proficiency level as outlined in §III.C.

        1) Employees who have been awarded compensation for frequent use and received an increase in base pay as a

result are eligible for the remaining percentage increase between their old and new proficiency level.

Example: An employee formerly tested at an Intermediate Low (1) proficiency level and received a 1% increase to base and upon reassessment tested at a Intermediate Mid/High (1+) level is eligible for an additional 0.5% increase to base salary.

G. Reclassification of Frequency

1. Once employees are accepted into the bilingual compensation program, any increased compensation awarded is never reduced if a job transfer, promotion, or reclassification occurs that reduces their foreign language use (e.g., an employee goes from frequent use of their foreign language to periodic or incidental use by virtue of a job assignment change, the increase to base salary is not reduced).

2. If an employee accepted into the program and was classified as only using their foreign language skills on a periodic basis may petition the Undersheriff through their chain-of-command at any time for reconsideration when they can articulate they use their foreign language on a frequent basis.

IV. Expectations

A. Once accepted into the bilingual compensation program, an employee who received additional compensation for their foreign language skills are expected to continue to avail themselves as necessary.

B. If an employee decides that they no longer wish to be called upon to use their foreign language skills—oral, written, or both—they may resign from the bilingual compensation program. If the employee resigns from the program, the percent increase to base salary the employee received upon acceptance may be reduced from their current base salary at the discretion of the Undersheriff.

1. Benefit-eligible employees who resign from the program are not eligible for future participation in the program.

V. Record Keeping

A. The Undersheriff is responsible for ensuring a record is placed in the involved employee's personnel file documenting their acceptance into the program and the

additional compensation awarded, any reconsideration and compensation changes made as a result of the employee's reassessment, or a resignation from the program.

By Order of the Sheriff,

Joseph K. Pelle	7/29/2019 Date

ATTACHMENTS:
311-A ACTFL Oral Proficiencies in the Workplace Matrix

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ORAL PROFICIENCY LEVELS IN THE WORKPLACE

ACTFL Level	ILR	Language Functions	Corresponding Professions/Positions*	Examples of Who Is Likely to Function at This Level
Distinguished	**5** **4**	*Ability to tailor language to specific audience, persuade, negotiate. Deal with nuance and subtlety.*	Foreign Service: Diplomat, Contract Negotiator, International Specialist, Intelligence Specialist	• Highly articulate, professionally specialized native speakers • Language learners with extended (17 years) and current professional and/or educational experience in the target culture
Superior	**3**	*Discuss topics extensively, support opinions, hypothesize. Deal with linguistically unfamiliar situations.*	University Language Professor, Financial Services Marketing Consultant, Foreign Area Officer, Lawyer, Judge, Court Interpreter	• Well-educated native speakers • Educated language learners with extended professional and/or educational experience in the target language environment
Advanced High	**2+**	*Narrate and describe in past, present, and future. Deal effectively with an unanticipated complication.*	Physician, Human Resources Communications Consultant, Financial Services Senior Consultant, Quality Assurance Specialist, Marketing Manager, Financial Advisor, Broker, Military Linguist, Translation Officer	• Language learners with graduate degrees in language or a related area and extended educational experience in target environment
Advanced Mid			Banking and Investment Services Customer Service Representative, Fraud Specialist, Account Executive, Medical Interpreter, Patient Advocate, Court Stenographer, Court Interpreter, Human Resources Benefits Specialist, Technical Service Agent, Collections Representative, Estimating Coordinator	• Heritage speakers, informal learners, non-academic learners who have significant contact with language • Undergraduate majors with year-long study in the target language culture
Advanced Low	**2**		K–12 Language Teacher, Nurse, Social Worker, Claims Processor, Police Officer, Maintenance Administrator, Billing Clerk, Legal Secretary, Legal Receptionist, 911 Dispatcher, Consumer Products Customer Services Representative, Retail Services Personnel	• Undergraduate language majors
Intermediate High	**1+**	*Create with language, initiate, maintain, and bring to a close simple conversations by asking and responding to simple questions.*	Fire Fighter, Utilities Installer, Auto Inspector, Aviation Personnel, Missionary, Tour Guide	• Language learners following 6–8 year sequences of study (e.g., AP) or 4–6 semester college sequences
Intermediate Mid			Cashier, Sales Clerk (highly predictable contexts), Receptionist	
Intermediate Low	**1**			• Language learners following 4-year high school sequence or 2-semester college sequence • Language learners following an immersion language program in Grades K–6
Novice High	**0+**	*Communicate minimally with formulaic and rote utterances, lists, and phrases.*		• Language learners following content-based language program in Grades K–6
Novice Mid	**0**			• Language learners following 2 years of high school language study
Novice Low				

*The levels of proficiency associated with each of the positions above are minimal levels of oral proficiency based on task analyses. The minimal levels were determined by subject matter experts from companies and agencies who use ACTFL proficiency tests.

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SUBJECT: SUPERVISION OF RELATIVES **NUMBER:** 312

EFFECTIVE: February 14, 2008

POLICY:

In the interest of maintaining impartial employment practices, the Sheriff's Office has established a policy regarding the supervision of relatives within the agency.

Under all circumstances, a supervising employee will be excused from any decision regarding a relative's hiring, assignment, assessment, promotion, or discipline.

DEFINITIONS:

Direct Supervision: Direct supervision means the day-to-day oversight of an employee's work, assignments, and performance assessment.

Relative: A relative is defined as a parent, spouse, intimate partner, child, grandchild, grandparent, brother, sister, nephew, niece, aunt, uncle, and the in-laws of the same relationship.

PROCEDURE:

I. Authority to Employ a Relative

A. The sheriff's office permits the hiring and continued employment of immediate relatives of a current employee, with the understanding that under no circumstances may an employee work under the direct supervision of a relative.

1. This policy is temporarily suspended when extraordinary circumstances create a situation in which the direct supervision of a relative cannot be avoided.

a. In all such cases, there will be a review of the circumstances and decisions made that relate to the temporary suspension of this policy to ensure all appropriate options were considered or implemented before allowing the supervision of a relative to occur.

II. Job Assignment

A. Supervising employees and their relatives working within the same division or section shall be assigned to different shifts, squads, or responsibilities.

B. If, during the course of employment, a supervising employee marries or develops a relationship herein defined as a “relative”, with a subordinate employee where one did not previously exist, the supervising employee has a duty to notify their Division Chief of the change in relationship.

1. When this occurs one of the employees will be reassigned in a manner that is in compliance with this policy at the discretion of the affected Division Chief.

2. The reassignment of either or both employees is not considered disciplinary action nor is it intended to be punitive.

III. No Appeal of Decision

A. The decisions made regarding an employee’s job assignment are made at the discretion of the affected Division Chief and are not subject to appeal.

By order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

SUBJECT: WORKPLACE HARASSMENT, DISCRIMINATION AND RETALIATION **NUMBER:** 313

EFFECTIVE: July 3, 2012

POLICY:

It is the policy of the Boulder County Sheriff's Office to provide a positive work environment for employees. The Sheriff's Office will use its best efforts to prevent and/or eliminate all forms of discrimination, harassment, and/or retaliation. Discrimination, harassment and retaliation are an attack on the dignity of individuals and a violation of Sheriff's Office policy. It is also illegal under state and federal law.

Harassment, intimidation and/or unfair discrimination on the basis of race, color, religion, gender, gender identity, disability, socio-economic status, sexual orientation, age, national origin or genetic information will not be tolerated. All reports alleging harassment, discrimination, and/or retaliation as defined in this policy shall be investigated.

It is not a violation of this policy to consider the gender of a deputy when determining assignments involving supervision and searches of prisoners or other assignments where the nature of the assignment reasonably favors a particular gender.

This policy applies to all employees of the Sheriff's Office. It allocates responsibilities for helping to ensure that Sheriff's Office policy is fairly applied, explains the processes by which complaints of discrimination, harassment, and/or retaliation may be brought forward, and provides sanctions for discrimination, harassment, and/or retaliation which may range from reprimands to termination.

DEFINITIONS:

Adverse Action: Adverse actions are employment actions such as termination, refusal to hire, and denial of promotion. Other actions affecting employment such as threats, unjustified negative evaluations, unjustified negative references, and/or increased surveillance, and any other action such as assault, or unfounded civil or criminal charges that are likely to deter a reasonable person from pursuing his or her rights. Adverse actions do not include petty slights and annoyances, such as stray negative comments in an otherwise positive or neutral evaluation; "snubbing" a colleague; or, negative comments that are justified by an employee's poor work performance or history.

Discrimination: Discrimination occurs when employment decisions are based on stereotypes or assumptions about the abilities, traits, or performances of individuals based on race, color, religion, gender, gender identity, disability, socio-economic status, sexual orientation, age, national origin or genetic information.

Harassment: Harassment is unwelcome conduct that is based on race, color, religion, gender, gender identity, disability, socio-economic status, sexual orientation, age, national origin or genetic information. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassment can be verbal, visual, physical, or communicated in writing or electronically.

Sexual Harassment: The Sheriff's Office has adopted the Equal Employment Opportunity Commission (EEOC) definition of sexual harassment:

Sexual Harassment is defined as any unwelcome sexual advance, request for sexual favor, or other verbal or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment,

2. Submission to or rejection of such conduct by an individual is used as the basis, or threatened to be used as the basis, for employment decisions or assessments affecting an individual, or

3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive environment for work.

Retaliation: Retaliation occurs when an employer takes an adverse action against an individual because he or she engaged in a protected activity. An adverse action is an action taken to try to keep someone from opposing a discriminatory practice or from participating in an employment discrimination proceeding.

PROCEDURE:

I. Individual Employee Responsibilities

A. Individual employees are responsible for conducting themselves in a manner that maintains a work place free of workplace harassment, discrimination, and retaliation.

II. Supervisory Responsibilities

A. Supervisors are responsible for taking action to prevent harassment, discrimination, and/or retaliation in the work place and for taking appropriate action in any incident of observed or reported workplace harassment, discrimination, and/or retaliation. Supervisors are responsible for promptly reporting any incident of workplace harassment, discrimination and/or retaliation to their Division Chief, Undersheriff or the Sheriff.

III. Reporting of Workplace Harassment, Discrimination, and/or Retaliation

A. The Sheriff's Office can respond to a specific instance or allegation of workplace harassment, discrimination and/or retaliation only if it is aware of an occurrence. Therefore, the Sheriff's Office encourages anyone who believes that she or he has experienced or witnessed workplace discrimination, harassment, and/or retaliation to file a complaint.

B. Any employee who believes that she or he has been subject to workplace harassment or subject to discrimination has a number of options. The employee may file a complaint with any of the following:

1. The employee's immediate supervisor or any available supervisor.

2. The employee's supervisor's supervisor.

3. The employee's Division Chief.

4. The Sheriff or Undersheriff.

5. County Human Resources.

C. Employees may leave an assigned post if they believe it is reasonably necessary for their personal safety or to avoid additional contact with the accused person. An employee who leaves an assigned post in such circumstances must report the situation immediately to their direct supervisor or higher authority.

D. Upon notice of a complaint involving potential discrimination, harassment, and/or retaliation, the employee receiving the complaint shall promptly document the complaint and route the documentation to his or her direct supervisor or Division Chief.

1. The affected Division Chief is to be notified of the complaint as soon as possible.

2. Supervisors receiving reports are to take appropriate action to protect potential or alleged victims from continued contact with the alleged perpetrator of harassment, discrimination, and/or retaliation. Such actions are to be taken in a manner that does not penalize the accuser.

3. Upon notice of a complaint involving potential discrimination, harassment, and/or retaliation the Sheriff's Office will ensure prompt investigation of the complaint. The Sheriff's Office will strive to protect the confidentiality of all aspects of the investigation; however, the Sheriff's Office cannot guarantee confidentiality. All employees are expected to cooperate with investigators during the course of an investigation of discrimination, harassment, and/or retaliation.

E. The Sheriff's Office will not tolerate retaliation or discrimination against persons, who in good faith, report or charge discrimination or harassment or against those, who in good faith, testify, assist, or participate in any investigation, proceeding, or hearing involving a complaint of discrimination or harassment. Any retaliation – or any encouragement of another to retaliate – is a serious violation of Sheriff's Office policy and law, independent of whether the particular claim of discrimination or harassment is substantiated. If an employee believes he or she has been subjected to retaliation in violation of this rule, the employee may use the procedures described in Section III.B, above.

IV. Obligation to Report

A. Any supervisor who becomes aware of instances or allegations of workplace harassment, discrimination, and/or retaliation by or against any employee of the Sheriff’s Office must initiate a report. The report is to be given or transmitted to the supervisor’s supervisor as soon as practical unless that supervisor is the subject of the complaint. In that case, the report is to be given to a Division Chief, Undersheriff or the Sheriff.

1. A supervisor who fails to report an instance, or an allegation, of workplace harassment, discrimination, and/or retaliation may be subject to disciplinary action.

B. Any employee who becomes aware of information indicating a significant likelihood of workplace harassment, discrimination, and/or retaliation must report it to either their immediate supervisor or other authority as described in Sec. III, B. 1-6 of this policy.

V. Investigation and Discipline

A. The Sheriff or Undersheriff assigns reports of workplace harassment, discrimination, and/or retaliation to the appropriate investigator(s) given the nature of the allegation.

1. The Director of County Human Resources is notified of the particulars of all workplace harassment, discrimination, and/or retaliation complaints.

2. At the discretion of the Sheriff the investigation of the complaint may be assigned to a Sheriff's investigator or given to the Director of County Human Resources for assignment.

B. Employees who violate any portion of this policy are subject to disciplinary action in accordance with Sheriff's Office policy.

VI. Records Keeping

A. Records of investigations of workplace harassment, discrimination, and/or retaliation complaints are deemed to be Internal Affairs records and are maintained by the Sheriff in accordance with policy #318.

By Order of the Sheriff,

_____ _____

Joe Pelle, Sheriff Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURE MANUAL

SUBJECT: Extra-Duty, Off-Duty and Secondary Employment **NUMBER:** 314

EFFECTIVE: August 14, 2018 **SUPERSEDES:** January 18, 2007

POLICY:

It is the policy of the Boulder County Sheriff's Office to allow employees to work extra duty jobs and to permit employees to work part-time jobs. It is Sheriff's Office policy that the employee's job with the Boulder County Sheriff's Office is the employee's primary job. Employees working off-duty employment are at all times employees of the Boulder County Sheriff's Office and fall under the general rules, expectations, and policies of the Boulder County Sheriff's Office.

No sheriff's deputy or employee may enter into a contract to serve as a broker for services of sheriff's deputies through which a commission or any part of the deputy's salary is paid to the broker.

Part-time employees are subject only to the conflict of interest provisions of this policy, as their employment outside of county government is acknowledged as their primary jobs.

DEFINITIONS:

Conflict of Interest: Any job determined by the Sheriff, Undersheriff, or Division Chief to have a conflict with the duties or responsibilities of an employee of the Boulder County Sheriff's Office.

Extra-Duty: Any secondary job where the employee must be a state certified peace officer and will be acting under the color of their authority as Boulder County Sheriff's deputy.

Off-Duty Employment: Employment by a second employer, including any self-employment, for which an employee is doing work that is unrelated to their Sheriff's Office duties.

Secondary County Employment: Voluntary and optional work for either the Sheriff's Office or Boulder County on a part-time and sporadic basis in a different capacity from which the employee is regularly employed.

PROCEDURE:

I. Restrictions

A. The Sheriff's Office will not engage in or authorize any extra-duty or off-duty employment or job assignments in which there is a conflict of interest. Conflicts of interests may include, but are not limited to:

1. Any job where illegal activity is a function of the organization.

2. Any job at an establishment that is primarily a bar or seller of alcoholic beverages.

3. Any off-duty job where the employer requires enforcement of any federal or state laws as a function of the job, or requires a peace officer certification or powers as a condition of employment.

    a. Mutual aid requests from another law enforcement agency and authorized contracted extra-duty assignments are excepted.

4. Any job where the employer seeks access to any files or records through the Sheriff's Office.

5. Any job with a collection agency, process serving agency, or private investigation agency.

6. Employment as a security guard at any establishment or in connection with any industry, including during the period of a strike affecting any of the workers connected with that industry.

7. Any establishment that dispenses marijuana or marijuana-infused products.

8. Any off-duty job that involves being armed as a condition of employment.

B. Deputies are not authorized to work in any off-duty employment capacity in which a peace officer certification or peace officer powers are a condition of employment.

II. Off-duty Employment

A. The Sheriff and Division Chief – or in the case of the Administration Division, the Undersheriff – is required to grant written permission before an employee is authorized to engage in off-duty employment.

1. Requests to work non-law enforcement part-time jobs are submitted in writing, specifically stating the duties required, for approval. If the Division Chief/Undersheriff approves the request, it is forwarded to the Sheriff for final approval.

    a. Hours of part-time employment cannot conflict with duty assignments.

    b. The employee's Division Chief may limit the number of off-duty hours a full-time employee works.

c. Employees are not authorized to use Sheriff's Office property or vehicles as implements to facilitate off-duty employment.

d. An employee's part-time job is not to conflict with the employee's responsibilities to the Boulder County Sheriff's Office.

III. Extra-Duty Program

A. The Sheriff's Office's Extra-Duty Program is administered by the Operations Division Chief, in consultation with the Sheriff, as needed.

B. The policies and procedures for the Extra-Duty Program are maintained by the Operations Division (cf. *OP114 Extra-Duty*).

IV. FLSA Status for Extra-Duty, Off-Duty, and Secondary County Employment

A. OFF-DUTY EMPLOYMENT: Voluntary and optional off-duty employment by personnel for a second employer doing work, which is unrelated to their Sheriff's Office duties, does not impact their FLSA status. Pay for each off-duty job is computed separately from the employee's work and pay as a county employee.

B. EXTRA-DUTY EMPLOYMENT: Voluntary and optional extra-duty employment by personnel for a second employer doing work, which is related to their Sheriff's Office duties, is not considered joint employment by a single employer. Pay for each job is computed separately.

a. Hours worked in the extra-duty job are considered separately from hours worked in the employee's primary job, and are compensated at the hourly contract rate set for that extra-duty job.

C. SECONDARY COUNTY EMPLOYMENT: Voluntary and optional work for either the Sheriff's Office or Boulder County on a part-time and sporadic basis in a different capacity from which the employee is regularly employed is permissible (e.g., a deputy working part-time as a dispatcher, an animal control specialist working part-time in the Jail Division as a civilian or hourly deputy, etc.).

a. Hours worked in the second capacity are considered separately from hours worked in the primary job, and are compensated at the hourly rate set for the secondary job. The employee's primary job hours are not considered as hours worked when determining overtime pay for the secondary county employment. Secondary employment hours stand alone in determining overtime pay calculations for the secondary employment classification, just as primary job assignment

hours do in their classification.

D. Unless classified as executive exempt employees under FLSA, employees may not volunteer to perform any of the same tasks done as part of their regular job for a private organization, non-profit, or the County.

E. Deputies may volunteer their time, as they choose, without pay or compensation, to work for a non-Sheriff's Office cause or entity doing non-law enforcement, non-uniformed tasks that are outside of their primary or secondary employment job duties.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle Date

SUBJECT: ENDING EMPLOYMENT **NUMBER:** 315

EFFECTIVE: January 18, 2007

POLICY:

It is the policy of the Boulder County Sheriff's Office to facilitate the ending of employment in an efficient and effective manner.

PROCEDURE:

I. Reasons for Ending Employment:

A. Resignation

1. The Sheriff's Office expects a minimum of two weeks notice when an employee resigns. The employee's termination date is the last day worked. Vacation and sick leave cannot be used to extend the period of employment.

a. Resignations with less than two weeks notice may result in a recommendation not to re-hire.

B. Dismissal/Termination

1. Employees may be dismissed as a result of disciplinary action or upon the determination of the Division Chief that the employee has not successfully completed the probationary period.

C. Lay Offs/Reduction in Staff

1. In the event that the Sheriff's Office should have to reduce the work force due to funding reductions, seniority and work performance will be taken into consideration.

2. When circumstances permit, an employee who would otherwise be laid off may be transferred to an open position in another division or reduced in classification to fill another open position.

3. The Sheriff has the final decision as to when a reduction has to occur. When possible, each effected employee will receive a thirty-day written notice of a pending lay off.

4. After a lay off, when full time positions become available, they may be offered to employees who have been laid off on a seniority basis if they are otherwise qualified for the position.

5. A reduction in force is not a disciplinary action and hence is not subject to appeal or grievance procedures.

D. Retirement

1. Employees are eligible for retirement benefits in accordance with the Boulder County pension plan. Contact should be made with the Sheriff's Office Personnel Section or County Human Resources for details on retirement.

E. Death

1. If an employee dies, the Sheriff's Office Personnel Section and County Human Resources work with the individual employee's survivors to insure that the final paycheck, insurance benefits, and all required forms are completed correctly and the family expeditiously receives payment of benefits.

II. Separation Guidelines

A. Employees resigning or retiring from the Sheriff's Office coordinate the return of all sheriffs' equipment with their immediate supervisor.

1. Any money owed the County or Sheriff's Office may be deducted from the employee's final paycheck.

2. Employees ending employment for any reason must return any Sheriff's Office and/or County property issued to them or in their possession. The employee's final paycheck will not be paid until all such property is returned to the Sheriff's Office.

B. Upon receipt of notice of termination, the personnel section will contact the terminating employee and schedule an exit interview.

C. Final pay is determined in accordance with current County personnel policy

1. Employees are not paid for County designated paid holidays that occur after the ending employment date nor are they paid for unused floating holidays.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: INJURY AND ILLNESS - MODIFIED DUTY **NUMBER:** 316

EFFECTIVE **July 6, 2016** **Supersedes** June 22, 2007

POLICY:

When an employee suffers an injury or illness that prevents the employee from performing the duties for which he or she was hired, it is the policy of the Boulder County Sheriff's Office to administer personnel actions and assignments in a manner that is consistent with related policies and procedures contained in this section, the Boulder County Personnel Manual, and applicable State and Federal law.

In the event that there is a conflict between this policy and Boulder County policy, Boulder County policy takes precedence.

DEFINITIONS:

Modified Duty: A temporary duty assignment that may be different from the employee's regular or original job responsibilities and may be designed to accommodate an employee's current medical condition. The employee is compensated at his or her regular salary and benefits while in this assignment.

On-the-job Injury: Where, at the time of the injury, the employee is performing service arising out of and in the course of the employee's employment, and the injury or death is proximately caused by an injury or occupational disease arising out of, and in the course of, the employee's employment and is not intentionally self-inflicted.

FTE: Full Time Equivalent employee, salaried with benefits.

Part-time employee: An employee hired to work fewer hours than is required to be "full-time" within the designated FLSA work period based on his or her exemption status.

PROCEDURE:

I. Leave Due to Illness or Injury

A. An employee is afforded certain benefits by virtue of being employed with Boulder County that provides various types of coverage in the event of illness or injury.

1. The benefits are set by the Board of County Commissioners and are administered through the county Human Resources department and Risk Management.

B. A Sheriff's Office employee is responsible for informing his or her direct supervisor of any injury or illness that will affect the employee's ability to perform their assignment, whether or not the illness or injury occurs on duty.

C. The affected employee uses the appropriate type of benefit applicable to their individual situation in accordance with the applicable Sheriff's Office and/or county policy.

1. All absences of three days or more days that are taken as a result of personal or family medical issues, and that qualify for FMLA protection are to be treated as FMLA leave.

II. Modified Duty Assignment

A. Division Chiefs are authorized to assign an employee to a temporary modified duty assignment under the following circumstances:

1. The employee's medical condition is likely to be resolved within specified time constraints in a way that will allow the employee to return to his/her full duty assignment.

2. The employee has received a clearance from his/her attending physician to return to work with restrictions and the restrictions can be accommodated in the short-term within Sheriff's Office duty options.

3. An interactive discussion occurs between the employee and his/her Division Chief regarding the temporary modified duty assignment. This discussion includes, but is not limited to the following:

a. The type, duration and location of the modified duty assignment.

b. The work restrictions imposed by the employee's doctor.

c. The work restrictions imposed by the Sheriff's Office to ensure compliance with the doctor's described restrictions.

d. The circumstances that may cause a re-structuring of the modified duty assignment, i.e. medical recovery advancements or delays, new or different Sheriff's Office work needs, etc.

B. When an employee is cleared for modified duty by a physician the employee's Division Chief may order the employee to modified duty rather than place the employee on paid injury leave.

III. Return to Full Duty

A. An employee who is able to return to full duty in the job for which they were hired within the applicable time period as prescribed by county policy is returned to the same or equivalent position as the one they held on the day of the onset of the injury or illness.

1. Employees are required to provide the Sheriff's Office with a doctor's opinion that they are cleared to return to full duty for any injury or illness that is seven days or longer in duration.

B. A deputy who has been on injury leave may be required to successfully pass the physical essential job demand (EJD) test prior to returning to full duty.

1. The deputy's Division Chief has the authority to require that a deputy take and pass the EJD test when he/she has information that the deputy's medical condition was such that a reasonable person would conclude that the deputy's capability to perform the required physical aspects of their primary duty assignment were diminished by the nature of the illness and/or injury.

IV. Inability to Return to Duty

A. An employee who has exhausted all afforded benefits but is unable to return to work and perform the job duties for which he or she was hired or last assigned may be terminated or permanently reassigned.

B. Reassignments occur when an employee is unable to meet the essential job demands of his or her current position but is considered capable of performing in another position.

1. Reassignments are not disciplinary but rather an adjustment required because the employee is incapable of doing his or her current job.

2. If an employee is reassigned his or her salary falls within the pay range of the new position and classification.

.

C. Terminations that occur because an employee is unable to continue working due to a medical condition or injury are not considered disciplinary or punitive. Rather, the action is necessary when the employee is incapable of doing the job for which the person was hired and does not have the skills, or is unwilling to perform, in a different position, or there is no position available for which the employee is qualified.

V. Exemption from this Policy

A. An employee suffering from an on-the-job injury or medical condition that does not affect their ability to perform normal job functions in their assigned role is not subject to this policy.

VI. Pregnancy and Maternity/Paternity Leave

A. Pregnancy is handled like any other medical condition for purposes of leave and modified duty. The decision of when to begin pregnancy leave is between the employee and her physician.

B. Parents of newborn children, or parents of newly adopted children, are eligible for leave provisions as described in county policy.

VII. Oversight Responsibility

A. All medical leave issues and proposed dispositions, including, but not limited to FMLA, modified duty, permanent or temporary work accommodations and on-the-job injuries are to be channeled to the Undersheriff prior to a final disposition.

B. The Undersheriff reviews the circumstances and proposed dispositions and ensures consistency within the Sheriff's Office and that there has been appropriate and timely notifications, as needed, to Sheriff's Office Personnel Section, County Human Resources, and the County Attorney's Office.

By order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Honor and Recognition Awards **NUMBER:** 317

EFFECTIVE: August 6, 2019 **SUPERSEDES:** September 4, 2018

POLICY: It is the policy of the Boulder County Sheriff's Office to officially acknowledge exceptional performance, acts of heroism, bravery or self-sacrifice, or specific acts that significantly contribute to the fulfillment of the Sheriff's mission by Sheriff's employees, volunteers, and members of the public, and public safety employees from other agencies. This recognition or acknowledgment is accomplished in a variety of ways, and this policy is not intended to limit other forms of recognition that may not be described herein.

DEFINITIONS:

In the Line of Duty: Any action that a deputy is obligated or authorized by law, rule, regulation, written condition of employment service to perform, or for which the deputy is compensated by the Boulder County Sheriff's Office.

Killed in the Line of Duty: A deputy or employee who died as a direct and proximate result of an injury sustained in the line-of-duty. This includes victim deputies who, while in an off-duty capacity, act in response to a law violation.

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

Sheriff's Employee: For this policy, "sheriff's employee," is any individual who is an FTE, part-time, or hourly employee, or volunteer, for the Boulder County Sheriff's Office.

PROCEDURE:

I. Classification of Awards

A. **CLASS I AWARDS** are given in recognition of heroism, life-saving, or meritorious service, based upon individual merit.

Appurtenances: A five-pointed silver colored star, 3/16 inch diameter, affixed to the medal or ribbon to denote the award of additional and subsequent awards of the same medal or ribbon.

1. Medal of Valor: Medal and ribbon, plus $500 merit bonus. The *Medal of Valor* is awarded to any Sheriff's employee who performs an act of extreme personal bravery or self-sacrifice in the line of duty. The

performance clearly distinguished the individual from his or her peers and involved risk of life or serious injury to the nominee. Ribbon: Red, white and blue with gold colored "V" in the white segment.

2. Silver Star: Medal and ribbon, plus $400 merit bonus. The *Silver Star* is awarded to any Sheriff's employee who performs an act of gallantry in the line of duty. The required gallantry, while of a lesser degree than that required for the Medal of Valor award, is performed with marked distinction that clearly distinguishes the individual from his or her peers and involved a risk of serious injury to the nominee. Ribbon: Red, white and blue, and a silver-colored seven-point star in the white segment.

3. Bronze Star: Medal and ribbon, plus $300 merit bonus. The *Bronze Star* is awarded to any Sheriff's employee who distinguishes themselves through heroism, exceptional achievement, or exceptional service in any single public safety event or incident. Ribbon: Copper, Gold, Copper.

4. Purple Heart: Medal and ribbon, plus $500 merit bonus. The *Purple Heart Medal* is awarded to any Sheriff's employee who is killed or seriously injured in the line of duty. A Purple Heart is awarded to the closest relative of each person entitled to a posthumous award. Ribbon: Purple

5. Meritorious Service: Medal and ribbon, plus $250 merit bonus. The *Meritorious Service Medal* is awarded to any Sheriff's employee who distinguished him or herself by exceptional and meritorious service to the Sheriff's Office over a period of several years. Ribbon: White and Blue.

6. Life-Saving: Medal and ribbon, $250 merit bonus. The *Life Saving Medal* is awarded to any Sheriff's employee who, in the line of duty, took rescue, physical or medical intervention actions that directly saved a person's life. Ribbon: White and Red.

7. Operations Deputy of the Year: Engraved Plaque, plus $250 merit bonus. The *Operations Deputy of the Year Plaque* is awarded to a deputy assigned to the Operations Division who distinguished him or herself by exceptional service during the year of the award. Ribbon: Blue, Yellow, Blue.

8. Jail Deputy of the Year: Engraved Plaque, plus $250 merit bonus. The Jail Deputy of the Year Plaque is awarded to any deputy assigned to the jail who distinguished him or herself by exceptional service during the year of the award. Ribbon: Blue, Yellow, Blue.

9. Support Services Employee of the Year: Engraved Plaque, plus $250 merit bonus. Support Services Employee of the Year Plaque is awarded to any employee assigned to the Support Services Division who distinguished him or herself by exceptional service during the year of the award. Ribbon: Blue, Yellow, Blue.

10. Non-Commissioned Employee of the Year: Engraved Plaque, plus $250 merit bonus. Non-Commissioned Employee of the Year Plaque is awarded to any non-commissioned employee who distinguished him or herself by exceptional service during the year of the award. Ribbon: Blue, Yellow, Blue.

B. **CLASS II AWARDS** are given in recognition of exemplary performance above and beyond what is normally expected. To qualify the performance is clearly exceptional and distinguished the individual from his or her peers. These awards may be awarded to more than one individual.

1. Distinguished Service Award: A uniform ribbon, framed certificate, and $200 merit bonus. The *Distinguished Service Award* may be awarded to any Sheriff's employee who provides distinguished or outstanding achievement in the line-of-duty, in multiple ways or actions, throughout a year, and above and beyond that which is required for a *Sheriff's Certificate of Commendation*. Ribbon: Green, Silver, White, Silver, Green.

2. Distinguished Unit Citation: Citation to the Unit and uniform ribbon to individuals. The *Distinguished Unit Citation* is awarded to the members of a special unit of the Sheriff's Office when the members collectively distinguished themselves with heroism, exceptional achievement, or exceptional service. Ribbon: Blue, Gold, White, Gold, Blue.

   Note: To be eligible to wear the Distinguished Unit Citation Ribbon, the individual had to be a member of the unit or team at the time of the event and must have participated with the team in a fashion that made a direct and discernable contribution to the outcome of the circumstance for which the unit or team is being awarded the citation.

3. Sheriff's Teamwork Award of Excellence: Framed certificate for display and certificate to each individual. The *Sheriff's Teamwork Award* is given to any group of three or more Sheriff's employees, and any non-employee members of the team, whose collective performance creates noteworthy, measurable results, that epitomize any portion of the mission and values of the Sheriff's Office, and distinguishes the group's efforts.

4. Volunteer of the Year: Engraved Plaque. Volunteer of the Year Plaque is awarded to any Reserve, Explorer, or Volunteer who distinguished him or herself by exceptional service to the Sheriff's Office during the year of the award.

5. Reserve Deputy of the Year: *Reserve Deputy of the Year* plaque is awarded to any reserve who distinguished him or herself by exceptional service to the Sheriff's Office during the year of the award.

6. Roy & Goldie Fling Award: An award given to the reserve deputy who best demonstrated the tradition of care, compassion, and commitment to community service established many years ago by "Special Deputies of nearly 30 years", the late Reserve Deputy Roy Fling and his wife, and fellow Reserve Deputy Goldie Fling. A minimum service period of 15 years is necessary for nominee consideration.

7. Pat Hoffman Award: Certificate mounted on plaque. The *Pat Hoffman Award* is bestowed to a Community Assistance Program volunteer who exemplifies the highest core characteristics that defined Pat's legacy of 28 years of selfless service. A minimum service period of 15 years is necessary for nominee consideration.

C. **CLASS III AWARDS** are given in recognition of outstanding service or achievement of a lesser degree than required for Class II Awards. These awards are also given in recognition of outstanding achievement for reserves, explorers, volunteers or civilians. Class III Awards may be approved by the division chief (Sheriff's Commendation, Volunteer Excellence Award), but require the Sheriff's concurrence and signature.

1. Sheriff's Commendation: Certificate mounted on a plaque. A Sheriff's employee is eligible to receive a *Sheriff's Commendation* when the employee is nominated for distinguished or outstanding achievement in the line of duty during the year of the award.

   a. A non-employee is eligible to be nominated to receive a *Sheriff's Commendation* when that person distinguishes him or herself by an action that helped in the delivery of services in a public safety event, or for a specific act that enhanced the effectiveness of the Sheriff's Office during the year of the award.

2. K9 Service Award: The *K9 Service Award* may be awarded to any Sheriff's Office Canine Unit team—a handler and canine—to commemorate a single distinguishing service act or dedicated service over many years.

3. Volunteer Excellence Award: Certificate mounted on a plaque. A *Volunteer Excellence Award* is given to a reserve, explorer or volunteer who distinguished him or herself by outstanding service during the year of the award.

4. Longevity Service Awards: Lapel Pins/Uniform Ribbon. The Longevity Pin is given to Sheriff's employees and volunteers in recognition of employment with the Boulder County Sheriff's Office and service to the citizens of Boulder County. The lapel pin is awarded at increments of five years, beginning on the employee's fifth anniversary of employment or service, and continuing until the individual ends their employment or service. The years of service do not have to be continuous.

    a. The Personnel Section periodically submits the names of eligible employees or volunteers to the Sheriff.

    b. Uniformed personnel are authorized to wear longevity hash marks on the left sleeve of their Class A uniform. Each hash mark is awarded in increments of five years and may be calculated upon sworn career service, not simply sworn service to the Sheriff's Office.

5. Employee of the Month (EOM) Award: The *Employee of the Month Award* may be awarded to any Sheriff's employee who demonstrates excellence of character, excellence in their job role, or other notable conduct worthy of recognition. Nominations for the *Employee of the Month Award* are considered after the completion of the month for which the character or performance being recognized occurred (e.g., June EOM nominations are considered in July, etc.).

    a. Department EOM: A Sheriff's Office gift imprinted with the employee's name and month/year of the award, or printed acknowledgement of the award, and a $250 merit bonus.

    b. Divisional EOM: Recognition format is division-specific, but includes a $150 merit bonus.

II. Award Recommendations

A. Any Sheriff's Office employee may recommend another employee as a candidate for any award. The circumstances of a particular act, service, or contribution to Sheriff's Office objectives must meet the criteria of the particular award as described in this policy.

1. The nomination form and report detailing the reasons for the recommendation are forwarded to the Sheriff through the nominated employee's chain-of-command.

B. An employee of another public safety agency is eligible for a Sheriff's Commendation, and a nomination for the appropriate award in that person's home agency, when that employee performs an action while assisting this Office in a mutual aid capacity, which would qualify him or her for an award, listed in this policy.

C. The Sheriff and his Executive Staff are the approval authority for all Class I and Class II Awards and are reviewed as needed.

D. Although division chiefs are the approval authority for Class lll Awards, the Sheriff's review and signature is required. Class III Award nominations are reviewed as needed.

III. Presentation of Awards

A. Class l Award recipients are notified upon approval and are presented the respective uniform ribbon or appurtenances, as appropriate, for immediate wear.

1. The medal is conferred to the employee at the annual awards ceremony.

B. Class ll Award recipients are recognized during the annual awards ceremony.

C. Class III Award recipients are recognized throughout the year at any Sheriff's Office meeting or function.

By Order of the Sheriff,

Joseph K. Pelle

Joseph K. Pelle

8/6/2019

Date

Boulder County Sheriff's Office

JOE PELLE
Sheriff

AWARD NOMINATION FORM

DATE SUBMITTED: Click here to enter text.

AWARD TITLE: **Click here to enter text.** *(One form per nominee, group awards excepted.)*

NOMINEE: ☐Employee ☐Non-Employee

NOMINEE(S**)**:**Click here to enter text.**
(Include rank/title for employee nominations, and confirm spelling of nominee name)

NOMINATED BY:Click here to enter text.

NON-EMPLOYEE CONTACT INFORMATION (address/phone/email/agency if applicable):
Click here to enter text.

JUSTIFICATION: *Attach a description of the circumstances that qualifies your nominee for the award. Include the dates of the act(s) or service, related case number, and other pertinent information. Succinct, meaningful nominations of 800 words or less are be reviewed during the nomination process.*

DIVISION OF NOMINEE: Click here to enter text.

REVIEWED BY SUPERVISOR(s): _____ DATE: _____

REVIEWED BY COMMANDER: _____ DATE: _____

☐ REVIEWED or ☐ APPROVED:

DIVISION CHIEF: _____ DATE: _____

Class III awards may be approved by the division chief, but require the Sheriff's signature. Class I and II awards require executive review, and sheriff approval.

EXECUTIVE STAFF REVIEW AND/OR SHERIFF APPROVAL REVIEW DATE: _____

☐ APPROVED AS NOMINATED

☐AMENDED: _____

☐ NOT APPROVED. Commments:_____

SHERIFF: _____ DATE: _____

FOR POST-APPROVAL PROCESSING ONLY:

BONUS: Y or N AMOUNT: $_____ DATE TO PERSONNEL:_____

AWARD NOMINATION JUSTIFICATION NARRATIVE

Award Descriptions Reference (Do Not Attach)

Class I Awards:

Purple Heart: The Purple Heart Medal is awarded to any Sheriff's employee who is killed or seriously injured in the line of duty. A Purple Heart is awarded to the closest relative of each person entitled to a posthumous award.

Medal of Valor: The Medal of Valor is awarded to any Sheriff's employee who performs an act of extreme personal bravery or self-sacrifice in the line of duty. The performance clearly distinguished the individual from his or her peers and involved risk of life or serious injury to the nominee.

Silver Star: The Silver Star is awarded to any Sheriff's employee who performs an act of gallantry in the line of duty. The required gallantry, while of a lesser degree than that required for the Medal of Valor award, is performed with marked distinction that clearly distinguishes the individual from his or her peers and involved a risk of serious injury to the nominee.

Bronze Star: The Bronze Star is awarded to any Sheriff's employee who distinguishes themselves through heroism, exceptional achievement, or exceptional service in any single public safety event or incident.

Meritorious Service: The Meritorious Service Medal is awarded to any Sheriff's employee who distinguished him or herself by exceptional service to the Boulder County Sheriff's Office over a period of several years.

Life Saving: The Life Saving Medal is awarded to any Sheriff's employee who, in the line of duty, took rescue, physical or medical intervention actions that directly saved a person's life.

Operations Deputy of the Year: The Field Operations Officer of the Year Plaque is awarded to a deputy assigned to the Operations Division who distinguished him or herself by exceptional service during the year of the award.

Jail Deputy of the Year: The Jail Officer of the Year Plaque is awarded to any deputy assigned to the jail who distinguished him or herself by exceptional service during the year of the award.

Support Services Employee of the Year: Support Services Employee of the Year Plaque is awarded to any employee assigned to the Support Services Division who distinguished him or herself by exceptional service during the year of the award.

Non-Commissioned Employee of the Year: Non-Commissioned Employee of the Year Plaque is awarded to any non-commissioned employee who him or herself by exceptional service during the year of the award.

Volunteer of the Year: Volunteer of the Year Plaque is awarded to any Reserve, Explorer or Volunteer who distinguished him or herself by exceptional service to the Sheriff's Office during the year of the award.

Reserve Deputy of the Year: Reserve Deputy of the Year plaque is awarded to any reserve who distinguished him or herself by exceptional service to the Sheriff's Office during the year of the award.

Roy & Goldie Fling Award: An award given to the Reserve Deputy who best demonstrated the tradition of care, compassion, and commitment to community service established many years ago by "Special Deputies of nearly 30 years", the late Reserve Deputy Roy Fling and his wife, and fellow Reserve Deputy Goldie Fling. A minimum service period of 15 years is necessary for nominee consideration.

Pat Hofman Award: Certificate mounted on plaque. This award is bestowed to a Community Assistance Program volunteer who exemplifies the highest core characteristics that defined Pat's legacy of 28 years of selfless service. A minimum service period of 15 years is necessary for nominee consideration.

Class II Awards:

Distinguished Service Award: The *Distinguished Service Award* may be awarded to any Sheriff's employee who provides distinguished or outstanding achievement in the line-of-duty, in multiple ways or actions, throughout a year, and above and beyond that which is required for a *Sheriff's Certificate of Commendation*.

Distinguished Unit Citation: The Distinguished Unit Citation is awarded to the members of a special unit of the Sheriff's Office when the members collectively distinguished themselves with heroism, exceptional achievement, or exceptional service. Note: *To be eligible to wear the Distinguished Unit Citation Ribbon, an individual must have been a member of the unit or team at the time, and must have directly made a discernable contribution to the outcome of the circumstance for which the unit or team is being awarded the citation.*

Sheriff's Teamwork Award of Excellence: The Sheriff's Teamwork award is given to any group of three or more Sheriff's employees whose collective performance creates noteworthy, measurable results, that epitomize any portion of the mission and values of the Sheriff's Office, and distinguishes the group's efforts.

Class III Awards:

Sheriff's Commendation: A Sheriff's employee is eligible to receive a Sheriff's Commendation when the employee is nominated for distinguished or outstanding achievement in the line of duty during the year of the award. **Note:** A non-employee is eligible to receive a Sheriff's Commendation when that person distinguishes him or herself by an action that helped in the delivery of services in a public safety event, or for a specific act that enhanced the effectiveness of the Sheriff's Office during the year of the award.

Volunteer Excellence Award. The Volunteer Excellence Award plaque is awarded to any reserve deputy, explorer or volunteer whose service to the Sheriff's Office was distinguishing during the year of the award.

Enter nomination text here, or attach nomination to the award form.

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Internal Investigations **NUMBER:** 318

EFFECTIVE: May 8, 2019 **SUPERSEDES:** May 23, 2018

POLICY:

It is the policy of the Boulder County Sheriff's Office to maintain a formal process for investigating allegations of employee misconduct with the goal of reaching an appropriate resolution to every complaint. When a complaint is made that alleges major misconduct, which may result in major discipline, the investigation is conducted as an administrative "internal affairs" (IA) investigation. When a complaint is made that alleges misconduct not subject to major discipline the allegation may be resolved by supervisory review (SR).

In either case, it is the policy of the Boulder County Sheriff's Office to be thorough and impartial when investigating an allegation. In most cases, IA investigations are conducted independent of criminal investigations arising out of the same conduct.

DEFINITIONS:

Allegation of Misconduct: An alleged violation of law, policy or procedure by an employee or volunteer of the Sheriff's Office.

Internal Affairs (IA) Investigation: An administrative investigation of major misconduct, which could lead to major discipline if substantiated.

Garrity Administrative Advisement: An employee's right to make a statement or answer questions, write reports, etc. concerning allegations of misconduct under the protection of this advisement rather than Miranda.

Major Discipline: A suspension of any length, demotion, punitive transfer or termination of employment.

Major Misconduct: Includes, but is not limited to conduct that violates misdemeanor or felony criminal statutes; conduct that involves untruthfulness, is a violation of use of force standards, abuse of authority or that recklessly endangers another person.

Minor Misconduct: Includes but is not limited to: conduct that involves traffic infractions, petty offenses, i.e. littering, or other technical, non-serious violations of state laws; conduct that involves discourteous interaction, unprofessional actions or minor policy violations.

Supervisory Review (SR) Investigation: An administrative investigation of minor misconduct.

PROCEDURE:

I. Internal Investigations

A. The internal investigation function involves complaints of employee misconduct.

1. An employee designated by the Sheriff is responsible for maintaining a system for tracking all complaints – regardless of nature – and storing IA related investigative files.

2. All information received during an internal affairs investigation is confidential. The information is only released as directed by the Sheriff, court order, or Colorado statute.

B. The Sheriff's Office maintains an open door policy for the public and employees who wish to make a complaint against a Sheriff's employee or volunteer.

II. Initiating or Receiving Allegations of Employee Misconduct

A. Any person may initiate an allegation of misconduct against an employee.

B. All allegations shall be investigated as either an internal affairs (IA) or supervisory review (SR) investigation.

1. Any non-supervisory employee who is contacted by a citizen wishing to make an allegation against an employee of the Sheriff's Office will immediately refer the citizen to a supervisor. If a supervisor is not available, the employee will ascertain the nature of the allegation, complete an allegation of employee misconduct form, and forward the information to a supervisor within 24 hours.

2. A supervisor is responsible for ensuring an allegation of misconduct form is completed when a complaint comes to his or her attention.

3. Upon receiving the complaint, the supervisor may conduct a preliminary investigation to gather information concerning the allegation. When appropriate, the supervisor will make a preliminary determination if any law, statute, ordinance, rule, regulation, policy or procedure has been violated.

4. If, or when, the supervisor determines that there was no violation the supervisor may attempt to resolve the complaint by explaining why the employee's actions were reasonable and appropriate.

a. The explanation given to the complaining party will be noted on the allegation of employee misconduct form.

5. If or when the supervisor determines that there was a violation an investigation is to be initiated and the employee notified of such by their Division Chief.

C. All allegations of misconduct will be forwarded to the Undersheriff.

1. The Division Chief or Undersheriff shall notify the Sheriff of a complaint when an employee is accused of major misconduct.

2. The Undersheriff will assign the investigation as an IA or SR.

III. IA Investigations

A. Procedure

1. A complaint will be assigned, by the Undersheriff, as an IA administrative investigation when available information supports a reasonable belief that the allegation is a major misconduct violation and the substantiation of the allegation may result in major disciplinary action.

a. At the discretion of the Undersheriff the investigation will be assigned to the designated Sheriff's Office IA investigator or to an investigator within the division of the employee named in the complaint.

1) If the allegation of misconduct is criminal in nature, the Undersheriff, in consultation with the Sheriff, may request another law enforcement agency conduct the criminal investigation on behalf of the Sheriff's Office.

b. The investigation will typically be assigned to the Sheriff's IA investigator when the allegation involves an excessive use of force, crosses division lines, or is projected to be of a protracted or complex nature.

c. The affected employee(s) may be placed on administrative leave while the matter is under investigation at the discretion of the Division Chief after consultation with the Sheriff.

1) The appropriate Division Chief or Undersheriff shall decide the parameters of the administrative leave (e.g.

duration, pay, etc.) after consulting with the Sheriff.

2. The assigned investigator will review the completed allegation of the employee misconduct form.

3. The employee under investigation shall be informed by the IA investigator of the nature of the investigation prior to being interviewed unless such notification would compromise any facet of the investigation.

   a. During the investigation the employee has the right to consult legal counsel.

      1) The employee's legal counsel may be allowed to be in the room with the employee during the interview at the discretion of the Division Chief or Undersheriff.

      2) The employee and/or his/her legal counsel may petition the Undersheriff or Sheriff to review the IA file prior to the interview. Approval of such a request may be granted when disclosure of the details of the investigation would not jeopardize or compromise the effectiveness of any on-going investigation, and/or would not identify a witness to whom confidentiality was promised or any other reason in the discretion of the Division Chief or Undersheriff.

4. The investigator will immediately notify the Sheriff or Undersheriff when the investigator has reason to believe the employee committed a crime.

   a. A criminal investigation will follow normal investigative procedures, separate from the administrative investigation.

   b. A criminal investigation may take place concurrently with an IA investigation at the discretion of the Division Chief or Undersheriff.

      1) Criminal investigators are not permitted to observe or participate in any interview at which an individual has been given a *Garrity* administrative advisement.

   c. The criminal investigator(s) may conduct a full investigation up to, and including, presenting the case to the District Attorney's Office for filing of criminal charges. Additional

investigation may take place at the request of the District Attorney and in the discretion of the criminal investigator(s) until final disposition of a resulting criminal case.

5. When it is determined that a complainant or witness has knowingly made a false report against an employee, the investigator may pursue the filing of appropriate and applicable criminal charges against that person.

6. When an investigator determines that there are additional acts of misconduct that were not included in the original complaint, these acts may be included as a part of the investigation, or investigated separately, at the discretion of the Undersheriff.

IV. Supervisory Review (SR)

A. When a complaint alleges minor misconduct and the possible disciplinary actions do not rise to the level of a suspension or termination, the allegation may be assigned, by the Undersheriff, for investigation or review to the appropriate Division.

1. The Division Chief will ensure the direct supervisor and commander (or civilian equivalent) of the involved employee review the matter and conduct further investigation, as needed.

2. The direct supervisor of the employee, or another supervisor as assigned, will resolve the complaint in a manner that meets the approval of the Division Chief.

a. This supervisor will communicate with the complainant, completing all related documentation, and administering discipline, coaching, counseling or re-training as indicated by the circumstances.

1) Supervisors are encouraged to make use of the Sheriff's Office mediation contractor when appropriate and when the complainant agrees to participate in the mediation process.

b. Any disciplinary action taken shall be conducted in accordance with policy *#319 - Disciplinary Action and Appeals*.

c. Documentation of any imposed disciplinary action will be placed in the employee's personnel file and the SR investigative file.

V. Cooperation Requirement

A. Employees are required to cooperate with internal affairs investigations and supervisory reviews and must give a statement or answer questions related to the investigation.

B. When criminal charges are contemplated against an employee, the employee may be given a *Miranda* advisement. Waiver of those rights may result in the use of incriminating statements in a subsequent criminal prosecution.

C. When an employee refuses to make a statement or answer questions after receiving a *Miranda* advisement, the employee may be given a *Garrity* advisement and compelled to make a statement or answer questions or face disciplinary action, including loss of employment.

1. When disciplinary action is indicated, the employee may invoke *Garrity* and request a written promise that future statements or answers not be used in any subsequent criminal prosecution against them stemming from the related investigation.

2. The IA investigator may administer the *Garrity* advisement to the employee stating that future statements or answers will not be used in any subsequent criminal prosecution against them stemming from the related investigation.

a. The employee must be advised that the *Garrity* advisement does not preclude release of information in an internal affairs or supervisory review file to the public under §24-72-303(4), C.R.S.

b. The investigator will consult with the Undersheriff or affected Division Chief before administering a *Garrity* advisement to an employee.

D. The IA investigator may order, but is not limited to, the following: that an employee participate in a physical lineup; submit to a breath test, urine test, blood test, ultraviolet light scan, or any other non-testimonial evidence test; or have photos taken; or, provide a voice print or handwriting sample, as needed for the investigation. Refusal to comply with any requests may result in disciplinary action, including dismissal.

E. An employee may be ordered to submit to a polygraph examination related to the issues under investigation. Refusal to submit may result in disciplinary

action, including dismissal.

F. An employee may also be required to furnish financial disclosure information when such information relates to the investigation. Refusal to submit may result in disciplinary action, including termination.

G. An employee may be ordered to produce any other information that relates to the investigation. Refusal to submit may result in disciplinary action, including termination.

VI. Authority to Inspect

A. An employee's supervisor or the assigned investigator, with the approval of the Sheriff or Undersheriff, may inspect or search all Sheriff's Office owned desks, lockers, storage spaces, rooms, offices, work areas, vehicles, equipment, as well as computer hard drives, storage files, disks, cell phones, and tapes including, but not limited to, any type of computer storage apparatuses and personal effects that are brought to the workplace.

1. The search above may occur at any time, without prior notice, and regardless of whether a personal lock is attached, or a password or similar security mechanism is in place to restrict access.

B. Communications facilities and devices within the Office may be monitored at any time under conditions permitted by law.

1. Other types of communications or conversations may be monitored at any time, under conditions permitted by law.

VII Dispositions

A. When an IA investigation is completed the investigative file shall be forwarded to the appropriate Division Chief. The Sheriff and Undersheriff will review the investigation prior to accepting a final disposition.

B. Decision makers reviewing the investigation may consider any and all evidence, including evidence that may not be admissible in a criminal proceeding, including compelled statements and polygraph examinations.

1. The disposition of an internal affairs complaint is not conditioned upon the resolution of criminal charges filed against the complainant or against any other employee who is a subject of the investigation.

C. After reviewing the investigative reports, the appropriate Division Chief will consult with the Undersheriff or Sheriff and determine the final disposition.

1. The final disposition for each allegation of a complaint, shall be classified in one of the following ways:

   a. **Substantiated**: The investigation supports the allegation(s) in full, or in part.

   b. **Exonerated:** The facts of the allegation(s) are not in dispute; however, the employee's conduct was reasonable and appropriate under the circumstances.

   c. **Unfounded**: The allegation(s) was false, disproved and/or unsupported by the evidence.

   d. **Inconclusive**: The investigation did not produce sufficient evidence to either prove or disprove the allegation(s).

2. Discipline will be administered, when applicable, as provided in the *Disciplinary Actions and Appeals* policy (#319).

3. The investigating officer will not take part in making recommendations concerning discipline, or suggest a case disposition, in any of the investigative reports.

VIII. Notifications

A. After completion of the IA or SR investigation and final disposition, the Division Chief shall notify the complainant and the employee of the outcome of the investigation and document this notification for inclusion in the IA/SR file.

B. Complainants will not be advised of the specific disciplinary action taken unless authorized by the Sheriff.

C. Copies of this policy are available to members of the general public upon request.

IX. Brady Disclosure Requirements, as required by *Brady v. Maryland* 373 U.S. 83 (1963) and *Giglio v. U.S.* 405 U.S. 150 (1972).

A. The Sheriff's Office shall exercise due diligence to ensure that any material of possible *Brady* relevance is made known, and available, to the 20th Judicial District Attorney's Office, as soon as reasonably possible when a finding of untruthfulness – or any other relevant exculpatory evidence that requires *Brady* disclosure – by any deputy, employee, volunteer, who may be called to give testimonial evidence, has been substantiated in any

internal investigation.

1. The Undersheriff will ensure proper notification is made, in writing, to the District Attorney's Office. A copy of the *Brady Notification Memorandum* (Appendix A) shall be provided to the subject employee, with additional copies placed into their personnel file and the corresponding IA or SR investigative file.

B. Employee Responsibilities

1. It is the affirmative duty of every employee who has been provided written notice that they were the subject of a *Brady Notification Memorandum* to disclose such fact to any prosecutor's office that may subpoena them to testify in a criminal hearing.

2. Employees are responsible for informing their supervisor about any elements of their employment as a deputy sheriff, or in a volunteer capacity as a reserve deputy sheriff, of any information that they may reasonably believe could affect their credibility as a witness and could be subject to *Brady* disclosure.

3. Deputies are required to document, in writing, any potentially exculpatory material or evidence uncovered through the course of a criminal investigation (i.e., a failure of a witness or victim to correctly identify a suspect, any information that could call the credibility of any witness into question, inconsistent statements made by an interviewee, etc.).

4. Supervisory personnel are responsible for ensuring they act with due diligence in identifying, reporting, or investigating – in accordance with this policy – any potential allegation of misconduct against an employee that may be materially relevant to the credibility of the employee, which would require a *Brady* disclosure if substantiated.

   a. All investigations into any alleged misconduct that, if substantiated, would likely require a *Brady* disclosure, must be formally documented as an IA or SR investigation.

X. File Storage and Retention

A. A person designated by the Sheriff shall maintain IA and SR investigative files.

B. The files are to be physically located in file storage containers that are lockable and placed in a room that has limited access.

C. IA and SR investigative files shall be maintained for the duration of a person's employment with the Sheriff's Office, plus ten years.

XI. Public Disclosure of Internal Investigative Files

A. A completed internal investigation that examines in-uniform or on-duty conduct of a peace officer involving alleged misconduct with a member of the public shall be made available for public inspection upon request within the constraints of §24-72-303, C.R.S.

a. Completed internal investigations that do not involve (1) an in-uniform or on-duty conduct by a peace officer, and (2) a member of the public, are not available for public disclosure.

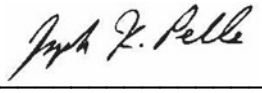
b. If criminal charges are pending, an internal affairs investigation will generally not be considered completed until the final disposition of the criminal prosecution, as outlined in §III.A.4.b.

B. Public disclosure of a completed internal investigative file under a public records request shall only be made by the Records Section in the Support Services Division.

a. The Records Section is responsible for reviewing the investigative file and applying statutorily-required redactions, if any, prior to inspection or release.

C. This section (XI) only applies to internal investigations that commence on or after April 12, 2019.

By Order of the Sheriff,



Joseph K. Pelle, Sheriff

5/9/2019
Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

Appendix A – Brady Notification

[Current Sheriff's Office Letterhead]

[Date]

[DA Name], District Attorney
20th Judicial District
1777 6th Street
Boulder, Colorado 80301

RE: [Name of involved employee]

Mr./Mrs. [DA Name]:

This letter is to inform you that there may be information in the personnel file of [name of involved employee] that may affect his/her credibility in court.

Sincerely,

[Name]
Undersheriff

CC: [Name of involved employee]
Personnel file – [Name of involved employee]
IA File [No.]

Appendix B – Employee Notification of Internal Affairs (IA) Investigation

[Current Sheriff's Office Letterhead]

MEMORANDUM

TO: [Rank/Title] [Subject Employee Name]

FROM: [Rank] [Investigator or Supervisor Name]

DATE: [Date of Notification]

RE: Notification of Internal Affairs (IA) Investigation

This memorandum is to notify you are the subject of an allegation of misconduct. The general nature of the investigation is [nature of the allegation]. The complaint has been assigned to [investigator name] for further investigation.

During the internal investigation you will:

☐ Be placed on [paid] [unpaid] administrative leave.

If placed on administrative leave during the investigation, you are no longer authorized for unescorted access in any Sheriff's Office facility, nor are you authorized to access any Boulder County computer systems, CCIC/NCIC, TLO, LUMEN, or any other database or system connected with your employment. You are not to wear the Sheriff's Office uniform, carry the Sheriff's Office badge and/or ID card, carry a concealed weapon under your peace officer authority, or exercise any other peace officer power until re-authorized, in writing (cf. Policy 202 – Authority & Jurisdiction).

☐ Not be placed on administrative leave.

During the investigation, you are restricted from discussing these allegations with anyone involved in the investigation, including any fellow employees. This restriction does not extend to consultation with your private legal representation, if any.

You are encouraged to review the following related policies, which are available on the Sheriff's Office's public website: *318 – Internal Investigations* and *319 – Disciplinary Actions & Appeals*.

CC: [Name of involved employee]
IA File [No.]

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

Appendix C – Garrity Advisement

[Current Sheriff's Office Letterhead]

SUBJECT ADVISEMENT/WARNING

Internal Investigation Advisement/Warning:

You are hereby ordered to fully cooperate with this investigation. You have the following rights and responsibilities during this investigation:

1. You have the right to be informed of the allegations involved.

2. You will be asked questions specifically directed and narrowly related to the performance of your official duties.

3. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself.

4. If you do answer questions during this investigation, neither your statements nor any information or evidence gained from such statements can be used against you in any subsequent criminal proceedings; however, your statements may eventually be subject to open records laws in the State of Colorado (cf. §24-72-303, et seq, C.R.S.).

5. Statements made during any interviews may be used against you as evidence of misconduct or as the basis for seeking disciplinary action against you.

6. If you refuse to answer questions relating to the performance of your official duties or fitness for duty, you will be subject to disciplinary action which could result in your dismissal from the Boulder County Sheriff's Office.

ACKNOWLEDGEMENT: By signing below I acknowledge that I have read and understand the above notification.

_____ _____
Employee's Signature Date Time

_____ _____
Investigator's Signature Date Time

_____ _____
Investigator's Signature Date Time

CC: IA File [No.]

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Disciplinary Action & Appeals **NUMBER:** 319

EFFECTIVE: August 11, 2020 **SUPERSEDES:** June 4, 2019

POLICY: It is the policy of the Boulder County Sheriff's Office to correct violations of policy, of mission, vision or values, or unsatisfactory performance of employees through reasonable and appropriate disciplinary actions when necessary to ensure the effectiveness of the Sheriff's Office and to maintain the public's trust.

The Sheriff's Office may employ disciplinary sanctions for violations of law, rule, policy, and procedure, or for actions, or failures to act, which conflict with the Sheriff's Office's mission, goals, values and management principles. In addition, disciplinary sanctions may be imposed for acts or omissions that contribute to the lack of good order and discipline of the Sheriff's Office.

When administering discipline, supervisors are to consider all available information, including but not limited to the nature and circumstances of the situation, aggravating factors, mitigating factors, past violations and work history.

All employees are subject to the provisions of this policy, except for probationary employees, term employees, temporary employees, volunteers, reserves and cadets. Employees in these categories may be disciplined, terminated, or have their conditional offer of probationary employment withdrawn, without cause or prior notice upon the review and approval of their Division Chief or the Sheriff. These employees will be so notified at the time of hire.

DEFINITIONS:

Administrative Leave: Leave with pay.

Appeal: A formal request seeking reconsideration of a decision or action taken, or reversal/modification of a decision or action of a supervisor by a higher-level supervisor within the chain-of-command.

Clear and Convincing Proof: Evidence that is highly and substantially more likely to be true than untrue.

Disciplinary Sanction: Any type of reprimand or corrective action given to an employee after the disciplinary process has concluded. Examples may include, but are not limited to, a written reprimand, suspension, demotion, or termination.

Employee: Any person hired for a Full Time Equivalent (FTE), including 1.0 (100%) FTE, part-time (less than 100%) FTE or job share FTE, and any person hired as a term, temporary or hourly employee, or as a volunteer for the Sheriff's Office.

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FTE: Full Time Equivalent salaried employee, with benefits.

Hearing with the Sheriff: A formal pre-disciplinary hearing held by the Sheriff to discuss the recommendation of a Division Chief or the Undersheriff of the disciplinary sanction of demotion or termination.

Hourly Employee: An employee hired to work forty or fewer hours per week and who does not receive all the same benefits received by an FTE.

Pre-Disciplinary Hearing: A formal hearing that provides a forum for the supervisor and employee to have a discussion regarding the circumstances that initiated the disciplinary process while also giving the employee an opportunity to be heard and provide information that explains or mitigates their conduct, performance, and/or behavior. It is only conducted prior to the imposing of any type of discipline action when the contemplated discipline is a letter of reprimand or greater.

Probationary Employee: Any employee within the first twelve (12) months of their job classification, during which time his or her suitability for a regular position is evaluated.

Suspension: Disciplinary sanction resulting in time off without pay.

Term Employee: An employee hired for a limited, specified time period.

Temporary Employee: An employee hired for a limited time period.

Untruthful: Any untrue statement made by an employee concerning a material fact—including any knowing omission of a material fact—on an official criminal justice record, while testifying under oath, during an internal or administrative investigation, or in a disciplinary process (cf. § 24-31-305, C.R.S.). Under the clear and convincing standard, the adjudicator must be convinced that the contended untruthfulness is highly probable.

Volunteer: An individual who chooses to perform a function within the Sheriff's Office without monetary compensation, which include reserve deputies and cadets.

PROCEDURE:

I. Grounds for Discipline or Dismissal

A. An employee may be disciplined or dismissed for violations of the Sheriff's Office *Code of Conduct (Policy #310)*, Sheriff's Office values, missions, or any other policy and procedure in the Sheriff's Office or divisional policy manuals.

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II. Standard Order of Discipline

A. A supervisor may administer corrective action in a manner that gives an employee the opportunity to improve or correct performance or conduct prior to dismissal, except in circumstances where the type of misconduct requires more serious and/or immediate disciplinary action.

III. Administrative Leave Pending Investigation of Charges

A. Any supervisor in the employee's chain-of-command is authorized to place a subordinate on administrative leave pending review by the employee's Division Chief, when:

1. It is determined to be in the best interest of the employee, the Sheriff's Office or the public.

2. The employee is emotionally unfit for duty.

3. The employee is believed to be under the influence of intoxicants or drugs.

4. The employee was involved in a significant law enforcement action and is the subject of an investigation as to the appropriateness of his or her conduct in that action, i.e. officer involved shooting, pursuit ending in death or serious injury to suspect(s), etc.

B. The Division Chief must consult with the Undersheriff or Sheriff regarding the purpose and duration of the administrative leave. The Undersheriff will ensure that appropriate notifications are made to County Human Resources and the County Attorney's Office of the employee's status.

C. There is no appeal of the administrative leave decision; however, an employee placed on leave may make a one-time written request to their Division Chief to reconsider, reduce, or rescind the administrative leave.

IV. Disciplinary Action

A. A disciplinary action that is an oral or written reprimand, suspension, demotion, reassignment or termination may be imposed on an employee when necessary in response to unsatisfactory work performance or a violation described in this policy.

B. Prior to taking disciplinary action, the supervisor contemplating the action will work through his or her chain-of-command and confer with their Division Chief.

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The Division Chief will decide if the responsibility for determining and imposing discipline remains with the supervisor or if it is to be handled by the Division Chief.

C. First-line supervisors and Commanders, or their mid-level management civilian equivalent, are authorized to impose disciplinary action up to and including a written reprimand when necessary to discipline the employee for unsatisfactory work performance or behavior.

D. A Division Chief and the Undersheriff are authorized to impose disciplinary action up to and including suspension for up to the equivalent of one work week. Additionally, they can recommend demotion or termination in response to an employee's unsatisfactory work performance, behavior or conduct, to the Sheriff.

E. The employee's Division Chief/Undersheriff is authorized to reassign an employee within their own division as a result of a disciplinary sanction when the reassignment is deemed to be in the best interests of the Sheriff's Office.

1. Reassignment to another division within the Sheriff's Office requires the approval of the Sheriff.

V. Pre-disciplinary Hearing

A. Before imposing any type of disciplinary action, other than an oral reprimand, the supervisor who is responsible for taking the action is required to conduct a pre-disciplinary hearing with the employee.

1. The supervisor shall prepare a letter stating the grounds on which the disciplinary action is based, and the discipline contemplated.

2. The letter shall be provided to the employee prior to a pre-disciplinary hearing. The disciplinary sanction may be determined only after the employee has had an opportunity to reply to the allegation, and present mitigating information.

a. Supervisors must provide employees with a minimum of 24 hours' notice of a pre-disciplinary hearing.

b. The written notification is to include the nature of the allegation against the employee, including the specific policy violations, and a description of the range of possible disciplinary sanctions being considered.

c. Employees do not have a right to have witnesses present at the pre-

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disciplinary hearing but may present written statements from any witnesses.

d. The employee may request that his or her attorney be present during the hearing. The employee's Division Chief, the Undersheriff, or the Sheriff will decide who is permitted to attend the pre-disciplinary hearing besides the supervisor and employee.

e. The employee's responses to the allegations are to be factored into the final decision regarding the resulting disciplinary sanction.

f. The employee may decline to attend or waive the hearing. If the employee does not attend the hearing, then it is deemed waived by the employee. When the hearing is waived, it is presumed that the information possessed by the supervisor is enough to take appropriate disciplinary action.

3. After the pre-disciplinary hearing and a review of the employee's response to the allegations, the supervisor shall provide the employee with a final written disciplinary action letter/memo that explains the decision and a description of the disciplinary sanction(s) imposed.

4. It is the responsibility of the supervisor to ensure copies of all related reports and investigative files are forwarded via the chain of command to the Division Chief, the Undersheriff, and Sheriff, and to ensure a record of the disciplinary action is referenced in the employee's annual performance evaluation.

VI. Appeal Process

A. An employee has the right to appeal any final disciplinary sanction other than an oral reprimand. The appeal is to the Undersheriff. The appeal must be in writing and must be provided to the Undersheriff within seven calendar days of the date of the entry of the disciplinary sanction.

1. If a disciplinary sanction action has been imposed by the Undersheriff, the appeal is made to the Sheriff.

B. Written appeals must state the reasons why the discipline decision should be reconsidered. The appeal will be considered when it is based on one of the following:

1. Information or evidence that tends to mitigate or exonerate the employee

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of the allegations was not considered by the supervisor making the disciplinary sanction decision.

2. There is new evidence that substantially changes the facts of the case.

3. The finding was not objectively reasonable considering the facts of the case.

4. The disciplinary sanctions to be imposed are overly punitive considering previous disciplinary sanctions determinations for similar types of misconduct.

5. The disciplinary sanctions determined did not comply with Sheriff's Office policy.

C. The imposition of the disciplinary sanction is to be held in abeyance until after the appeal date has expired, or until the employee indicates he or she does not intend to appeal, or until the Undersheriff makes a ruling on the appeal.

D. The Undersheriff shall review the appeal within seven calendar days of receipt of the appeal.

1. The Undersheriff may uphold the disciplinary sanction imposed by the supervisor, modify it, or vacate it entirely.

2. The Undersheriff will forward his or her findings to the employee, the employee's supervisor, the employee's Division Chief and the Sheriff.

E. There is no further appeal from the findings of the Undersheriff.

VII. Termination or Demotion Only Imposed by the Sheriff

A. A Sheriff's Office employee cannot be demoted or terminated by anyone other than the Sheriff.

B. The process for demoting or terminating an employee is initiated when the employee's Division Chief or the Undersheriff recommends either termination or demotion. When this determination is made, the involved Division Chief or the Undersheriff shall refer that employee to the Sheriff for a pre-disciplinary hearing in accordance with §V.

1. The Division Chief/Undersheriff who is referring a disciplinary matter to the Sheriff for a pre-disciplinary hearing is responsible for preparing the

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letter required in §V.A.1 stating the grounds on which the recommended disciplinary sanction is based, and that the recommendation includes demotion and/or termination.

C. When the Sheriff receives a referral for a hearing from a Division Chief/Undersheriff, the Sheriff will provide the pre-disciplinary letter to the employee and schedule a pre-disciplinary hearing in accordance with the prescribed process in §V.

D. During the pre-disciplinary hearing with the Sheriff, the employee shall be given the opportunity to reply to the allegation(s), and present mitigating information. The Sheriff may allow or request others to be present.

1. The Sheriff will determine the proper discipline to be imposed, which may include, but is not limited to, the following:

a. Dismiss the employee, terminating their employment.

b. Demote or reassign the employee.

c. Impose lesser disciplinary sanctions.

d. Exonerate the employee.

e. Take any other action deemed appropriate including directing that additional investigation take place.

E. The Sheriff will notify the employee in writing of the findings, the disciplinary sanction, the grounds for the sanction, and if appropriate, the particular facts upon which the decision was based. This notification shall be made within seven days of the end of the hearing.

VIII. Appeal of Disciplinary Action Imposed by the Sheriff

A. Appeals of disciplinary action imposed by the Sheriff shall be made in writing to the Sheriff within seven days of receipt of notice of the disciplinary action. Grounds for appeal are limited to the same as those listed in §VI.B.

B. The Sheriff will review the appeal and makes a final ruling as soon as practical after receipt.

1. There is no further appeal of the Sheriff’s decision.

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IX. Notification Requirements

A. Brady Disclosure Requirements, as required by *Brady v. Maryland* 373 U.S. 83 (1963) and *Giglio v. U.S.* 405 U.S. 150 (1972).

1. The Sheriff's Office shall exercise due diligence to ensure that any material of possible *Brady* relevance is made known, and available, to the 20th Judicial District Attorney's Office, as soon as reasonably possible when a finding of untruthfulness – or any other relevant exculpatory evidence that requires *Brady* disclosure – by any deputy, employee, or volunteer, who may be called to give testimonial evidence, has been substantiated in any internal investigation.

a. The Undersheriff will ensure proper notification is made, in writing, to the District Attorney's Office. A copy of the *Brady Notification Memorandum* (Appendix A, Policy 318) shall be provided to the subject employee, with additional copies placed into their personnel file and the corresponding IA or SR investigative file.

2. Employee Responsibilities

a. It is the affirmative duty of every employee who has been provided written notice that they were the subject of a *Brady Notification Memorandum* to disclose such fact to any prosecutor's office that may subpoena them to testify in a criminal hearing.

B. Colorado Peace Officer Standards & Training (P.O.S.T.) Board

1. Untruthfulness

a. When a finding has been made that an employee who holds a Colorado peace officer certification has made an untruthful statement concerning a material fact—or knowingly omitted a material fact—on an official criminal justice record, while testifying under oath, or during an internal investigation or comparable administrative investigation, including during a disciplinary process, notification shall be made to the Colorado Peace Officer Standards and Training Board (P.O.S.T.) of such findings, after the conclusion of the disciplinary process, including any appeals, as required by §24-31-305, C.R.S.

i. The Undersheriff shall make the required notification to Colorado P.O.S.T. using the required P.O.S.T.-mandated

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form. A copy of the form is to be placed in the corresponding IA file.

ii. Notification to Colorado P.O.S.T. of a finding of untruthfulness by a state-certified peace officer shall only be made upon a burden of proof standard of clear and convincing evidence, as required by § 24-31-305(2.5)(a)(II), C.R.S.

b. Any allegation of untruthfulness by a state-certified peace officer currently employed or employed within the prior six months of the date of the allegation shall be investigated by the Sheriff's Office in accordance with the *Internal Investigations* (#318) policy, and as required by § 24-31-305(2.5)(a)(III)(h), C.R.S.

2. Excessive Force & Duty to Intervene

a. If an internal investigation determines a deputy failed to intervene in a witnessed excessive force incident, which results in serious bodily injury or death to any person, the Sheriff's Office shall discipline the deputy, and the Colorado P.O.S.T. Board must be notified after the discipline is imposed (§ 18-8-802(II)(f), C.R.S.).

i. It is the responsibility of the Undersheriff to notify the P.O.S.T. Board, in writing, with copies of the notification placed in the deputy's personnel file and the related internal affairs file.

b. If a deputy is (i) convicted of, pleads guilty or nolo contendere to a crime involving the unlawful use or threatened use of physical force; or (ii) a crime involving the failure to intervene in the use of unlawful force; or (iii) is found civilly liable for the use of unlawful physical force; or (iv) is found civilly liable for failure to intervene in the use of unlawful force, the Colorado P.O.S.T. Board is required, under law, to immediately and permanently revoke the peace officer's certification. (§ 24-31-904, C.R.S.). If the Sheriff's Office becomes aware of any of these outcomes, the Undersheriff shall ensure the P.O.S.T. Board is advised.

C. District Attorney's Office

1. If an internal investigation determines a deputy failed to intervene to prevent the use of unlawful physical force, the finding must be presented

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to the District Attorney (§ 18-8-802(II)(e), C.R.S.).

a. It is the responsibility of the Undersheriff to make this notification, in writing.

By Order of the Sheriff,

Joseph K. Pelle

Joseph K. Pelle

August 11, 2020

Date

Certificate Of Completion

Envelope Id: F5D20306851F415BBD6A6033ABB8649B

Status: Completed

Subject: Please DocuSign: 319 - Disciplinary Actions & Appeals.docx

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Policy

Department/Office: Sheriffs Office

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Document Pages: 10

Signatures: 1

Certificate Pages: 5

Initials: 0

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Boulder, CO 80302
mwagner@bouldercounty.org
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Signer Events	Signature	Timestamp
Joseph K. Pelle jpelle@bouldercounty.org Sheriff Boulder oCounty Security Level: Email, Account Authentication (None)	Joseph K. Pelle Signature Adoption: Pre-selected Style Using IP Address: 97.107.70.37	Sent: 8/11/2020 8:21:55 AM Viewed: 8/11/2020 8:35:28 AM Signed: 8/11/2020 8:35:50 AM

Electronic Record and Signature Disclosure:
Accepted: 5/28/2019 8:45:14 AM
ID: a90bc49d-9428-4dab-a02b-b534130e3ae8
Company Name: Boulder County

In Person Signer Events	Signature	Timestamp

Editor Delivery Events	Status	Timestamp

Agent Delivery Events	Status	Timestamp

Intermediary Delivery Events	Status	Timestamp

Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
Sheriff Policy Task Force SheriffPolicyTF@bouldercounty.org Security Level: Email, Account Authentication (None)	COPIED	Sent: 8/11/2020 8:35:52 AM
Electronic Record and Signature Disclosure: Not Offered via DocuSign		
Michelle Crain mcrain@bouldercounty.org Boulder County Security Level: Email, Account Authentication (None)	COPIED	Sent: 8/11/2020 8:35:54 AM
Electronic Record and Signature Disclosure:		

Carbon Copy Events	Status	Timestamp
Accepted: 1/2/2020 3:37:04 PM ID: fc36301c-d232-46fd-b27f-c39245ccbea3 Company Name: Boulder County		
Ops Command Staff SheriffOpsCmdStaff@bouldercounty.org Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Not Offered via DocuSign	COPIED	Sent: 8/11/2020 8:35:55 AM
Jail Command Staff SheriffJailCmdStaff@bouldercounty.org Security Level: Email, Account Authentication (None) **Electronic Record and Signature Disclosure:** Not Offered via DocuSign	COPIED	Sent: 8/11/2020 8:35:59 AM Viewed: 8/11/2020 8:42:37 AM

Witness Events	Signature	Timestamp

Notary Events	Signature	Timestamp

Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	8/11/2020 8:35:59 AM
Certified Delivered	Security Checked	8/11/2020 8:35:59 AM
Signing Complete	Security Checked	8/11/2020 8:35:59 AM
Completed	Security Checked	8/11/2020 8:35:59 AM

Payment Events	Status	Timestamps

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, Boulder County (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a $0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact Boulder County:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:
To contact us by email send messages to: itecm@bouldercounty.org

To advise Boulder County of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at itecm@bouldercounty.org and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from Boulder County

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to itecm@bouldercounty.org and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with Boulder County

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;

ii. send us an email to itecm@bouldercounty.org and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: https://support.docusign.com/guides/signer-guide-signing-system-requirements.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify Boulder County as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by Boulder County during the course of your relationship with Boulder County.

SUBJECT: LEGAL REPRESENTATION FOR EMPLOYEES **NUMBER:** 320

EFFECTIVE: February 6, 2007

POLICY:

It is the policy of the Boulder County Sheriff's Office that employees who are sued as a direct result of their employment with the Sheriff's Office are provided with legal counsel at the County's expense, subject to the limitations of CRS 24-10-110. This statute specifically prohibits payment of legal expense of public employees when the action or inaction resulting in the claim is not a result from the performance of the employee's duties or when it is determined that the act or omission was the result of willful, wanton, or criminal action on the part of the employee.

It is the policy of the Sheriff's Office that legal representation for employees will ordinarily be provided by the County Attorney's Office. Employees must obtain the consent of the Sheriff when they wish to have the County pay expenses for private counsel. Employees do not need permission from the Sheriff for hiring attorneys at the employee's own expense.

PROCEDURE:

I. Employee Procedures When Notified of Litigation

A. Employees notify their Division Chief that they have been named as a defendant in a civil action or as a principal in a criminal or grand jury investigation when such litigation arises from an act or omission of such employee occurring during the performance of his or her duties and within the scope of his or her employment, except where such act or omission is willful and wanton. Employees include in the notification:

1. Copies of any legal documents involved.

2. Copies of all reports and investigative documents previously compiled by the Boulder County Sheriff's Office on the subject of the litigation in question.

B. Division Chiefs advise the Sheriff of the situation as soon as practical after receiving notification.

C. The Sheriff and affected Division Chief determine if the employee will be represented by the legal staff (District Attorney or County Attorney) of Boulder County or if the employee will be referred to legal counsel of his or her own choosing. In making their determination the Sheriff and Division Chief may consult CRS 24-10-110, the District Attorney and/or the County Attorney.

D. The Division Chief notifies the employee of the decision as soon as possible.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

SUBJECT: WORKERS' COMPENSATION INSURANCE **NUMBER:** 321

EFFECTIVE: August 10, 2010

POLICY:

It is the policy of the Boulder County Sheriff's Office to support the Workers' compensation Act, which provides monetary relief for employees who suffer injuries or death in the course of their employment. Workers' compensation is provided to all Boulder County employees and is paid by the County. The Boulder County Risk Manager administers the program.

It is the responsibility of all employees to recognize unsafe conditions, practices and equipment. Such conditions are to be reported to a supervisor immediately and appropriate measures are to be initiated to mitigate the circumstances where possible.

It is the responsibility of the Division Chiefs to investigate on-the-job injuries and make appropriate corrections and recommendations to mitigate unsafe conditions.

DEFINITIONS:

On the job injury: Any injury received by an employee performing service arising out of, and in the course of, employment with Boulder County, and the injury was not intentionally self-inflicted.

PROCEDURE:

I. Reporting On the Job Injuries

A. Employees are to immediately report all personal work related injuries or medical conditions to their supervisor. All documentation is to be forwarded to the Sheriff's Personnel Section prior to the end of the shift on which the accident or injury occurred. The Sheriff's Personnel Section forwards the completed forms to County Risk Management as soon as practical after receipt.

B. Medical conditions or cumulative injuries which manifest over a period of time due to on the job exposure are to be reported as soon as practical once it has been determined that the condition is likely caused by work activities.

1. An on the job injury can be a minor first aid case or an injury that requires professional medical attention. In either case, the injury must be reported to the employee's supervisor prior to the end of the shift in which the accident or activity occurred.

2. Upon verbal notification of an on-the-job injury, the supervisor and employee meet as soon as practical and complete the Boulder County Sheriff's Office workers' compensation reporting form. In the event of a medical emergency, the employee is to seek medical attention and the workers' compensation reporting form is completed as soon as is practical.

3. When an employee sustains an injury duty that is significant enough to report to a supervisor the employee should seek an evaluation at a designated medical service provider immediately, or if after hours, no later than the next business day.

II. Designated Medical Service Providers

A. When medical treatment is required one of the County's designated medical service providers is to be utilized where possible. After hours medical or emergency care may be sought at a designated emergency room. If follow-up care is required, employees are to report to a designated medical service provider (a regular-hours clinic) the next day. Medical emergencies may be taken to the most appropriate medical care facility.

1. Refer to Boulder County policy for current designated clinics, hospitals and emergency rooms.

III. Referrals

A. The attending workers' comp doctor, in collaboration with County Risk Management, has the authority and responsibility to make a referral to another doctor or specialist as necessary. When an employee feels that he or she is not improving with treatment, the employee is encouraged to discuss the matter with the attending physician and Risk Management.

B. Request for Personal Physician

1. An employee may request to see a physician of their choice after being seen by a doctor at one of the designated clinics. The employee makes the request to the county Workers' comp administrator.

2. If the request is denied, the employee still has the right to have a physician of their choice consult with the physicians at the designated clinic and be present at an examination by the clinic doctors. The employee is responsible for the cost of this consultation.

IV. Injury Leave

A. Time taken off as injury leave is to be based on the diagnosis of a Boulder County designated workers' comp doctor.

1. Injury leave is paid in accordance with County Policy.

B. Time spent for follow-up care with a doctor, physical therapist, or other designated and approved health care provider is counted as time worked. Therefore,

1. An employee may attend follow-up care and/or treatment appointments during his or her duty shift when approved by his or her supervisor.

2. When an employee attends follow-up care and/or treatment appointments during off-duty hours the time spent including travel time is counted as time worked in that work period.

a. However, workers' comp related appointments that occur off-duty are a " job related, pre-planned event" and are adjusted 1-to-1 against any hours taken off within that same work period. (See policy #302, II. E. 1.).

V. Return to Work

A. The employee submits a request in writing to return to work to his or her Division Chief and provides documentation from the workers' comp doctor that the employee is cleared to return to either full or modified duty.

B The Division Chief approves the request in accordance with Sheriff's Policy #316.

1. The employee may be required to take and pass the EJD test prior to receiving approval from the Division Chief to return to full duty.

VI. Billing

A. Workers' compensation funds pay for employee medical expenses for an on the job injury.

B. All Workers compensation related bills are forwarded to county risk management.

VII. Payroll Reporting

A. When an employee is injured on the job and is off work due to the injury, the employee or supervisor chooses “Workers’ comp” on the pull-down menu on the online payroll screen.

VIII. Case Management

A. The Sheriff's Personnel Section is responsible for coordinating the Workers’ compensation claim between the employee and the County Risk Management Office.

1. It is the responsibility of the injured employee to keep the Division Chief informed of his or her status.

VIX. Prevention and Investigation

A. All employees have a responsibility to be alert for, and aware of, potential hazards and, when feasible, take action to correct or prevent circumstances that may be dangerous.

1. It is recognized that public safety functions, have inherent risks, which are beyond the control of employees.

2. In an effort to prevent or mitigate injuries, dangerous or at risk circumstances are to be reported to a supervisor as soon as practical.

B. Division Chiefs are responsible for completing an investigation of any workers’ compensation injury when the proximate cause is related to any training session, standard operating procedure or is judged to have been foreseeable.

1. Investigations should focus on cause and remedy to prevent similar incidents.

2. Completed reports are to be forwarded to the Personnel Section and the Sheriff for review.

By Order of the Sheriff,

_____ _____
Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: BADGES **NUMBER:** 322

EFFECTIVE: November 14, 2011

POLICY:

It is the policy of the Boulder County Sheriff's Office to have a designated employee, normally within the sheriff's personnel section or division, responsible for the purchase, issuance, and inventory of all Sheriff's Office metal badges.

The purpose of this policy is to ensure badge inventory control and to limit badge ownership to authorized persons.

DEFINITIONS:

Uniform Shirt Badge: The standard issue shirt badge is a convex style, seven point shaped metal badge that normally utilizes a pin mechanism on the back to secure to on a uniform shirt or on a belt holder.

Wallet Badge: This type of badge is a flat, seven point shaped metal badge generally contained in a leather holder or wallet.

PROCEDURE:

I. Issuance of Badges

A. The Sheriff's Office Personnel Section issues one shirt badge to employees who are required to wear a uniform on a regular or assigned basis.

1. All badges must be turned in to personnel upon termination or when transferring to a classification not requiring their use.

B. A deputy who has been authorized by his or her Division Chief to carry a concealed weapon as a Sheriff's deputy is issued one wallet badge.

II. Personal Purchase

A. Current and former employees are authorized to purchase a badge when agreeing to the conditions of ownership signified by signing the purchase agreement form. (See Attachment "A", Badge Purchase Agreement form)

1. The cost of each badge is the current retail replacement cost unless a price adjustment is authorized by the Sheriff or Sheriff's designee.

B. Upon approval of the Sheriff, or Sheriff's designee, a sheriff's badge may be sold to an individual who is a collector or who wants to permanently mount and display the badge for a lawful purpose. This individual is also required to agree to the conditions of ownership and to sign the "Badge Purchase Agreement" form.

III. Commemorative Issuances to Deputies

A. A Division Chief is authorized to approve the permanent mounting of a wallet or shirt badge on a plaque for commemorative purposes and the issuance of a "retirement" wallet badge to a deputy when the following criteria is met:

1. The recipient has served as a deputy for an aggregate minimum of 10 years.

2. The recipient is leaving employment with the Sheriff's Office in good standing.

B. The Division Chief or designee is responsible for coordinating this process with the Sheriff's Personnel section.

IV. Lost or Stolen Badges

A. When a badge is lost or stolen the affected deputy is to report is loss to his or her Division Chief through the appropriate chain-of-command as soon as possible.

B. The deputy completes a report as soon as practical.

C. The deputy coordinates with his or her immediate supervisor to ensure the lost or stolen badge is entered into CCIC/NCIC databases, when applicable Additional follow-up and investigation is conducted through normal case assignment.

D. Replacement cost for a lost badge is the responsibility of the employee assigned the badge, unless his requirement is waived by his or her Division Chief.

1. The employee is not required to pay for the replacement of a stolen badge.

V. Inventory of Badges

A. It is the responsibility of the designated employee, normally within the sheriff's personnel section, to maintain an inventory of badges and to purchase new badges, as needed.

B. Each badge is to have an identifying number engraved on the back to aid in inventory tracking and control.

By Order of the Sheriff,

Joseph K. Pelle, Sheriff

Date

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ATTACHMENT "A"

Boulder County Sheriff's Office
BADGE PURCHASE AGREEMENT

The undersigned agrees to purchase Boulder County Sheriff's Office, badge #: _____

Serial #: _____ on (date): _____for the amount of:_____.

As a condition of this purchase the undersigned agrees to use the badge for a collection or display only. The purchaser agrees that the badge will not be resold, will be protected from possession by an unauthorized person and will not be used as identification in any form.

I, (print name) _____ agree to abide by the conditions of this agreement in exchange for permission to purchase and possess the above-described badge.

Signed,

_____

_____
Date

Complete the following when purchased by a civilian.

_____
Address

_____
Phone (H) Phone (C)

_____
Driver's license Number/State

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURE MANUAL

SUBJECT: Damage to County Vehicles **NUMBER:** 324

EFFECTIVE DATE: May 23, 2018 **SUPERSEDES:** December 6, 2017

POLICY: The Boulder County Sheriff's Office has established a policy to provide a consistent, standardized review and investigative process for all damage to, or crashes involving, county-owned vehicles.

RELATED PROCEDURES:
318 – Internal Affairs
319 – Disciplinary Action & Appeals
506 – Emergency Response
515 – Off-Duty Use of Sheriff's Vehicles

DEFINITIONS:
Accident Review (AR): A formal review of the circumstances surrounding damage to a county vehicle, including determination of the at-fault party.

Accident Review Memorandum: A memorandum authored by a supervisor detailing the circumstances surrounding the accident involving a county vehicle, a summary of damage sustained, involved costs, determination of fault, mitigating circumstances, and corrective measures taken to prevent or reduce the risk of future accidents.

County Driving History: An employee's record of accidents in county vehicles, which is maintained by Boulder County Risk Management.

County Vehicle: Any vehicle owned, leased, or managed by Boulder County.

Minor Damage: Damage that is estimated to cost less than $1,000 to repair.

Non-Preventable: The employee drove the vehicle appropriately and was unable to avoid the crash due to circumstances or factors beyond their control. Non-preventable accidents shall not be considered a disciplinary issue or considered in performance reviews of the employee.

Preventable: The crash could have reasonably been avoided or prevented.

Traffic Accident/Crash: Any unintentional injury or damage caused by the movement of a motor vehicle or its load. For purposes of this policy, the terms "accident" and "crash" are synonymous.

Vehicle Accident Report: An accident report form provided through Boulder County Risk Management used to document and report all damage, beyond normal wear-and-tear, to county vehicles.

PROCEDURE:

I. Reporting Damage to County Vehicles

A. Employees must report any damage to a county-owned vehicle to their immediate supervisor as soon as practicable, but no later than the end of their shift.

1. If an employee's immediate supervisor is off-duty, the damage is to be reported to an on-duty supervisor.

2. Damage that is the result of criminal mischief or non-crash related incident to a county vehicle does not require a *Vehicle Accident Report* form be completed unless specifically requested by the sheriff's fleet manager. A Tiburon ARS report is still required.

3. Employees must take photographs of all damage and submit them with the appropriate report.

B. Accidents only involving damage to a county-owned vehicle

1. Employees involved in a single-vehicle accident where only minor damage to a county vehicle is sustained and does not involve any other property are not required to have the accident investigated and documented by another law enforcement jurisdiction, but are still required to complete the reports described in Topic II, Section A.

2. If there are injuries or suspected injuries, the accident must be investigated by another law enforcement agency.

C. Accidents involving damage to non-county-owned property, other vehicles, or pedestrians

1. Employees in an accident that involves another vehicle, pedestrian, or non-county-owned property, shall request the appropriate law enforcement agency respond to the scene to investigate and document the accident scene, regardless of damage.

a. If the accident is located in a jurisdiction that contracts their law enforcement services with the Sheriff's Office, a mutual aid request for assistance shall be made to the Colorado State Patrol, or another agency, as needed, to investigate the accident.

b. If the accident involves minor damage to private property, a request from the

property owner to have another law enforcement agency respond to investigate and document the accident shall supersede the discretion of the on-duty or immediate supervisor.

2. The on-duty Operations Division supervisor must be notified at the time of the accident. The involved supervisor should determine the general circumstances, accident location, number of involved vehicles, and if injuries, if any.

    a. If call load and circumstances allow, an on-duty Operations supervisor will respond to the accident scene, provided it is in, or within proximity of, Boulder County.

    b. If the accident occurs within Boulder County and involves significant damage, injury, or involved a county vehicle engaged in an emergency response at the time of the accident, an on-duty Operations Division supervisor shall respond to the crash scene.

II. Accident Reporting Process

A. The involved employee must complete the following reports to document their involvement:

1. A Boulder County Risk Management *Vehicle Accident Report* form; and a

2. Tiburon ARS incident report captioned “ACC BCSO” (Damage to County Property)

    a. Photographs of the accident scene and involved vehicles must be taken and submitted to Property & Evidence.

B. The associated accident report form(s) must be turned in to the employee’s immediate supervisor, or the on-duty supervisor, as soon as practical, but no later than the end of their shift.

1. The involved supervisor will forward a copy of the *Vehicle Accident Report* to:

    a. The employee’s chain-of-command;
    b. The sheriff’s fleet manager; and
    c. The employee’s working file.

2. The original copy of the *Vehicle Accident Report* is placed into the AR file, with a copy provided to the Sheriff’s fleet manager. AR files are maintained by the Sheriff’s executive assistant.

3. The sheriff’s fleet manager, or their designee, distribute a copy of the form to

County Risk Management, as needed.

III. Accident Review Process

A. Assigned Supervisor Responsibilities

1. The supervisor assigned by the involved commander or division chief will gather the following documentation as part of the accident review (AR) process:

a. A copy of the Tiburon ARS report(s);

b. A copy of the investigating agency's report(s);

c. A copy of the employee's county accident/driving history;

i. The employee's driving history is obtained from Risk Management by emailing #RiskManagementAll with the request.

ii. Past accident review (AR) history from the Sheriff's executive assistant.

d. Repair costs to the involved vehicles or damaged property, both county-owned and non-county-owned.

i. Repair costs for county-owned vehicles are obtained from the sheriff's fleet manager.

ii. Repair costs for non-county-owned vehicles are obtained from Risk Management.

e. An updated status on injuries, if any, to any involved persons.

f. A copy of all photographs

B. Accident Review

1. After the employee's direct supervisor gathers preliminary documentation and information, the supervisor will discuss the accident circumstances, county driving history, etc., with the involved employee's commander.

a. The employee's commander will request an "Accident Review" (AR) file from the Sheriff's executive assistant. All accident review documentation is maintained in the AR file.

i. AR files are commensurate to the SR/IA file system as outlined in the *Internal Affairs* policy (#318), and are treated as such. The Sheriff's executive assistant is responsible for the management, storage, and retention of AR files.

2. If the circumstances suggest major misconduct or could warrant major discipline, as defined in the *Internal Affairs* policy (#318) if the employee is found at-fault, the employee's supervisor will complete an *Allegation of Misconduct* form and route it to the proper division chief through the chain-of-command.

3. Accidents involving serious bodily injury or significant damage (e.g., where one or more vehicles are likely to be declared 'totaled') shall be forwarded to the division chief regardless of fault.

4. The involved employee's commander is assigned to complete the accident review when damage exceeds $1,000, there are injuries sustained, or three or more minor accidents occur over the course of a year.

5. Accident reviews involving minor accidents with no notable history of related behavior by the employee (e.g., three or more minor accidents in a year) will be handled by the employee's direct supervisor in accordance with this policy.

   a. There is no requirement that minor accidents be noted in an annual evaluation unless three or more occur over the course of a 12-month period.

IV. Completion of Accident Reviews

A. Dispositions of Accident Reviews (ARs)

- At-Fault, Preventable Accident – Referred for Disciplinary Action
- At-Fault, Preventable Accident – No Disciplinary Action
- At-Fault, Non-Preventable Accident
- Not at Fault

B. Employee's found at-fault in preventable accidents referred for disciplinary action will be disciplined consistent with the *Disciplinary Action & Appeals* policy (#319).

C. The supervisor assigned to complete the accident review will complete a supplemental report to the Tiburon ARS report when their review is complete. This supplemental report will include a general review of circumstances, follow-up investigation, determination of fault, whether the accident was preventable or non-preventable, and any mitigating circumstances identified in the investigation.

1. If an employee is found at-fault in a preventable accident, the supervisor will

complete a brief statement in the supplemental report indicating such, and that appropriate administrative action was subsequently taken. The specific disciplinary or administrative action taken will not be mentioned in the supervisor's supplemental ARS report.

D. The assigned supervisor will complete an *Accident Review Memorandum* detailing the investigative and administrative review of the accident. If the employee is found at-fault in a preventable accident, the specific disciplinary or administrative action taken will be documented in the *Accident Review Memorandum*.

1. If a written reprimand, or greater, is administered, the documentation from the disciplinary action shall serve as the *Accident Review Memorandum*.

   a. The original copy of the written reprimand, or greater, shall be placed into the involved employee's personnel file after it is signed and routed through the employee's chain-of-command, with a copy being placed in the AR file.

2. A copy of the *Accident Review Memorandum* shall be signed by the involved employee and is placed in the AR file, with a note summarizing the incident and final disposition being placed in the working file.

   a. Unless the *Accident Review Memorandum* serves as a written disciplinary action, as outlined in Section C, Paragraph 1, of this topic, a copy of the memorandum and the vehicle crash report will not be placed in an employee's personnel file.

3. In cases where the accident review is conducted as an Internal Affairs (IA) or Supervisory Review (SR) investigation, the disposition and documentation will follow the prescribed process in the *Internal Affairs* policy (#318), with reference to the AR disposition included.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Social Media **NUMBER:** 325

EFFECTIVE: July 9, 2019 **SUPERSEDES:** January 25, 2012

POLICY: It is the policy of the Boulder County Sheriff's Office that when Sheriff's personnel use electronic devices, including social media platforms, they do so in a responsible, professional, ethical, and lawful manner, whether on-duty or off-duty. The Sheriff's Office recognizes and respects employee participation in social media platforms; however, employees must ensure that their online content is consistent with the Sheriff's Office standards of conduct and all departmental policies.

RELATED POLICIES & PROCEDURES:
217 – Data Security, Management & Usage
219 – Public Information
310 – Code of Conduct

DEFINITIONS:
Electronic Communications: Electronic communications include any communications, statements, postings, comments, or images that may be disseminated, sent or received, utilizing any electronic device, including a desktop or tablet computer, laptop, cell phone, smart phone, or any other electronic device capable of electronic communications.

Matter of Public Concern: A community concern or legitimate news interest where free and open debate is vital. When evaluating if speech is a matter of public concern, the speech's content, form, and context are considered.

Page: The specific portion of a social media website where content is displayed. Pages are managed by an individual or individuals with administrator rights.

Post: Content that an individual shares on a social media site, or the act of publishing content on a site.

Profile: Information that a user provides about an individual or an agency on a social networking site.

Social Media: A category of internet-based resources that integrate user-generated content and under participation.

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, or by expressive conduct, symbolism, photographs, video, or related forms of communication.

PROCEDURE:

I. Agency Social Media

A. Social media use for official Sheriff's Office business is guided by the *Public Information* policy (#219).

B. Any social media account(s) maintained by individual members of the agency who use the account in their official capacity are not subject to any First Amendment protection, as such speech is wholly considered to be made in the course of their regular job duties.

II. Employee Personal Use of Social Media

A. Legal Considerations and Limitations

1. The Sheriff's Office recognizes their employees' First Amendment rights to express themselves as private individuals speaking on matters of public concern on social media networks, and shall only place limitation on those rights when such speech is outweighed by the agency's interests related one or more of such items that:

a. Interfere with the operation of the agency; or

b. Interfere with the maintenance of discipline by supervisors; or

c. Impair working relationships of the agency that are based on loyalty, trust and confidentiality; or

d. Obstruct performance of duties; and/or

e. Amount to abuse of authority.

2. Speech made by employees pursuant to their official duties is not protected speech and may form the basis for discipline if found to be contrary to Sheriff's Office policy.

3. Employees are prohibited from making statements, speeches,

appearances, endorsements, or publishing materials that could reasonably be considered to represent the views or positions of the Sheriff's Office without express authorization.

4. Employees must be cognizant that posting on any social media platform, whether on or off-duty, may form the basis for undermining or impeaching their testimony in a criminal proceeding, or potentially subject them to civil litigation.

   a. Examples of conduct that may expose an employee to potential civil litigation may include, but are not limited to: publishing or posting false information that harms the reputation of another person, group, or organization; publishing or posting private facts and personal information about someone without their permission that have not been previously revealed to the public, are not of legitimate public concern, and would be offensive to a reasonable person; using someone else's name, likeness, or other personal attributes without that person's permission for exploitative purpose; or publishing the creative work of another, trademarks, or certain confidential business information without permission of the owner.

B. Identification of Sheriff's Employment

1. Employees may identify themselves as representatives of the agency when communicating electronically. However, when they do so, their actions may reflect on the Sheriff's Office and are to conform to the Sheriff's Office policy.

   a. Self-identification can include the acknowledgement in the user profile for work experience, job title, etc., by identifying oneself as an employee of the agency. If the employee identifies themselves as an employee of the agency, they take on the responsibility of representing the agency in a professional manner.

   b. If the employee does self-identify themselves as a member of the agency and is not communicating in their official capacity or in the course of their job duties, a disclaimer shall be made that makes it clear that any opinion(s) expressed are solely those of the employee and do not represent the views of the agency.

      The disclaimer is to read as follows:

"The posts on this site, including but not limited to images, links and comments left by readers, are my own and do not necessarily represent my employer's positions or opinions."

2. Any employee, whether he/she has self-identified himself/herself as an employee of this agency, shall always follow the requirements of this policy.

C. Confidential and Law Enforcement Sensitive Information

1. Employees are to take proper care not to purposefully or inadvertently disclose any information that is confidential or law enforcement sensitive.

2. Employees are required to consult the agency's other policies concerning what constitutes confidential or law enforcement sensitive information.

3. Employees are to honor the privacy rights of their fellow employees, past or present, by seeking their permission before writing about or displaying internal agency activities that might be considered to be a breach of privacy and confidentiality.

D. Terms of Service

1. Social networking sites require that users, when signing up, agree to abide by a terms of service (TOS) document. Agency employees are responsible for reading, knowing, and complying with the TOS of the sites they use.

E. Copyright

1. Employees are always to comply with copyright/plagiarism laws. Posting of someone else's work without permission is prohibited.

2. Employees are to comply with laws related to libel and defamation of character.

3. Employees may not use the agency's logos or other identifying items related to their employment without first obtaining written permission from the Sheriff.

F. Productivity

1. Employees are to comply with general agency internet use policies and

recognize that all time and efforts spent on a personal site, or accessing other sites for personal reasons, is to be done on their personal time, or as allowed by their supervisor, and does not interfere with their job performance or duties.

G. Content

1. Employees are not to utilize any county provided computer or electronic device to access sites or images which would be potentially embarrassing to the agency or fellow employees. Examples include nudity, pornography, gambling or gaming sites, etc.

   a. Exceptions are made for investigative purposes with the approval of a supervisor.

By Order of the Sheriff,

Joseph K. Pelle	7/10/2019
	Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Infants-at-Work *(Pilot Program)* **NUMBER:** 326

EFFECTIVE DATE: December 6, 2017 **SUPERSEDES:** [New]

POLICY:
The Boulder County Sheriff's Office recognizes that the Boulder County policy to provide a positive work environment that recognizes parents' responsibilities to their jobs and to their infants can be beneficial to the employee, the employer, and society. The Sheriff's Office agrees that encouraging new mothers, fathers, or legal guardians to return to work sooner by allowing the new parents to bring their infant to work with them until the child is mobile is a positive benefit if it can be accommodated by the Sheriff's Office.

Although the Sheriff's Office recognizes the program's benefit, it also recognizes that it must also maintain a safe, productive working environment for both the parent and other Sheriff's Office employees. The Sheriff's Office provides the public service of law enforcement, and therefore has a different work environment from other County departments. In light of these recognized differences, the Sheriff's Office will offer the program on a case-by-case basis, from January 1, 2018 to December 31, 2018. This program shall be a "pilot program" until the Sheriff determines whether or not it is workable in Sheriff's Office's environment.

DEFINITIONS:
Alternative Care Provider: A Sheriff's Office employee who has voluntarily agreed to care for an infant in the *Infants-at-Work* program on a short-term, temporary basis, in the absence of the parent.

Infant: A child under 12 months of age who has not yet gained mobility.

Mobile (Mobility): Crawling, walking, or another form of movement which results in the infant moving from one location to another without assistance. Mobility varies for each infant, but typically occurs within six to ten months after birth.

Parent: A Sheriff's Office employee who has legal custody or guardianship of an infant.

RELATED POLICIES:
[None]

PROCEDURE:

I. Program Eligibility

A. Full-Time employees are eligible to request to participate in the program, subject to the specific job assignment and responsibility of the parent and the physical safety of the infant.

1. The Sheriff's Office is unable to accommodate alternative work assignments for its employees in order to facilitate program participation. Therefore, the work environment the parent is currently assigned must be conducive to allowing an infant to be in the work area.

B. To be eligible, the employee must demonstrate reliable work performance over time, having received a consistent or greater rating during their last written evaluation period.

C. Prior to approval for participation in the *Infants-at-Work Program*, a pre-program meeting must occur between the parent, the supervisor(s), and the Division Chief of the parent's assigned division.

1. As part of the pre-program meeting, all parties must review and discuss the proposed *Infants-at-Work Request Form and Individual Plan* form (Appendix A).

2. The employee's Division Chief is responsible for determining whether the request for participation will be approved or denied, after meeting with the requesting employee and their supervisor. The decision is memorialized on the *Infants-at-Work Request and Individual Plan* form.

a. If approved to participate in the program, the Division Chief will notify the Undersheriff and the County's Human Resources Director of the approved parent's identity and job description for tracking purposes.

1) The affected Division Chief is responsible to make notification to the Undersheriff and the County's Human Resources Director upon the infant's completion or termination from the program.

b. If denied, the Division Chief will provide the reasons for denial to the requesting parent.

D. The Sheriff's Office *Infants-at-Work Program* is a voluntary option for parents, subject to the approval as outlined in this policy, where it is compatible with the parent's job requirements. Participation in the program is a privilege, not a right, and the Sheriff's Office expressly reserves the right to refuse participation in the program for any reason, no reason at all, and/or to terminate participation in the program due to

business conditions or organizational needs. The Sheriff's Office may change, revise, or repeal this policy with or without notice.

II. Employee Responsibilities

A. Parents who wish to participate in the pilot program make application to their Division Chief, through their chain-of-command, by completing the *Infants-at-Work Request and Individual Plan* form (Appendix A).

B. Parents approved for participation in the program shall maintain their current work schedule – or if satisfactory to the organizational interests, a modified work schedule – and job responsibilities.

C. Parents shall make their work areas suitable and safe for the infant and the infant shall be located primarily at the participating parent's work area during the work day. Ideally, the parent will stay with the infant at all times.

D. Each parent shall designate two Alternative Care Providers who are employees in the same office, department, or unit, and are in close proximity to the parent's work area.

1. Alternative Care Providers must agree to serve in that role and shall obtain written permission from their supervisor(s) and their Division Chief prior to participating in the program and caring for an infant. Alternative Care Providers must acknowledge they have agreed to serve as such by signing the *Alternative Care Provider Agreement* (Appendix B).

2. Employees who are also parents in the *Infant-at-Work Program* are not eligible to serve as Alternative Care Providers.

E. If it becomes necessary for an employee participating in the program to leave the building or their designated work areas for work-related functions, the parent may do so without taking the infant, as long as the child is in the care of the designated Alternative Care Provider.

1. If the parent is going to be unavailable for a period exceeding one-and-a-half (1.5) hours within a four (4) hour period, the parent shall make arrangements for the infant's care outside of the Sheriff's Office.

F. If a parent consistently experiences unexpected scheduling issues, their approval to participate in the program may be withdrawn.

G. The parent will accept complete responsibility for the safety of the infant. If the parent's duties require leaving the primary work site, the parent will take the infant along. The parent may not transport the infant in a county vehicle.

H. The parent must provide all supplies and equipment needed to care for the infant at the work site, including ensuring that the area is kept in a clean and sanitary condition.

1. Soiled cloth diapers must be stored in a closed container, provided by the parent, and must be taken home daily. Soiled disposable diapers must be wrapped appropriately and discarded in a restroom trash can.

I. There may be work circumstances unsuitable for infants such that it may be necessary for parents to make other arrangements for child care during these circumstances or extended periods when leaving the child in the care of an Alternative Care Provider is not feasible. Parents are expected to work closely with their supervisors and co-workers to ensure that all parties involved are aware of the duties that can and cannot be reassigned, and parents are expected to make alternate childcare arrangements when required to do so.

J. In order for an *Infants-at-Work Program* to be most effective, all parties need to be sensitive to the needs of others. The parent-employee must maintain an acceptable work performance rating and ensure that the presence of the infant does not create any office disturbances. If problems arise that cannot be resolved, parent-employees understand that approval of their participation in the program may be revoked.

K. Employees may speak to the County's Human Resources Division at any time regarding any resources available, or employee benefits offered, to county employees.

III. Infant Considerations

A. In the event that an infant becomes noticeably fussy, loud, uncontrollable, or exhibits any behavior that causes a distraction or disruption in the workplace, or prevents the parent from accomplishing work, then the parent or alternative care provider must immediately take the infant to a quiet area, such as a lactation room, break room, or unused conference room, until the infant calms down and is quiet.

1. If the infant does not calm down within 30 minutes, the parent or alternative care provider must remove the infant from the Sheriff's

Office premises. Time tending to the child is not considered time worked, with the exception of standard paid breaks. The parent or alternative care provider must use paid leave time for such absences. If the infant causes a disruption in the workplace three times within a 30-day period, the infant will no longer be eligible for the program and the parent will be required to find alternative arrangements for the infant.

B. The infant may be in another employee's workspace for brief intervals (not more than one hour) if the arrangement is agreed upon between the parent, the other employee, and the supervisor. The other employee's work area must be an environment that is suitable and safe for the infant at all times and steps taken to ensure that other employees are not disturbed.

C. Illness

1. A sick infant shall not be brought to work. If the infant becomes sick during the day, the parent must take the infant home.

2. The Centers for Disease Control and Prevention's ("CDC") *Recommendations for Inclusion or Exclusion* of children from out-of-home child care settings are available from Boulder County Human Resources, and are hereby adopted by the Boulder County Sheriff's Office as a means for determining whether an infant is sick and should not be brought to the parent's workplace (Appendix C).

   a. The Sheriff's Office will always rely upon the current recommendations of the CDC, as published by County Human Resources, as updates are made. Attaching the current recommendations to this policy as Appendix C is solely done as a matter of convenience.

D. Mobility

1. Once an infant is deemed mobile, the infant is no longer eligible for the *Infants-at-Work Program*. Parents have the responsibility to anticipate their infant's transition to mobility wherever possible and prepare, in advance, for alternative childcare arrangements. Regardless of infant's mobility, the maximum age of an infant allowed in the program is 12 months.

2. The determination of when an infant is mobile for purposes of this policy is made by the parent's Division Chief.

IV. Termination of Eligibility

A. Parent(s) have the right to terminate their participation in the pilot program at any time.

B. The Sheriff's Office may terminate an individual agreement for participation in the program at any time under the following circumstances:

1. The individual agreement may be terminated if the parent becomes subjected to disciplinary action, does not comply with the terms and conditions of the *Individual Plan*, or when complaints regarding the infant's presence in the office have been made that cannot be resolved.

2. It is the parent's responsibility to maintain acceptable work performance and to ensure the presence of the infant does not create unreasonable disturbances to the work environment.

3. Any other reason, based upon articulable cause, at the discretion of the affected Division Chief.

C. Regardless of cause, once an infant's eligibility in the program has been terminated, the infant must be removed from the workplace.

1. Depending on the circumstances, the Sheriff's Office may require the infant's immediate removal from the workplace; otherwise the parent will be notified of the termination and that alternate childcare arrangements should be made immediately.

V. Miscellaneous

A. Other affected employees may request an "infant-free" work environment. Such requests should be made, in writing, to their Division Chief through their chain-of-command. The Division Chief will address any such requests based on business need and staffing situations at the time of the request.

By Order of the Sheriff,

_____ _____
Joseph K. Pelle Date

APPENDICES:

Form 326A	*Infants-at-Work Pilot Program and Individual Plan* form
Form 326B	*Alternative Care Provider Agreement* form
326C	CDC's *Recommendations for Inclusion or Exclusion* regarding childcare and illness

Infants-at-Work Program Request and Individual Plan Form
Appendix A (Policy 326)

1. Employee Read and Sign Agreement

I request permission to bring my infant to my work site from _____ to _____.

My infant will be in the workplace from _____ to _____ on M T W TH F Sa S.

I have read and understood the Boulder County Sheriff's Office policy (#326) and will comply with all the employee's responsibilities. I understand I must have a release from my physician to return to work before commencing work of any kind. I acknowledge that this privilege may be revoked for the reasons set forth in the policy.

Emergency Contacts:

Name	Relationship to Parent	Contact Phone
Name	Relationship to Parent	Contact Phone

Write-in any requested or necessary provisions (e.g. workstation modifications, change in assignment or schedule, etc.):

_____
_____
_____
_____
_____

Employee Acknowledgements (initial):
I am responsible for making my workstation suitable for an infant. _____
I am responsible for providing any necessary furniture and equipment suitable for my infant's needs. ____
Furniture and equipment shall not extend beyond my work station. ____
I will not bring a sick infant to work. ____
I have designated two Alternative Care Providers. ____

Employee Name (Printed)	Employee Signature	Date

2. Mandatory Meeting (Before the infant comes to the workplace):

☐ Meeting with employee, employee's supervisor, and Division Chief has been held on _____.

Supervisor Signature _____ Date _____

3. Division Chief

☐ Approved

☐ Denied
(Attach Justification for Denial)

Division Chief Name (Printed): _____

Division Chief Signature _____ Date _____

Infants-at-Work Program Alternative Care Provider Agreement Form
Appendix B (Policy 326)

As an alternative care provider, I understand and agree to the following:

1. This agreement concerns employee_____ (hereinafter "parent").

2. When necessary, I will provide care for the above-named employee's child. (Provider care not to exceed 1.5 hours in a 4-hour period.)

3. I will move to their workstation or the infant will be brought to my workstation, whichever is most convenient.

4. If the infant becomes "fussy" under my care, I will take the infant to the designated sitting room.

5. I understand my alternative provider care does not relieve me of my responsibilities as an employee of Boulder County.

6. I understand there is another designated alternative care provider with these same duties who I may contact if I require assistance.

7. I will be notified by the parent if there is any change in the alternative care providers under this Agreement.

8. Only the parent and I, or another Alternative Care Provider designated for a specific infant, will be responsible for the infant's care while he or she is participating in the pilot program.

9. I will not release the infant under my care to any individual other than the persons designated on the following list:

   Name: _____ Relationship to parent: _____

   Name: _____ Relationship to parent: _____

10. If at any time I no longer agree to serve as an alternative care provider for parent, I shall give two (2) weeks' notice to parent. I hereby agree to serve as an Alternative Care Provider as described above. I hereby acknowledge and affirm that I have read and understand the terms and conditions of the Infant-at-Work Program Guidelines, the Individual Plan and this Alternative Care Provider Agreement.

_____	_____
Alternative Care Provider's Signature	Division Chief Signature
_____	_____
Alternative Care Provider's Printed Name	Division Chief Printed Name
Date Signed: _____	Date Signed: _____

Infants-at-Work Program
Summary of CDC Recommendations for Inclusion of Exclusion
Appendix C (Policy 326)

Mild illness is very common among children, and most children should not be excluded from their usual source of care for common respiratory and gastrointestinal illness of mild severity. Infectious disease prevention and control strategies are often influenced by the fact that asymptomatically infected persons can transmit certain infectious microorganisms to others. Parents of children in childcare and adult child caregivers should be educated as to the infectious disease risks of childcare. Following common sense hygienic practices can reduce much illness risk.

Exclusion of children from out-of-home childcare settings has been recommended for illnesses known to be transmitted among, by, and to children when exclusion of the child or adult has a potential for reducing the likelihood of secondary cases. Exclusion has also been recommended in cases of serious illness for which a hypothetical risk of transmission exists, but for which data at present is insufficient to quantify the risk. In many situations, the expertise of the program's medical consultant and the responsible local and state public health authorities are helpful in determining the benefits and risks of excluding children from their usual care program.

Child and caregiver-specific exclusion policies reflect the present state of knowledge. Children need not be excluded for a minor illness unless any of the following exists:

- The illness prevents the child from participating comfortably in program activities.
- The illness results in a greater care need than the childcare staff can provide without compromising the health and safety of the other children.
- The child has any of the following conditions: fever, unusual lethargy, irritability, persistent crying, difficult breathing, or other signs of possible severe illness.
- Diarrhea (defined as an increased number of stools compared with the child's normal pattern, with increased stool water and/or decreased form) that is not contained by diapers or toilet use.
- Vomiting two or more times in the previous 24 hours, unless the vomiting is determined to be due to a non-communicable condition and the child is not in danger of dehydration.
- Mouth sores associated with an inability of the child to control his/her saliva, unless the child's physician or local health department authority states that the child is noninfectious.
- Rash with fever or behavior change, until a physician has determined the illness not to be a communicable disease.
- Purulent conjunctivitis (defined as pink or red conjunctiva with white or yellow eye discharge, often with matted eyelids after sleep and eye pain or redness of the eyelids or skin surrounding the eye), until examined by a physician and approved for readmission, with or without treatment.
- Tuberculosis, until the child's physician or local health department authority states that the child is noninfectious.
- Impetigo, until 24 hours after treatment has been initiated.
- Streptococcal pharyngitis, until 24 hours after treatment has been initiated and until the child has been afebrile for 24 hours.
- Head lice (pediculosis), until the morning after the first treatment.
- Scabies, until after treatment has been completed.
- Varicella, until the sixth day after the onset of rash or sooner if all lesions have dried and crusted.
- Pertussis (which is confirmed by laboratory or suspected based on symptoms of the illness or because of cough onset within 14 days of having face-to-face contact with a person in a household or classroom who has a laboratory-confirmed

case of pertussis), until 5 days of appropriate antibiotic therapy (currently: erythromycin) has been completed (total course of treatment is 14 days).

- Mumps, until 9 days after onset of parotid gland swelling.
- Hepatitis A virus infection, until one week after onset of illness and jaundice, if present, has disappeared or until passive immunoprophylaxis (immune serum globulin) has been administered to appropriate children and staff in the program, as directed by the responsible health department.

Certain conditions do not constitute a prior reason for excluding a child from childcare unless the child would be excluded by the above criteria or the disease is determined by a health authority to contribute to transmission of the illness at the program. These conditions include the following: a symptomatic excretion of an enteropathogen; nonpurulent conjunctivitis (defined as pink conjunctiva with a clear, watery eye discharge and without fever, eye pain, or eyelid redness); rash without fever and without behavior change; cytomegalovirus infection; hepatitis B virus carrier state; and HIV infection.

# # #

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: TRAINING **NUMBER:** 401

EFFECTIVE: December 18, 2017 **SUPERSEDES:** February 23, 2007

POLICY:

It is the policy of that Sheriff's Office that all deputies annually receive a minimum of 24 hours of job-related education or training. In addition to the training required by this policy, training in other disciplines and subject areas may be required in other department and divisional policies.

DEFINITIONS:

Employee: For purposes of this policy, employees include all full-time, part-time, hourly, and sheriff's volunteers.

Internal In-Service Training: For the purpose of this policy internal in-service training includes day long in-service training as wells as firearms, driving, and defensive tactics sessions.

Red-Line ('Critical') Policies: Policies or procedures designated by the sheriff, or a division chief, as requiring an annual, documented review by employees. For purposes of this policy, the terms "red-line policies" and "critical policies" are synonymous.

Sheriff's Training & Travel Request Form: An internal document used as a request and approval form by employees and their supervisors. This form is used primarily to seek approval to attend training outside of the agencies regularly scheduled in-service and firearms training.

Training Attendance Form: A form used to document employee attendance at a training event, either internally or externally.

Training Memorandum: A form completed by an employee who attends an external training in which a certificate of attendance, completion, or certification, is not issued.

Yellow-Line Policies: Policies or procedures designated by the sheriff, undersheriff, or a division chief, that require a documented review by employees upon their initial publication and in subsequent revisions.

PROCEDURE:

I. Responsibility for Training

A. The Administration Division's Personnel & Training Unit is responsible for the coordination and implementation of all internal in-service training for the Sheriff's Office.

1. The Personnel & Training Unit commander is responsible to ensure that all deputy-related annual in-service training complies with, at a minimum, the basic annual training requirements promulgated by Colorado P.O.S.T. (e.g. Rule 28).

    a. Additional annual in-service training desired or sought beyond the prescribed P.O.S.T. requirements is coordinated with the affected division's chief.

2. The Personnel & Training Unit is responsible to coordinate lesson plan development with the instructors and/or SMEs from the appropriate discipline for all internally delivered training programs. Lesson plan coordination and development includes ensuring that the written training plan is documented on the current lesson plan format used by the Sheriff's Office.

3. The Personnel & Training Unit is responsible for developing a department-wide annual in-service training schedule, keeping in mind significant holidays, departmental events, and other potential conflicts to ensure that training does not conflict with operational needs.

    a. Each division chief, or their designee, will work with the Personnel & Training Unit and develop an annual training schedule for individual units within their division such as the K-9 Unit, Explosive Ordinance Disposal Unit, Special Weapons and Tactics Team.

4. The Personnel & Training Unit is responsible for all basic pre-service training for all deputy, security deputy, animal control, and detention specialist positions. Upon successful completion of basic pre-service training, new employees will be released to their division to enter the appropriate FTO or OJT (on-the-job) program.

5. The Personnel & Training Unit is responsible for ensuring that the sheriff, undersheriff, and division chiefs remain aware of all Colorado P.O.S.T. training requirements. Additionally, the Personnel & Training Unit commander is responsible to provide periodic status reports on deputy-compliance with Colorado P.O.S.T. annual training requirements.

B. Each division chief is responsible for ensuring the employees within their division receive the minimum amount of training required by policy, Colorado P.O.S.T. rules, applicable case law, and/or state statute. Training includes pre-service training, on-the-job (OJT) or field (FTO) training, briefing training, POST-required training, and in-service training.

1. Each division chief is responsible for maintaining a list of critical, high-liability job tasks for uniform positions within their division.

2. Each division chief is responsible for establishing the minimum pre-service training requirements to be completed prior to an employee engaging in FTO or OJT training in a uniformed capacity.

   a. These minimum pre-service requirements shall be used by the Personnel & Training Unit to establish the pre-service training schedule (i.e. “mini-academy”) outlined in Section A, Paragraph 4, of this topic (I.A.4).

B. Each division chief, or their designee, is responsible for completing an annual review of their training plans with their training coordinator(s) assigned to, or liaison with, the Personnel & Training Unit.

C. Division chiefs meet annually with the sheriff, or sheriff’s designee, to establish the priorities for in-service training. The sheriff’s Executive Staff reviews in-service training curriculums prior to implementation.

   1. A written lesson plan is required for each training class, including a lesson plan cover sheet. A printed copy of PowerPoint slides are not considered a written lesson plan, but rather, are a training aid.

D. The Personnel & Training Unit is responsible for producing a periodic report of red-line and yellow-line policy review is produced for each division chief.

   1. On an annual basis, the Personnel & Training Unit will produce a report for the Sheriff’s Executive Staff that describes, in general, how and when the red-line and yellow-line policy review was completed, and who has not completed the required training or review.

II. Training Attendance

A. A deputy is required to meet the minimum training attendance prescribed in Sheriff’s Office policy or by law. If the deputy fails to do so, he or she shall be reassigned or disciplined.

   1. The Personnel and Training Unit will distribute monthly attendance reports documenting employee attendance at Internal In-Service Training.

III. Training Documentation

A. The Personnel & Training Unit ensures that training is properly documented. Documentation includes the content of the training; the date(s), time(s), and location(s) of the training; the names of the attendees; a sign-in roster; the names of instructors or training provider; the certification obtained (if applicable); and the results of testing or other performance measures.

1. A copy of the lesson plan cover sheet, lesson plan, and any handouts provided during the training shall be attached to the *Training Attendance Form* for any internal training events.

2. Each shift or unit supervisor is responsible to ensure that a *Training Attendance Form* is completed for any shift or unit-led training (e.g. briefing training) or policy review, and that each employee endorses the training record.

B. All training events and conferences are recorded in the electronic training database, and in each employee's electronic training record. Hard copies of training records and documentation such as certificates, written proficiency testing, remedial training plans, etc., are maintained in the employee's training file.

C. The Personnel & Training Unit will ensure all departmental training records are managed according to the approved Retention Schedule on file with the Records Section.

1. Employees who attend job-related training outside of the Sheriff's Office are required to submit a copy of any certificate obtained, or a *Training Memorandum* if a training certificate is not issued, as a record of their attendance.

D. FTO, CTO and OJT Training Programs

1. Each division chief shall identify at least one program coordinator to oversee and manage their division-specific FTO, CTO, or OJT training programs. Divisional program coordinators are responsible for:

a. Coordination of basic pre-service training (e.g. the "mini-academy") with the Personnel & Training Unit

b. The construction and maintenance of recruit training schedules

c. The selection and training of FTO, CTO and OJT training personnel

d. The maintenance of all FTO, CTO, and OJT training manuals to ensure they reflect current departmental policies, training, law (statutory or case law), and industry standards.

e. The correct completion and retention of all FTO, CTO and OJT training records and documents (e.g. DORs, weekly memos, end-of-phase memos, etc.).

1) When an employee is no longer in an FTO, CTO or OJT training program, all related training records shall be submitted to the Personnel & Training Unit for retention and archiving.

2. Employee training records related to initial on-the-job or field training are permanently retained, but may be scanned and preserved electronically by the Personnel & Training Unit. The only original documents retained without exception are the FTO, CTO, or OJT completion memorandum and the final training memorandum.

a. General FTO, CTO, and OJT training hours are not reflected in the electronic training database, only hours dedicated to a specific subject (e.g. pre-service training in defensive tactics, firearms, critical policies, etc.).

E. All training documentation must be submitted to the Training & Personnel Unit within ten (10) days of the training being completed.

III. External Training

A. The Sheriff's Office maintains a budget to support employee training outside of internally offered training events.

1. Each division chief may approve an external training event or conference held in the state of Colorado for an employee in their division when the total cost is $500 or less.

2. Out-of-state training events or conferences, or those exceeding $500 in total cost, are approved by the Sheriff, or in his absence, the Undersheriff.

B. External training requests, whether in-state or out-of-state, must be requested on the *Sheriff's Training & Travel Request Form*, with all related

documentation attached.

1. Supporting documentation to the request must include conference or training agendas, costs, receipts (or estimates) for related travel costs, and completed per diem information.

C. Employees who attend an approved training event outside of Boulder County, which does not include an overnight stay, are eligible for a lunch meal reimbursement, up to the current GSA threshold, if requested. Reimbursements must be submitted on a *County Employee Reimbursement form* and are proven with receipt(s).

D. Trainings that require travel, overnight accommodations, and/or per diem, are coordinated and scheduled through the Personnel & Training Unit.

1. Policy guidelines related to travel expenses for attending external training or conferences outside of Boulder County are outlined in Policy No. *212 – Travel Expenses*.

By Order of the Sheriff,

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURE MANUAL

SUBJECT: Law Enforcement Training Academies **NUMBER:** 402

EFFECTIVE: May 23, 2018 **SUPERSEDES:** March 14, 2007

POLICY:

It is the policy of the Sheriff's Office to annually send selected personnel to a Colorado Peace Office Standards, and Training (POST) accredited law enforcement training academy as the budget permits. The Sheriff has delegated authority to the Undersheriff and Division Chiefs to allow the use of adjusted schedules to accommodate an employee selected to attend an academy.

PROCEDURE:

I. External Applicants

A. The Sheriff's Office may approve a recruitment and selection strategy that waives the certification requirement for applicants seeking patrol deputy positions or other positions requiring POST certification.

1. An external applicant selected for a Deputy I position may be sent to a Colorado POST accredited law enforcement academy at Sheriff's Office expense.

2. While attending an academy, the new employee will be placed in the county pay classification system at a salary level below that of the Deputy I, which is typically at the midpoint LET II. Upon successful completion of the academy the employee will be upgraded to the entry-level salary of Deputy I.

II. Internal Applicants

A. A selection process may be conducted periodically to identify current employees eligible to attend a POST accredited academy.

1. An employee is not eligible to attend a POST certification academy at Sheriff's Office expense until they have (a) completed all the elements of the hiring process for deputy or security deputy positions (e.g., psychological testing, etc.); and (b) have been found suitable for appointment to a deputy position during a competitive interview process in the Operations or Jail Division and, at a minimum, has been placed on an eligibility list for deputy or security deputy.

B. Generally, an employee may be considered for the selection process when the employee requires POST certification to become eligible to be a deputy assigned to the Operations Division or for career development to be eligible for promotion or a specialty job assignment in the Jail Division.

C. Attending the academy is the selected employee's temporary job assignment. During this assignment, the employee is responsible for meeting all academy requirements and complying with academy policies, rules, and regulations.

1. The selected employee will receive their current salary for the duration of the academy. All required academy classroom and skill training courses are considered on-duty time. As such, the employee is covered by the County's worker's compensation insurance for duty-related injuries.

2. When selected to fill a Deputy I position the employee will be reclassified to a Deputy I, when applicable, upon successful completion of the academy.

III. Option to Bypass Internal Process

A. Employees may bypass the selection process and request to attend a POST Law Enforcement Academy on their own time and at their own expense.

1. An employee choosing this option shall apply to their Division Chief by way of their chain-of-command.

2. The Division Chief has the authority to deny this request when in his or her judgment, the employee's attendance would unreasonably interfere with the employee's job assignment.

3. The Division Chief may authorize a modified schedule to assist the employee in attending an academy.

B. Employees who elect to attend the academy on their own time and at their own expense are urged to utilize the County's tuition reimbursement program to help defray their out-of-pocket costs.

1. Employees may also receive additional assistance through a financial scholarship and/or supplies and equipment (e.g., provision of duty gear, a weapon being loaned from the Armory, ammunition, etc.) upon approval of the Sheriff, Undersheriff, or their Division Chief. This assistance is budget and resource dependent at the time of the request.

C. Employees who attend the academy on their own time and at their own expense, regardless of any tuition, supply, or equipment support provided by the Office, are considered off-duty and are not covered under the County's worker's compensation insurance.

IV. Transportation

A. The selected academy is considered the employee's duty station for the duration of academy training and the employee is responsible for arranging for all related transportation needs.

By Order of the Sheriff,

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Joseph K. Pelle Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Leadership & Apprenticeship Development (LEAD) Program **NUMBER:** 404

EFFECTIVE: January 8, 2019 **SUPERSEDES:** May 12, 2014

POLICY: It is the policy of the Boulder County Sheriff's Office to ensure employees placed in supervisory positions are capable, knowledgeable, and effective leaders. In furtherance of this policy, the Sheriff has instituted a leadership development program to prepare employees for first-line supervisory responsibility prior to being promoted. The program emphasizes the development of leadership skills by requiring that employees increase their capabilities and knowledge through education, training, and experience.

DEFINITIONS:

Task Book: The task book is the LEAD Program manual that outlines the various program requirements and provides the employee with the information needed to move through the program and document progress.

PROCEDURE:

I. Program Components

A. Formal Education

1. Employees who desire to follow a career in the supervisory ranks of the Sheriff's Office are encouraged to have or obtain, a bachelor's degree or higher, from an accredited college or university.

a. A portion of the training budget each fiscal year (e.g. $10,000) may be set aside by the sheriff or sheriff's designee for use as tuition assistance to employees whose application to the Boulder County tuition assistance program was not funded, or only partially funded.

The purpose of the Sheriff's Office tuition assistance program is to supplement, not supersede, the county's program.

1) An employee may apply for Sheriff's Office funds for the amount of their request not funded by the Boulder County program up to a maximum of $1,500 per calendar year.

2) When possible, supervisors are encouraged to allow the adjustment of work schedules, and/or use of comp or vacation time, to accommodate an employee's need to

attend classes or perform school related tasks.

2. It is not mandatory that an employee commit to, or complete, this portion of the program.

B. Boulder County Supervisory Skills Certificate

1. Employees enrolled in the LEAD Program are encouraged to obtain a Boulder County Supervisory Skills Certificate in preparation for testing for a first-line supervisory position. The Boulder County Supervisory Skills Certificate is awarded points in the resume component of the promotional process, as outlined in the *Promotions* policy (#308).

C. Professional Training/Education

1. Employees enrolled in this program are encouraged to attend other supervisory preparatory courses applicable to their anticipated supervisory assignment (e.g., Operations Division deputies should attend law enforcement sponsored training/education courses dealing with supervising the patrol and/or detective functions; Jail Division deputies should attend law enforcement courses focused on corrections, inmate behavior, etc.).

2. It is not mandatory that an employee commit to or complete this portion of the program.

D. Apprenticeship Program

1. Employees enrolled in the LEAD Program are required to participate in the first-line supervisor apprenticeship program.

2. Employees are accepted into the program through a selection process established and managed by each division's program coordinator in consultation with their division chief. The number of employees in the apprenticeship program and the length of the program are determined by employee's division program coordinator.

3. The apprenticeship program has a beginning and ending date, as set by the respective division, not to exceed 12 months.

   a. The employee and mentor work together to ensure the required program tasks are completed in a manner that balances the need

to get the employee through the program at a reasonable pace and within the 12 months. Both the employee and mentor will continue to devote appropriate time to their primary assignments during this program

b. An extension of up to six (6) months may be granted by the employee's program coordinator when events or circumstances outside of the control of the employee and/or mentor cause a delay.

4. Participation in the apprenticeship program is mandatory for all employees enrolled in the LEAD Program.

II. Program Eligibility

A. An employee is eligible to enroll in the program when the following criterion is met:

- Employed with the Boulder County Sheriff's Office for 24 months
- Employed in the division in which the program takes place for 12 months
- Has not received any major discipline in the prior 12 months, as defined in the *Internal Affairs* policy (#318)
- Has not received a letter of reprimand in the prior 12 months
- Has not received an "inconsistent" or lower rating(s) in the most recent annual evaluation
- Has received approval from their chain-of-command

B. Enrollment in the program may be revoked at the discretion of the employee's division chief when of any of the following occurs while the program is in progress:

- Major discipline
- An inconsistent or lower rating on the latest annual evaluation
- Poor performance in the program according to the program coordinator (i.e., unexcused absences to classes or training courses, failure to satisfactorily complete tasks, frequently misses commitment dates/deadlines, etc.).

3. An employee may terminate participation in the program voluntarily by submitting written notice of their intent to their Division chief via their chain-of-command.

III. Program Enrollment Procedure

A. Each division will appoint a supervisor as the division's program coordinator who will work in conjunction with the Personnel & Training Unit. The program coordinator is responsible for monitoring the program and providing support, direction, and resources as needed to ensure the program remains viable, and on-task in their respective division. The Personnel & Training Unit, under the direction of the unit commander, will create and maintains a system to track and document completion of the program, and will maintain the master roster of program participants, mentors, and significant dates.

B. Applicants must submit a completed LEAD Program enrollment form (see attachment "A") to the Personnel & Training Unit. The Personnel & Training Unit responsibilities include, but are not limited to, the following:

- Issues the employee a task book with start date and targeted completion date
- Notifies the employee's direct supervisor and divisional coordinator of the enrollment
- Scheduling the employee to attend a kick-off training session for the LEAD Program.
- Ensures the certificate of completion of the apprentice program is awarded to the employee in a timely fashion.

C. The divisional coordinator's responsibilities include, but are not limited to, the following:

- Assigns an apprenticeship program start date and mentor
    - Places employee on waitlist and informs employee of same
- Establishes a mechanism for periodic progress updates from the employee and/or responsible supervisor
- Works with the Personnel & Training Unit to track progress and program compliance.

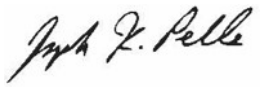
D. Duties and Responsibilities

A. <u>Employee</u> — The employee is responsible for taking the necessary steps to move through the program at a pace that is proportionate to the period of time the employee has been enrolled in the program until all mandatory aspects of the program are complete.

B. Direct supervisor of employee — The employee's direct supervisor is responsible for aiding the employee in identifying career goals and objectives; enrollment in the program when applicable; and, frequent interaction with the employee through PMIs, or other forms of effective communication, to monitor progress, identify and find solutions to issues and/or obstacles related to making progress toward completion of the program, and providing guidance, counseling and mentoring, as needed.

C. Apprentice mentor — The supervisor assigned to mentor the employee through the apprenticeship program is responsible for ensuring that the employee is given the mentor's time, energy and focus in a manner that provides the employee with an effective experience as the apprenticeship program tasks are completed. The mentor places a priority on moving the employee through the program at a pace that gives the employee the information and experience needed while maintaining a schedule and commitment to completing the program within the program duration limits.

By Order of the Sheriff,



Joseph K. Pelle

1/16/2019

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: LAW ENFORCEMENT SUPPORT OFFICE (1033) PROGRAM **NUMBER:** 405

EFFECTIVE: February 14, 2018 **SUPERSEDES:** [New]

POLICY:

It is the policy of the Boulder County Sheriff's Office to ensure that equipment obtained through the Law Enforcement Support Office Program is tracked in accordance with required laws and program regulations.

DEFINITIONS:

Law Enforcement Support Office (LESO): An office established through the Defense Logistics Agency (DLA) that manages the LESO Program.

LESO Program: Originated from the National Defense Authorization Act of Fiscal Year (FY) 1997. The LESO Program allows transfer of excess Department of Defense property that might otherwise be destroyed to law enforcement agencies across the United States and its territories. The LESO Program is colloquially known as the "1033 Program."

PROCEDURE:

I. Authorization to Participate

A. The Sheriff, or Undersheriff in his absence, determines agency participation in the LESO Program on an annual basis. Authorization to participate in the program is memorialized in the annual Defense Logistics Agency (DLA) participation application.

II. Program Management

A. Authorization to Order and Issue/Return LESO Equipment

1. The Personnel and Training Section commander is responsible for identifying employees who are responsible for ordering and issuing/returning property from the LESO Program during each annual participation application, and to ensure proper training occurs for each designee.

2. Sheriff's employees responsible for ordering/returning program equipment are identified on the annual participation agreement between the Sheriff's Office and the LESO Program's State of Colorado representative with the Colorado State Patrol.

3. The Personnel and Training Section is responsible for tracking all LESO equipment, as required by, and in accordance with, LESO Program regulations.

4. The Personnel and Training Section will evaluate the effectiveness of the LESO Program equipment based upon the training programs and use of the equipment.

III. LESO Equipment Use

A. Equipment obtained through the LESO Program is to only be used by deputies or other law enforcement officers during the course of their official duties.

B. Only deputies trained in the proper use of the equipment obtained from the LESO Program can use the equipment.

IV. Training

A. Deputies who use LESO Program equipment will receive annual training on the proper use and care of the equipment. Training to satisfy the requirement may include the following:

1. Training on agency protocols regarding who is authorized to order or operate the equipment, and under what conditions.

2. Technical or operational training on how to operate the equipment.

3. Scenario-based training.

V. Record Keeping

A. Training records related to the LESO Program will be retained no less than three years, and in accordance with the Office's approved retention schedule.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

SUBJECT: STUDENT INTERNSHIPS **NUMBER:** 412

EFFECTIVE: March 14, 2007

POLICY:

It is the policy of the Boulder County Sheriff's Office to support regional college and university intern programs to the extent possible.

PROCEDURE:

I. Eligibility

A. A student enrolled in a college or university, and pursuing a course of study related to public safety is eligible to apply to be a Sheriff's intern when the school sanctions the program and the student receives academic credit upon successful completion.

B. The number of intern positions provided is subject to the availability of personnel to provide guidance and oversight to a student.

C. A CCIC/NCIC background investigation is conducted on an applicant prior to the granting of an internship.

D. The Sheriff and the affected Division Chief approve an applicant for an intern position.

II. Application

A. The person applying for an intern position submits a Sheriff's Office volunteer application to the personnel section. A formal letter from the applicant's class instructor verifying that the student receives academic credit for the internship is required prior to acceptance.

III. Limitations

A. An intern is a civilian position and has no authority to act in a law enforcement capacity.

B. A Sheriff's Office employee is assigned to act as a mentor for an intern. The mentor is responsible for formulating a balanced program that provides exposure to the overall functions of the Sheriff's Office while addressing the specific field of study required.

C. An internship is normally a school semester in duration. However, the time period may be extended or reduced by the Sheriff or the affected Division Chief.

IV. Scope of Internships

A. The duties to be performed and the areas of the Sheriff's Office the intern will experience are based on the capability of the Sheriff's Office to accommodate the requirements of the intern's program goals as established by the school.

1. The student's instructor and the affected Division Chief, or designee, agree on the areas of experience that an intern is required to pursue prior to the beginning of the internship.

B. An employee ID card is issued to the intern. The mentor, with supervisor approval, may grant the intern independent access to various Sheriff's Office facilities.

V. Orientation

A. An orientation and tour of the various divisions of the Sheriff's Office occurs as a precursor to the program. An employee is assigned the responsibility for ensuring the intern receives instruction in applicable Sheriff's Office policies and procedures.

VI. Conclusion of Internship

A. As a condition of serving as an intern the student agrees to allow the Sheriff's Office to keep a personnel file that includes the student's application and a record of the internship. The file may also include copies of associated notes, term papers, and any other related material as requested by the mentor and approved by the student.

1. The intern's mentor is responsible for completing and submitting any forms or other documents required by the student's instructor during the course of the internship.

2. The mentor completes a Sheriff's Office evaluation of the intern prior to the end of the internship. The evaluation is placed in the intern's personnel file and a copy is provided to the intern.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Critical, Post-Traumatic Incidents and Peace Officer Mental Health **NUMBER:** 501

EFFECTIVE: July 9, 2019 **SUPERSEDES:** February 20, 2014

POLICY: It is the policy of the Boulder County Sheriff's Office to facilitate access to personal and professional support for employees who experience an on-duty critical or traumatic event.

It is also the philosophy of the Boulder County Sheriff's Office to make rapid and appropriate notifications along with the offer of appropriate assistance to the families of employees who might be injured or killed on duty.

DEFINITIONS:

Critical or Traumatic Event: An event that is outside the range of usual human experience that would be distressing to almost anyone (e.g., an officer involved shooting, serious threat to one's life or well being; serious threat or harm to one's children, spouse, or other close relative and friend; sudden destruction of one's home or community; or seeing another person who is being seriously injured or killed as the result of an accident or violent act or encounter).

Qualified Mental Health Professional: A person certified and in good standing as a police and public safety psychologist by the American Board of Police and Public Safety Psychology (ABPPSP) who is a licensed, trauma-informed mental health clinician in the state of Colorado.

RELATED POLICIES:
503 – Boulder County Investigation Team (BCIT)
604 – Chaplaincy Program
605 – Peer Support Team

PROCEDURE:

I. Pre-Critical Incident or Event

A. As required by § 16-2.5-403(1)(a), C.R.S., deputies shall periodically receive training from a qualified mental health professional about the mental health dynamics surrounding critical incidents or events. The training must include both normal and problematic post-traumatic reactions that are commonly involved with officer-involved shootings or in-custody deaths, in addition to other critical incidents.

II. Critical Incident or Event

A. On-Scene Considerations

1. As soon as practical after a critical incident or event, any employee directly involved in the event gives a preliminary statement to an on-scene supervisor that provides enough detail about that employee's actions or observations during the event that investigators get a basic understanding of what occurred (i.e., location of suspects, size and location of crime scene, scope of employee's involvement, etc.).

2. Absent extraordinary circumstances, the involved deputy or deputies will not be disarmed on-scene. The involved deputy shall keep their duty handgun holstered without altering the condition it was in at the conclusion of the critical incident.

a. The on-scene supervisor shall assign a liaison deputy to each involved deputy. The liaison deputy is to attend to the basic needs of the involved deputy and shall ensure the chain-of-custody for any involved weapons (e.g., ensuring that the involved deputy's primary duty handgun remains holstered until collected by the Boulder County Critical Incident Team (BCIT) in a secure facility).

b. If the weapon(s) involved include a duty issued rifle, shotgun, or a back-up handgun, the liaison officer is authorized to take custody of the weapons if they are not part of an active scene.

B. Post-Scene Considerations – Day/Night of Incident

1. The involved employee(s) are to be afforded a reasonable recovery time and given an opportunity to make any notification desired, and/or consult with an attorney prior to a formal, in depth, investigative interview.

a. In general, the Sheriff's Office, at their expense, will provide an attorney for the involved employee(s) prior to the initial interview by the BCIT. The sole purpose of the attorney is to provide immediate legal counsel to the employee prior to their interview. Although the attorney is provided at the Sheriff's expense for purposes of the initial interview, all information shared between the involved employee(s) and their attorney is privileged and shall not be disclosed to any member of the Sheriff's Office.

2. A supervisor or an employee of the Sheriff's Office may be assigned to act as a liaison with the family to answer questions and to see to any reasonable needs.

   a. When needed, transport arrangements are made to bring a friend or family member to the employee's location.

III. Post-Incident Considerations

A. Legal Representation

1. In most situations the Boulder County Attorney's office jointly represents the county and Sheriff's Office employee(s) when there is common civil interest and/or potential litigation exposure.

2. The Sheriff's Office, in the Sheriff's discretion, may assume financial responsibility for costs related to attorney fees for any outside legal representation provided to the employee(s) for the duration of a related criminal investigation, should one take place. The employee may elect to retain their own counsel, particularly those employees who are covered under CPPA, or similar, legal plans.

   a. In determining whether the Sheriff will assume financial responsibility for costs related to attorney's fees for outside legal representation provided to employee(s) for a related criminal investigation, the Sheriff may consider, among other factors within his discretion:

      - The scope and purpose of legal consultation, representation, and/or advice;

      - Exposure of involved employee(s) to criminal and/or civil charges and/or liability related to the critical incident;

      - The extent to which an employee followed or failed to follow policy; and/or

      - Direction received from the BOCC and/or County Attorney's Office regarding the county's financial exposure and/or responsibility given the nature of the critical incident.

   b. These same factors may be considered by the Sheriff when making

the decision to terminate the Sheriff's Office coverage of legal fees/costs for legal consultation, representation, etc. related to the critical incident.

B. Mental Health & Wellness

1. The affected employee is provided an opportunity to attend a confidential debriefing session with a qualified mental health professional as soon as possible (preferably within 24 hours) following the event.

   a. The employee's Division Chief or designee is responsible for working with the employee to make arrangements for the debriefing session.

2. A Division Chief is authorized to give administrative leave to an employee involved in a critical incident or event to allow the involved employee(s) to receive mental health services and manage the impact of the incident on the involved employee and the employee's immediate family and significant other.

   a. The Division Chief notifies the Sheriff and Undersheriff if administrative leave under this section is utilized by the involved employee.

   b. At the conclusion of the administrative leave, the Division Chief is authorized to return the employee to work in the employee's normal assignment or, in a different assignment, until such time as the employee can return to full duty in their normal assignment.

      1) Prior to an employee returning to work, the employee and their Division Chief—in consultation with their qualified mental health provider, if appropriate under the circumstances—should develop a reintegration plan. The reintegration plan should consider but is not limited to having the employee return to the scene of the incident (if needed), ensure that they've fired their weapon at the range and requalified, and/or participate in a graded re-entry with a partner.

3. The Sheriff may authorize the expenditure of Sheriff's Office funds to cover costs related to counseling of an employee involved in a critical incident or event, and his or her family, with a qualified mental health professional

when necessary.

4. Employees involved in a critical incident or event are encouraged to utilize the Sheriff's Peer Support Team (PST) or Chaplaincy Program in addition to the services of a qualified mental health professional.

C. Post-Incident Communication

1. Division Chiefs and supervisors are responsible for informing their employees of pertinent facts concerning the event as approved by the Sheriff.

IV. Death or Serious Injury on Duty

A. All employees are given the opportunity to designate a person to contact in the case of an emergency.

1. This information is compiled and maintained by the Personnel & Training Unit and are kept in the employees' personnel files.

B. The on-duty supervisor is notified as soon as possible in the event of the on-duty death or serious injury of an employee.

C. The supervisor ensures that the Sheriff, Undersheriff, the employee's Division Chief, division command staff, and the Community Assistance Program Director are notified of an employee death as soon as possible.

D. The Sheriff and Community Assistance Program (CAP) Director work with the Coroner to ensure notification is made to the employee's designated emergency contact and immediate family.

1. The CAP Director is responsible for arranging appropriate advocacy contact and follow-up with the employee's immediate family.

E. The liaison works with the immediate family to identify and resolve any needs or problems brought on, or exacerbated, by the employee's death or injury.

F. The Sheriff's Personnel & Training Unit works with the liaison and County HR to assist the employee and his or her family in accessing applicable benefits and/or navigate insurance claim processes.

G. The CAP Director works with the liaison to coordinate longer-term follow up

between the family and the Sheriff's Office.

V. Death or Serious Injury – Off-Duty

A. An employee receiving notification of the death or serious injury of an off-duty employee immediately notifies the on-duty Watch Commander.

1. The Watch Commander ensures notification is made to the Sheriff, Undersheriff, affected Division Chief, and divisional command staff are notified.

VI. Required Review

A. As required by § 16-2.5-403(2), C.R.S., this policy shall be reviewed at least biennially, and, if necessary, updated to reflect the current best practices and available resources.

By Order of the Sheriff,

Joseph K. Pelle	7/10/2019 Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Use of Force **NUMBER:** 502

EFFECTIVE: September 1, 2020 **SUPERSEDES:** July 7, 2020

POLICY:
It is the policy of the Boulder County Sheriff's Office for deputies to comply with the laws of the State of Colorado and use only the amount of physical force that is objectively reasonable to affect an arrest, prevent an escape, defend themselves or another from bodily harm, or preserve the peace. The Sheriff's Office does so in aligning with its mission of valuing the individual, including their race, gender, age, and how they identify in the world, while applying an equity focus. The Sheriff's Office recognizes that deputies will encounter infinitely variable situations in the performance of their duties. Variables between officers and individuals with whom deputies come into contact will range broadly in terms of size, strength, and that individual's level of physical aggression and training (e.g., experience in martial arts, wrestling, etc.). Persons may be under the influence of alcohol or drugs or may suffer from behavioral or mental health issues affecting their willingness to comply or manifest itself in violent tendencies.

In light of these factors, the Sheriff's Office recognizes that objectively reasonable force used by deputies cannot always begin with the lowest levels of force due to circumstances that are frequently tense, uncertain, and rapidly evolving. As such, different levels of force may be objectively reasonable for deputies depending upon the situation.

The Sheriff's Office use of force training program instills in deputies the capability to assess the potential harm that might result from use of force actions and to use verbal de-escalation in lieu of force whenever possible. The Sheriff's Office teaches deputies a variety of tactics and skills including the use of verbal tactics, control holds, electronic control weapons (i.e. Taser®), chemical agents, strikes and kicks, less-lethal impact weapons and firearms. Additionally, canine and special weapons and tactic units are maintained to provide further options for resolving use of force situations. Deputies assess situations and their own abilities and training, select the tactics and level of force that they believe is proportional to the need, with the goal of successfully resolving the situation in the safest manner possible. These decisions are then subject to sheriff's office review and may also be reviewed by criminal and civil courts.

DEFINITIONS:

Active Aggression/Assault: An active attempt to inflict bodily injury against another person or a deputy. An assault against a deputy or other peace officer is considered an elevated risk because of the possibility that the person committing the assault may get possession of one of the deputy's/officer's weapons and use it against another person.

Active Resistance: A refusal to comply with instructions accompanied by physical action that is

intended to injure, thwart a lawful arrest, or to interfere or overcome an attempt by a deputy to lawfully subdue the resisting individual or another person.

Deadly Physical Force: Any intentional force that has a natural and probable consequence of producing death (§18-1-901(3)(d), C.R.S.).

De-Escalation: A decrease in the severity of force required or used in an incident in direct response to a decrease in the subject's level of resistance.

Defensive Resistance: Refusal to comply with instructions accompanied by resistance that does not yet rise to the level of active resistance but through word, or body posture, a person demonstrates an intention or willingness to cause or to attempt to cause injury to another person.

Elevated Threat: Articulable circumstances and factors that—in combination with the subject's behavior or actions—lead a reasonable officer to believe there is an increased threat to their safety or the safety of another.

Empty-Hand Control: The use of bodily force to gain control of a subject.

Hard-Hand or Strike Control: An empty-hand control technique involving the use of strikes by the human body to restrain and/or control a subject. This may include, but is not limited to, punches and kicks, or strikes by the head, knee, or elbow.

Immediate: An event or action that is taking place.

Imminent: An event or action that is about to happen or occur.

Non-Deadly Force: Any use of force other than that which is considered deadly force. This includes any physical strike or instrumental contact with a person, any attempted or threatened physical strike or instrumental contact that does not take effect, or any significant physical contact that restricts the movement of a person beyond escorting or un-resistant handcuffing, intended to overcome the resistance of another.

Objectively Reasonable: Courts use this term as the standard by which officers' actions will be evaluated in use of force situations. The United States Supreme Court has ruled that because police officers are often forced to make split-second judgments about the amount of force that is necessary in a particular situation, in circumstances that are frequently tense, uncertain, and rapidly evolving, the reasonableness of the officer's belief as to the appropriate level of force should be judged from the on-scene perspective and not by using the "20/20" vision of hindsight. The reasonableness of the use of a particular level of force will be judged by paying, "careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others,

and whether he is actively resisting arrest or attempting to evade arrest by flight."

Passive Resistance: For purposes of Sheriff's policies, this term refers to a type of resistance encountered by deputies where a person refuses to comply with instructions but does not offer any type of physical resistance outside of having their body go limp, stiffening their body or refusing to move. The term also refers to resistance by nonviolent methods to a government, an occupying power, or specific laws, as in refusing to comply, demonstrating in protest, or fasting.

Serious Bodily Injury: Bodily injury which, either at the time of the actual injury or at a later time, involves 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 (§18-1-901(3)(p), C.R.S.).

Soft-Hand Control: An empty-hand control technique that uses grabs, holds, and joint locks to restrain an individual.

Use of Force: Use of any control holds or restraint techniques beyond non-resisted handcuffing, which may include hand control, chemical sprays, electronic control weapons, strikes, kicks, canines, impact weapons, threatened use of deadly force (including the pointing of a firearm at an individual), and any on-duty, non-training related, discharge of a firearm. For purposes of this policy, use of force does not include any escort techniques or holds on a compliant, non-resistive subject.

Verbal Non-Compliance: An individual ignores instructions and/or refuses to comply with instructions but does not offer any type of physical resistance.

PROCEDURE:

I. General Use of Force Guidelines under Colorado Law

A. Deputies shall apply non-violent means, when possible, before resorting to the use of physical force. Deputies may use physical force only if non-violent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury or death to the peace officer or another person (§18-1-707(1), C.R.S.).

1. Deputies shall only use force when acting upon good faith and a reasonable belief their force actions are lawful.

B. Deputies may only use a degree of force consistent with the minimization of injury to others (§18-1-707(2)(b), C.R.S.).

C. Correctional Facilities

1. In a correctional facility, a deputy may use objectively reasonable and appropriate physical force when and to the extent that he or she reasonably believes is necessary to maintain order and discipline (§ 18-1-703(1)(b), CRS).

II. Use of Deadly Force

A. A deputy is authorized to use deadly force when necessary to:

1. Defend himself or herself or a third person from what is reasonably believed to be the use or imminent use of deadly force; or

2. To effect an arrest, or to prevent the escape from custody, of a person whom the deputy reasonably believes has:

a. Committed or attempted to commit a felony involving the use or threatened use of a deadly weapon, or is attempting to escape by use of a deadly weapon (§18-1-707(3)(a), C.R.S.); and

b. Only when all other means of apprehension are unreasonable given the circumstances (§18-1-707(3)(a), C.R.S.); and

c. The suspect poses an immediate threat to the peace officer or another person (§18-1-707(3)(b), C.R.S.); and

d. The force employed does not create a substantial risk of injury to other persons (§18-1-707(3)(c), C.R.S.).

3. When the subject otherwise indicates, except through a motor vehicle violation, that they are likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

4. Correctional Facilities: Deputies may use deadly force in a correctional facility only upon an objectively reasonable belief the inmate poses an immediate threat to the person using deadly force or another person (§18-1-703(1)(b), C.R.S.).

B. Valuing human life necessitates that deputies either exhaust or eliminate from consideration all other reasonable options based upon the circumstances prior to resorting to the discharge of firearms, and then only when they reasonably believe that such use of a firearm is necessary to protect the deputy or another

from the imminent risk of serious bodily injury or death.

C. Deadly force may not be used to apprehend a person solely suspected of only committing a minor or non-violent offense (§18-1-707(2)(a), C.R.S.).

D. Deputies shall identify themselves as a peace officer and give a clear verbal warning of their intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury, would create a risk of death or injury to other persons, or is impossible under the circumstance (§18-1-707(4), C.R.S.).

1. This warning is not a "threatened use of force" as contemplated by C.R.S. §21-31-904. A deputy is justified in using deadly physical force if the deputy has an objectively reasonable belief that a lesser degree of force is inadequate and the deputy has objectively reasonable grounds to believe, and does believe, that he or another person is in imminent danger of being killed or receiving serious bodily injury (§18-1-707(4.5), C.R.S.).

III. Other Deadly Force Events

A. Deputies may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure when the animal is seriously injured, and the deputy believes that the deadly force can be used without endangering others.

B. Discharging a firearm at an occupant of a moving vehicle is only authorized when the deputy is authorized to use deadly force against that occupant and the deputy reasonably believes that the risk to the deputy or others created by discharging a firearm is outweighed by the need to apprehend the suspect(s) without delay.

C. Discharging a firearm from a moving vehicle at any person outside of that vehicle is only authorized when the deputy is authorized to use deadly force against that person and the deputy reasonably believes that the risk created by discharging a firearm is outweighed by the need to apprehend the person without delay.

D. Discharging a firearm at a vehicle, whether or not it is moving, with the sole intent of disabling the vehicle, is prohibited unless the deputy is authorized to use deadly force against all occupants of the vehicle.

1. In exceptional circumstances, using a firearm with the sole intent of disabling the vehicle may be the most reasonable action available and provide for the greatest safety to the public and/or deputies. Under these

circumstances, a command level supervisor may authorize an action under this section be taken when necessary, whether in a planned or unplanned event, using weapon(s) specifically designed to disable vehicles.

IV. Protests and Demonstrations

A. In response to a protest or demonstration, Sheriff's Office employees shall not:

1. Discharge a kinetic impact projectile and all other non-or less-lethal projectiles in a manner that targets the head, pelvis, or back of a person; or

2. Discharge kinetic impact projectiles indiscriminately into a crowd; or

3. Use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order (§24-31-905, C.R.S.).

V. Use of Force Coordination

A. When practical, deputies are required to coordinate the application of force in situations where more than one deputy is present and whereany use of any level of force is authorized.

1. To ensure effective coordination deputies are encouraged to use principles of the Incident Command System when planning, organizing and using multiple deputies to apply force against a person or persons.

VI. Application of Force

A. Deputies will use advisements, warnings, and verbal persuasion, when possible, before resorting to the application of force, including firearms.

1. A verbal warning is not required in circumstances where the deputy has to make a split-second decision, or if the deputy reasonably believes that issuing a warning would not be tactically advantageous and would place the deputy or others in jeopardy.

B. Force shall be de-escalated immediately as the subject's resistance decreases.

C. Immediately following the use of force and placing the subject into custody,

deputies shall evaluate and/or observe the subject for injury or complaints of pain resulting from the use of force and obtain any necessary medical care as soon as practicable (§18-1-707(1)(c), C.R.S.).

1. In instances where a serious injury to a subject occurs during a force encounter, deputies are required to render aid, to the best of their physical ability, until relieved by professional medical providers, and to obtain a medical clearance by a physician prior to the subject being booked into the jail.

D. Force shall never be applied as punishment.

E. If the subject of the force sustains serious bodily injury (as diagnosed by a medical professional for purposes of this section) or death, any identified relatives or next of kin are to be notified as soon as practicable (§18-1-707(1)(d), C.R.S.). It is the responsibility of the staff duty officer (SDO) in the primarily involved division to arrange for proper notification to be made.

F. Chokeholds

1. Deputies are not authorized to use choke or strangleholds (e.g., vascular neck restraint, carotid restraint, etc.) to subdue a subject in a non-deadly force encounter, as defined in §18-1-707(2.5)(b), C.R.S.

VII. Duty to Intervene

A. Deputies, regardless of rank, shall intervene to prevent or stop another peace officer from using physical force that exceeds the degree of force permitted by law, without regard for chain-of-command (§18-8-202(1.5)(a), C.R.S.).

1. Failure to intervene to prevent the use of unlawful force subjects the deputy to potential civil and criminal liability (§18-8-202(1.5)(d), C.R.S.).

B. You must report the use of force and the intervention to your immediate supervisor as soon as practicable but no later than the end of shift.

C. Within 10 days of an intervention of use of force, a deputy must submit a report, in writing, and attach or append the report to the original incident report.

VIII. Use of Force Reporting

A. Any deputy who uses force as defined in this policy during the performance of their

duties is required to report that use of force to their supervisor as soon as practical and before the end of their shift. The circumstances of the use of force are to be detailed in the report documenting the crime or incident.

1. The deputy who applies force shall include, but is not limited to, the following considerations in their narrative report:

    a. The threat perceived, or underlying basis for the application of force, including the severity of the threat or security problem;

    b. The subject's level of resistance;

    c. The force applied;

    d. The subject's response to each application of force;

    e. The extent of injuries to the subject, if any, and any medical aid rendered.

2. In addition, each deputy using force is required to complete and submit a "Use of Force" form to the on-duty supervisor before the deputy ends his or her shift.

    a. The supervisor who receives the "Use of Force" form is responsible for ensuring that the current procedure for distributing and documenting data on the form is followed.

3. Each deputy who uses force, or witnesses the use of force, is responsible for completing a narrative report detailing his or her involvement and observations.

4. Injuries sustained or alleged by a subject or a deputy as a result of a force encounter will be documented by photograph when possible, provided it does not interfere with or delay medical treatment.

B. Duty to Report Excessive Force

1. Any peace officer who witnesses another peace officer use a level of force that exceeds the level permitted by state statute is required to report that use of force to his or her immediate supervisor in accordance with C.R.S. § 18-8-802.

    a. Therefore, any deputy - whether or not commissioned as a state

peace officer - who witnesses the use of force by any other deputy or peace officer that exceeds the level of force permitted by state statute is required to attempt to intervene, to the extent possible, and then make a report to his/her immediate supervisor as soon as practical and no later than the witnessing deputy's end of shift.

b. Any deputy who receives information from any sheriff's employee regarding the witnessed use of force by a deputy or other peace officer that the employee believes exceeds the level of force permitted by state statute is required to make a report to his/her immediate supervisor.

i. The initial report may be verbal; however, in every case the verbal report is to be followed up with a written report within 24 hours. The report is to include the date, time and place of the occurrence; the identity and/or description of the participants; and a description of the events and force used.

c. The written report is submitted to the author's division chief within the 24-hour time period. The division chief will inform the undersheriff and sheriff of the report's existence and provide a copy to each as soon as practical.

d. If the officers who allegedly used excessive force are employees of the Sheriff's Office, an internal affairs investigation is initiated.

e. If the officer or officers who allegedly used excessive force are employees of another law enforcement agency the division chief or the sheriff will transmit the report to the person designated by that agency to receive and investigate such reports.

IX. Investigations

A. Every use of force incident will be reviewed by a supervisor. If there is reason to believe that an employee used excessive force, regardless of injury, the *Internal Affairs Policy* will be applied.

1. Application of lower levels of force will be reviewed by the deputy's direct supervisor(s) when the subject sustains minor to no injury. Force in this category includes empty-hand control, restraint chairs, RIPP restraints, discharge of duty-carry chemical agents (e.g., OC), threatened use of a

weapon, use of an Electronic Control Weapon in drive-stun mode, use of Noise Flash Diversion Devices (NFDD) outside an occupied structure when used to create a diversion outside the presence of a member of the community or a subject involved in an incident, and animal euthanasia.

2. Application of higher levels of force, or when lower levels of force result in injury requiring medical treatment, will be reviewed by the involved deputy's affected commander. Force in this category includes the broad deployment of chemical agents, cell extractions, the use of a restraint chair or similar device, strikes delivered with an impact weapon or impact munitions, K9 bites, NFDD's used in any manner beyond §VII.A.1, ECW deployment in dart-mode, multiple ECW exposures, or ECW exposures lasting longer than 15 seconds (cf. *Policy 514 – Conductive Energy Devices*).

   a. Application of higher levels of force, or when lower levels of force result in injury requiring medical treatment, a formal investigation will be initiated with the purpose of completing a thorough use of force investigation and furthering knowledge of the adequacy of training, equipment, or tactics. The formal investigation is typically memorialized as a Supervisory Review (SR) and will include an investigation of all uses of force, regardless of type, stemming from the same incident.

   b. After the application of a higher level of force has been investigated, the employee assigned to investigate the use of force shall complete the electronic force training summary form. The purpose of the force training summary is to outline, at a very high-level, the circumstances surrounding the use of force. The information provided is to be analyzed with the intent of improving employee training.

      i. The electronic force training summary form is maintained by the commander assigned to the Personnel & Training Unit in the Administration Division.

      ii. This paragraph (§VIII.A.2.b.) is effective August 1, 2020.

   c. Use of force incidents that result in the death of a subject, serious bodily injury, or the discharge of a lethal firearm or impact munition at a person require the investigating commander or division chief to complete the office's FBI Reporting *Use of Force Form*.

3. Supervisors may not conduct a force investigation for an incident in which they directed or participated in the application of force.

4. Force reviews that are not assigned as formal IA/SR investigations are documented on the *'Use of Force Supervisory Review Form*.' This form is filed in the Records Section upon its completion under the corresponding incident number.

5. Force investigation dispositions are:

   a. Justified, Within Department Policy

   b. Justified, Policy Violation – A use of force is justified, but during the course of the incident the involved deputy(s) violated a department policy or procedure.

   c. Justified, Training Opportunity – A use of force is justified, no department policy or procedure violations occurred, but the investigation revealed aspects of tactics or force application concerns that can be addressed through training.

   d. Not Justified, Not Within Department Policy

B. Each division chief is responsible for tracking their division's use of force and the resulting review disposition, which will be incorporated into the annual use of force report.

C. In any case where a deputy discharges a firearm at another person, or a death results from an application of any force, a formal investigation is initiated. The Sheriff shall determine who the investigation will be undertaken by based upon the circumstances of each incident (See *Boulder County Investigation Team Policy* #503 and the Boulder County Sheriff's Office *Internal Affairs Policy* #318).

X. Administrative Actions

A. When an employee uses force in the line of duty and death results the employee is placed on administrative leave pending the outcome of a use of force investigation.

B. When an employee uses force in the line of duty and injury results, the

employee may be placed on administrative leave, at the discretion of the employee's division chief, pending the outcome of a use of force investigation.

C. It is the responsibility of the affected employee's division chief, after consulting with the sheriff, to decide the duration of administrative leave. The factors the division chief should consider in making the decision include, but are not limited to, the following:

1. The type of force used and the result of that use of force;

2. The outcome of the investigation into the use of force incident;

3. The mental and physical condition of the affected employee;

D. Professional assistance may be sought to evaluate the employee's current mental and physical condition.

E. Any on-going needs the employee may have as a result of the use of force.

XI. Continuums

A. Levels of Resistance: The levels of resistance, ordered from least to most, are as follows:

1. Verbal Non-Compliance

2. Passive Resistance

3. Defensive Resistance

4. Active Resistance

5. Active Aggression/Assaultive

B. Force Options: Force options, by broad classification, ordered from the least amount of force to the greatest, are:

1. Verbal Control

2. Empty Hand Control (examples include soft-hand and hard-hand techniques)

3. Less-Lethal Options (examples include blunt impact weapons, chemical

munitions, and electronic control weapons, K9)

4. Lethal Options

C. When determining the appropriate level and application of force, deputies shall consider only the amount of force that is objectively reasonable under the circumstances to bring a subject under control and/or arrest.

XII. Training

A. Training in the application of force shall include, but is not limited to, the following elements:

1. De-escalation tactics and strategies;

2. Reasonable alternatives;

3. Threat perception, assessment, and analysis;

4. Determining the appropriate force response to a perceived threat to ensure the level of selected force in the continuum is appropriate, reasonable, and necessary;

5. Articulation of force application, documentation and reporting; and

6. Current laws, including statutory, constitutional, and applicable case law.

B. The sheriff, undersheriff, and division chiefs may require employees to attend additional training in the use of force, as they deem appropriate and necessary.

By Order of the Sheriff,

Joseph K. Pelle — 9/1/2020
Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Boulder County Investigation Team **NUMBER:** 503

EFFECTIVE: March 28, 2018 **SUPERSEDES:** July 29, 2015

POLICY:

The Boulder County law enforcement Chief Executive Officers developed the Boulder County Investigation Team as a resource available to all Boulder County law enforcement agencies. The Boulder County Investigative Team (BCIT) consists of skilled investigators from county agencies and serves as a resource to conduct unbiased, objective investigations in cases where officers use deadly force, or for other incidents involving in-custody deaths. The team is made available to conduct an investigation at the request of the Sheriff or Chief of Police of the agency with jurisdiction. The BCIT meets the Sheriff's obligation under § 16-2.5-301(1), C.R.S., and a copy of this policy shall be publically available on the Sheriff's website §301(2).

DEFINITIONS:

CEO: The Chief Executive Officer of a Boulder County law enforcement agency. Used in this policy to refer to the Sheriff, Chief of Police, or Marshall of the respective law enforcement agency.

Requesting Agency: The law enforcement agency that has jurisdiction over the investigation into the officer-involved shooting or in-custody death, and requested the activation of the Boulder County Investigation Team to conduct the investigation.

PROCEDURE:

I. Team Personnel

A. The Boulder County Investigation Team (BCIT) consists of law enforcement personnel who are designated by the Sheriff, Police Chiefs, and District Attorney (hereinafter referred to as the Chief Executive Officers, or CEO's).

B. The BCIT consists of a coordinator, an alternate coordinator, team supervisors, team members, and a legal advisor from the District Attorney's Office.

C. The CEO's select a team coordinator and alternate coordinator.

1. The coordinators serve as the initial contact person for investigations and as the liaison between the team and the requesting agency.

2. Coordinators provide overall direction and management of each

investigation, and are responsible for completing the investigative summary and presenting the investigation to the appropriate CEO and DA's Office.

D. Team supervisors are responsible for oversight and management of assigned investigations and also serve as a secondary contact person.

E. Team members conduct the investigation and perform those duties assigned to them by a team supervisor.

F. A deputy district attorney is appointed to serve as an advisor to the team and provides legal guidance and information to members of the team.

G. The CEO's review the team make-up on an annual basis.

II. Activation and Use of Team

A. The BCIT is available to all law enforcement agencies within Boulder County to assist in those aspects of an investigation deemed necessary by the requesting agency.

B. The BCIT can be activated upon the request of the CEO, or the CEO's designee, of the agency with law enforcement and investigative jurisdiction for the incident.

C. The BCIT will operate under the direction of the requesting agency's CEO or the CEO's designee.

D. The team coordinator will keep the requesting agency's CEO or the CEO's designee apprised of the status of the investigation throughout all phases.

E. The BCIT performs designated functions and presents fact-finding reports to the CEO of the requesting agency.

1. Unless otherwise directed by the requesting agency's CEO, or their designee, and upon approval of the team coordinator, this is the sole responsibility of the team.

F. In cases involving the use of deadly force, the BCIT is responsible for conducting the criminal investigation into the facts and circumstances giving rise to the use of deadly force. The requesting agency is responsible for any internal or administrative reviews.

G. Members of the BCIT are not to respond to media requests for information on specific investigations. Media inquiries concerning investigations are the responsibility of the requesting agency.

H. The completed investigative report and summary generated by the investigative team becomes the custodial property of the requesting or

home agency, subject to criminal justice records laws and agency policy. Any release of these reports becomes the responsibility of the agency that requested the investigation.

III. Team Call-Out

A. The CEO, or the CEO's designee, of the agency having primary jurisdiction for the investigation makes the request for assistance of the BCIT.

B. All requests for assistance are made to the team coordinator, or if unavailable, the alternate coordinator, who will then serve as the Investigation Team coordinator for the incident.

C. The coordinator is provided the details of the incident and determines what personnel and equipment are needed for the investigation.

D. The coordinator contacts the necessary members of the BCIT with response instructions and an assembly location. The coordinator, or designee, ensures team members are briefed on the event and receive investigative assignments.

IV. Responsibilities of the Requesting Agency

A. The requesting agency responsibilities for on-scene management include, but are not limited to, the following:

1. General security, preservation of the scene, and evidence storage.

2. Rendering aid to injured people.

3. Establishment and maintenance of a perimeter.

4. Identifying all witnesses and, whenever possible, detaining them for interviews by the investigative team members.

a. If that is not possible, the full names, address, phone number and other particular information about the witness will be collected.

5. Facilitate the briefing of members of the Boulder County Investigative Team.

B. In the case of an officer-involved shooting, weapons of all involved officers should be identified at the scene by a supervisor of the involved agency who will relay this information to a BCIT supervisor. The involved officer(s)

will remain armed until they are in a safe location (e.g. a police station), where a BCIT investigator can collect the weapons as evidence, unless extenuating circumstances or safety dictate otherwise.

1. Other weapons at the scene related to the shooting that were not in the possession of the involved officer(s) should not be moved or disturbed.

C. Beyond scene responsibilities, the requesting agency is also responsible for the following:

1. Conducting any related internal or administrative reviews.

2. Handling all media inquiries and general media relations.

3 Providing event related equipment, material or supplies.

4. The costs of any pertinent investigatory tests or procedures when the tests or procedures were previously approved by the requesting agency.

V. Responsibilities of the Investigative Team

A. The investigative team's responsibilities include, but are not limited to, the following:

1. On-scene photography and video.

2. Sketches or diagrams related to the incident.

3. The collection and preservation of physical evidence.

4. Interviews of involved officers.

5. Interviews of any witnesses.

6. Transcription of any recorded interviews.

7. Updates to the CEO of the requesting agency.

8. Compilation of final investigative reports.

9. Case presentation to the affected CEO and District Attorney's

Office.

10. Collection and submission of data to the Colorado Division of Criminal Justice, as required by §24-33.5-517, CRS.

VI. Costs

A. Equipment needed for the investigation may be supplied by the requesting agency and/or the member agencies of the BCIT. If additional or specialized equipment is needed, the cost of obtaining the equipment is the responsibility of the requesting agency.

B The costs related to specialized tests are the responsibility of the requesting agency. Therefore, the team coordinator, or designee, secures agency approval prior to ordering any specialized testing.

C. Personnel costs, including overtime, are the responsibility of the agency providing the team member, and not the responsibility of the requesting agency.

D. BCIT team members are deemed to be on-duty, and responding to a mutual aid request from another law enforcement agency, when responding to a callout.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Vehicular Pursuits **NUMBER:** 504

EFFECTIVE: May 12, 2020 **SUPERSEDES:** April 6, 2012

POLICY: It is the policy of the Boulder County Sheriff's Office to pursue a person suspected of committing a felony who is attempting to escape by use of a motor vehicle when the risk to the public, deputies and suspect created by the pursuit does not outweigh the benefit of the immediate apprehension of the suspect.

The sheriff's office recognizes that deputies will encounter infinitely variable situations in the performance of their duties. Inevitably, deputies will encounter situations outside these general guidelines which could mean a continued pursuit is justified, even though outside the general guidelines of this policy. Deputies' conduct during a pursuit must be objectively reasonable; that is, what a reasonable deputy would do under the totality of the circumstances. The primary purpose of this policy is to provide deputies with guidance in balancing the safety of the public and themselves against the duty of this office to apprehend violators of the law.

Deciding whether to pursue a motor vehicle is a critical decision that must be made quickly and under difficult and unpredictable circumstances. Deputies must employ a variety of tactics and skills including pursuit cancelation, alternate tactics and extraordinary tactics.

RELATED POLICIES & PROCEDURES:
502 – Use of Force
OP605 – High Risk Stops

DEFINITIONS:

Agency of Jurisdiction: The police department or sheriff's office that has primary jurisdiction for the location where the pursuit is currently occurring.

Blocking or Vehicle Intercept**:** A slow speed coordinated maneuver where two or more law enforcement vehicles simultaneously intercept and block the movement of a suspect vehicle, the driver of which may be unaware of the impending enforcement stop. The goal is containment and preventing a pursuit.

Boxing In: A tactic designed to stop a violator's vehicle by surrounding it with law enforcement vehicles and then slowing all vehicles to a stop.

Municipality: Incorporated cities and towns. In Boulder County the cities and towns that meet this definition are: Boulder, Longmont, Louisville, Lafayette, Erie, Lyons, Superior, Ward, Jamestown, and Nederland.

Pursuit: The act of a peace officer chasing a suspected law violator, who is attempting to elude the officer.

Ramming**:** The deliberate act of impacting a violator's vehicle with another vehicle to functionally damage or otherwise force the violator's vehicle to stop.

Roadblocks**:** A tactic designed to stop a violator's vehicle by intentionally placing a vehicle or other immovable object in the path of the violator's vehicle.

Tactical Vehicle Intervention (TVI) or Precision Immobilization Technique (PIT): A maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop. The terms are generally used interchangeably and refer to TVI and PIT. The sheriff's office does not formally train this maneuver therefore it falls within extraordinary tactics under the definition of "Ramming".

Termination or Cancelation of Pursuit**:** The act of a pursuing deputy to discontinue following or stop pursuing the fleeing vehicle by turning off emergency equipment, coming to a safe stop or making a significant turn with their vehicle away from the direction of the fleeing vehicle as soon as practical to give visual representation that the pursuit was terminated.

Unincorporated Boulder County: Any area in Boulder County outside of the city or town limits of a municipality.

PROCEDURE:

I. Pursuit Authorized in Unincorporated Boulder County

A. Deputies are authorized to initiate a pursuit in unincorporated Boulder County, outside of municipalities, when there are reasonable grounds to believe the offender being pursued has committed, attempted to commit, or is about to commit a *felony* (not including vehicular eluding).

1. Information used to justify a pursuit, must be known to the deputy initiating the pursuit at the time the decision to pursue is made.

2. Pursuits in these circumstances are not authorized if the risk to life and property caused by the pursuit outweighs the potential benefit that might result from successful apprehension of the offender.

3. Deputies and supervisors must consider the type and nature of the felony and ensure that a pursuit is terminated when the suspected crime is a low-level felony and that the suspect will not create a substantial risk to the public if allowed to temporarily avoid apprehension.

B. Deputies are authorized to pursue a suspect for a non-felony crime for a reasonable amount of time to identify the suspect or vehicle and/or time to set up alternative tactics. Pursuits in these circumstances are not authorized if the risk to life and property caused by the pursuit outweighs the potential benefit that might result from successful apprehension or identification of the offender.

II. Pursuit Authorized in a Municipality

A. Deputies may initiate a pursuit in a municipality, outside of unincorporated Boulder County, or continue to pursue offenders, only:

1. When there are reasonable grounds to believe that the offender has committed, attempted to commit, or is about to commit a felony involving the use of physical violence against another person, or the use of a deadly weapon ***and*****,**

2. The deputy has reasonable grounds to believe that, other than from a motor vehicle violation, the offender will endanger human life or cause serious injury to persons unless apprehended without delay.

III. Alternate Tactics

A. When possible and practical, deputies are to use strategies and tactics that may reduce the possibility that a vehicular pursuit will occur, or aid with identifying the driver, prior to attempting the vehicle stop. These tactics may include, but are not limited to, the following:

1. Query the vehicle license plate number and obtain “wants” and warrants, and address information on the registered owner.

2. Move other units equipped with “stop sticks” into the area and position them along obvious escape routes.

3. Plan the stop for an area on the highway or street that may make it difficult for the driver to maneuver in an attempt to elude.

IV. Risk Analysis

A. Deputies must weigh the following factors in situations where a suspect is fleeing in a motor vehicle and where a pursuit is authorized under this policy:

1. The nature of the offense and the risk to the community presented by the offender if not immediately apprehended.
2. Whether there is sufficient information known about the suspect to aid in

identifying and apprehending the suspect at a later time.

3. The manner in which the suspect is fleeing, including:

   a. Speed;

   b. The suspect's regard for other traffic and traffic control devices;

   c. The suspect's control of the vehicle;

   d. The type and condition of the vehicle driven by the suspect, and,

   e. The implications of these factors on the safety of the public, officers, and the suspect.

4. The time of the day and day of the week.

5. The road and weather conditions.

6. Traffic volume and congestion, both immediately present and that which may be encountered.

7. The presence of passengers in the fleeing vehicle and knowledge about their relationship to the driver.

8. The existence of special hazards, including traffic control devices and intersections present in the area into which the fleeing vehicle is being driven.

B. In situations where a pursuit is authorized, deputies involved in the pursuit and supervisors of the primary agency or the agency where the pursuit is occurring must weigh any known risk created by the pursuit including but not limited to those listed in § IV.A,1-8.

C. When, in the deputy or supervisor's judgment, the risks presented by the pursuit outweigh the potential benefits of safely apprehending the offender, the pursuit *must* be terminated.

V. Cancellation

A. Deputies are responsible for ensuring that conditions exist which meets the requirements to initiate a vehicular pursuit, as described in this policy, before initiating a pursuit.

1. If the conditions do not exist, the deputy is not authorized to pursue the fleeing suspect.

2. In certain circumstances, on-duty supervisors may authorize a pursuit to be initiated or continue outside the guidelines of this policy when the totality of the circumstances reasonably necessitates doing so while balancing whether the risk to life and property caused by the pursuit outweighs the potential benefit that might result from successful apprehension of the offender.

   a. If a deputy believes there are grounds for initiating or continuing a pursuit outside the general guidelines of this policy, they are responsible for notifying the on-duty supervisor of the information and requesting approval for initiating or continuing the pursuit.

B. Deputies involved in the pursuit as the primary, secondary, or tertiary unit are responsible for continually evaluating the risks created by continuation of the pursuit.

   1. As soon as the risks outweigh the benefits described in this policy, the deputies are required to immediately terminate the pursuit.

C. The on-duty patrol supervisor is responsible for monitoring the pursuit and is required to terminate the pursuit as soon the supervisor receives information that the pursuit does not meet policy guidelines, exceptions, or concludes that the risks of continuation of the pursuit outweigh the benefits of apprehension of the suspect(s).

   1. Deputies are required to inform the on-duty patrol supervisor if they become involved in a pursuit in another jurisdiction or on another primary radio channel.

D. When a supervisor from an agency that has jurisdiction where the pursuit is occurring, orders the pursuit to stop, pursuing deputies will give significant weight to the request, with input from their supervisor, and, in most cases, immediately terminate the pursuit.

   1. A Boulder County Sheriff’s supervisor is authorized to override the order and direct that the pursuit continue when the factual situation of the crime committed by an occupant of the fleeing vehicle creates a compelling need to apprehend the suspect that outweighs all other considerations.

VI. Operations

A. Pursuit Vehicles

1. While being aware of the duty to drive with due regard for the safety of all persons, deputies engaged in pursuits may exercise the provisions set forth in C.R.S § 42-4-108.

2. Emergency lights and siren must be activated while in pursuit.

3. Unmarked cars are prohibited from engaging in pursuits unless the car is equipped with emergency lighting and siren in compliance with C.R.S § 42-4-213.

a. Unmarked units are to relinquish their position in a pursuit to a fully marked emergency vehicle as soon as is practical.

B. Role of the Primary Unit

1. The primary unit is the police vehicle initiating the pursuit, or the police vehicle that takes the lead position in the event the initiating vehicle relinquishes the lead position. The primary unit will provide the communication center and other participating units with all information pertinent to the pursuit, such as location, direction of travel, speed, vehicle description, occupant(s) description, manner in which the fleeing vehicle is being driven, and grounds for pursuit.

a. The communications function should be turned over to the secondary unit as soon as possible.

2. If practicable, the primary unit may relinquish its position to another police vehicle due to the lack of knowledge of the terrain, pursuit vehicle becoming inoperable, or other reason, when it improves the chances of successful resolution of the pursuit.

C. Role of the Secondary Unit

1. The secondary unit is an authorized police vehicle and officer(s) that assists the primary vehicle.

2. The secondary unit shall maintain a distance that is reasonably safe behind the primary pursuit unit and the fleeing vehicle. The secondary unit will assist the primary unit in the course of, or upon termination of the pursuit, or taking the primary pursuit position if the primary vehicle relinquishes its

position.

3. The secondary pursuit unit will take over radio communications as soon as practical, relieving the primary pursuit unit of this function.

D. Role of the Tertiary Unit

1. The tertiary unit is an authorized police vehicle and officer(s) that assists the primary vehicle in the high risk stop when the pursuit concludes.

2. The tertiary unit shall maintain a distance that is reasonably safe behind the primary pursuit unit, secondary unit and the fleeing vehicle. The tertiary unit will assist the first two units in the course of, or upon conclusion of the pursuit in a high risk stop or taking either of the first two pursuit positions if the primary vehicle(s) relinquishes their position.

E. Number of Pursuit Vehicles

1. Pursuits should be limited, when practicable, to one primary pursuit unit, one secondary pursuit unit, and one tertiary unit.

2. If officers believe it is necessary to have more than three pursuit units, additional pursuit units should maintain sufficient distance between each other and the pursuing and pursuit vehicles in order to diminish the possibility of a multiple-vehicle accident. Additional units should strive for reduced speeds in order to present less danger to the public.

F. Support Units

1. Other deputies may be designated as support units. Support units are not to join in the pursuit unless directed to do so by a supervisor. Supporting units may assist with traffic control, vehicle-stopping methods, or high risk stops or other duties as assigned.

2. Supporting units report their activity to the communications center when practical and when reporting does not interfere with emergency communications.

G. Communications

1. Upon notification that a pursuit is in progress, the communications law dispatcher will notify the on-duty patrol supervisor and ensure the supervisor is aware of where the pursuit is occurring, the reason for pursuit and other pertinent information.

2. Communications personnel will:

   a. Receive and record information on the pursuit and pursued vehicle and disseminate it to field units.

   b. Control all radio communications and clear the designated pursuit channel of non-essential transmissions.

3. If a pursuit becomes multi-jurisdictional (involving pursuit vehicles from more than one agency or enters a jurisdiction other than that of the primary agency) but is still contained within Boulder County, the dispatcher will attempt to get all agencies on a common frequency.

   a. In the event the dispatcher cannot get all participating agencies onto a common radio channel, the dispatcher will continue to relay information to involved Boulder County units.

4. The dispatcher will designate the pursuit channel and notify all radio users that the radio channel being used as the pursuit channel is restricted from other uses. The dispatcher will designate another radio channel to be used for normal radio traffic.

H. Command Authority

1. The overall command of the pursuit rests with the jurisdiction of the primary unit. Should the primary unit relinquish that position, overall command will transfer to the jurisdiction of the new primary unit.

2. The on-duty patrol supervisor is responsible for monitoring any pursuit entering unincorporated Boulder County and any pursuit where deputies are actively involved in the pursuit as a primary, secondary or support unit.

3. The on-duty patrol supervisor is responsible for directing units in situations where the units are acting in a support capacity for pursuits involving other law enforcement agencies.

I. Methods of Stopping Pursued Vehicles – Extraordinary Tactics

1. The patrol supervisor responsible for overseeing the pursuit may consider the use of a number of different tactics, including extraordinary tactics, to stop the fleeing vehicle. In these cases, a decision to stop the vehicle should be based on the danger to the public of continuing the pursuit, as well as the probability of success and the risk to the public, officers and the suspect.

a. The preferred method of attempting to stop a fleeing vehicle is by the use of “stop sticks” or similar tire-deflating device.

2. Extraordinary tactics include, but are not limited to: Boxing, rolling roadblocks, ramming and the TVI/PIT maneuver. Before any of these tactics are attempted by a deputy the authorizing supervisor must have a reasonable belief that the tactic has a probability of success, and that the risk to pursuing officers, the fleeing suspect(s) and the public created by attempting the tactic is outweighed by the danger of injury or death to a person, or persons if the pursuit and/or manner of driving by the suspect is allowed to continue.

3. Shooting at a vehicle with the intent to disable the vehicle is guided by the *Use of Force Policy* (§502.II.D).

4. A decision to utilize any of these types of tactics to stop a fleeing vehicle must be communicated to all participating units.

J. Duty to Apprehend

1. When a decision is made to terminate a pursuit, deputies are responsible for attempting to identify, locate and apprehend the suspect through other means.

K. Investigation and Jurisdiction at Termination

1. Deputies are responsible for crime scene security and coordination of on-scene investigation of pursuits that terminate in unincorporated Boulder County, Lyons or Superior.

a. In cases where the pursuing officers are from another law enforcement agency with jurisdiction in Boulder County, such as the Colorado State Patrol or a federal law enforcement agency, the on-duty patrol supervisor consults with officers or supervisors from that agency to determine who will have responsibility for crime scene processing, arrestee processing, filing charges and any other related investigatory tasks.

b. At the discretion of the on-scene supervisor an arrestee may be released to the police agency that initiated the pursuit or to the agency with jurisdiction where the most serious violation occurred.

2. At the conclusion of a pursuit that had been initiated by a Boulder County

Sheriff's deputy the on-duty patrol supervisor is responsible for overseeing the coordination of follow-up related to the suspect's arrest and transport to jail, seizure of evidence, disposition of the vehicle and other investigatory tasks.

a. The deputy who initiated the pursuit is responsible for completing the initial crime report.

b. All deputies who were involved in the pursuit in any capacity are individually responsible for documenting their actions or observations while involved in the pursuit, or its aftermath, in a supplemental report.

3. When a vehicular accident occurs as a result of the pursuit, or an occupant of the fleeing vehicle commits any criminal act while the pursuit was occurring, the law enforcement agency with jurisdiction of the location where the incident occurred is responsible for investigating and filing charges related to that incident.

a. The supervisor responsible for coordination of the portion of the aftermath of the pursuit has the authority to attempt to have all crimes and incidents investigated by deputies when such action seems the most effective and efficient way to handle the event.

L. Press Releases

1. The on-duty patrol supervisor is responsible for ensuring proper notifications are made to Sheriff's staff and that a press release is completed before the end of the supervisor's tour of duty in any pursuit which involves property damage, injury to persons, or an ongoing public safety threat.

a. If the pursuit was initiated by another agency, the on-duty patrol supervisor will follow the *Boulder County Inter-Agency Procedures for Multi-Jurisdictional Vehicular Pursuits* (504-B) document.

VII. Reporting and Debriefing Requirements

A. Any deputy engaging in a pursuit during the performance of their duties is required to report that pursuit. The circumstances of the pursuit are to be detailed in the report documenting the crime or incident.

1. The deputy who engages in a pursuit shall include, but is not limited to, the following considerations in their narrative report:

a. Facts known to them at the time of the pursuit, information learned during the pursuit, including those noted in sections III and IV of this policy.

b. Attempts to gain additional information or resources to bring a successful resolution to the pursuit.

2. In addition, each deputy involved in the pursuit is required to complete and submit a *Vehicle Pursuit Form* (504-A) to the on-duty supervisor before the deputy ends his or her shift.

3. The supervisor who receives the form is responsible for reviewing the form and if necessary, review the deputies completed report and provide a disposition of the review. The dispositions are:

   a. Justified, within department policy

   b. Justified, outside guidelines of policy

   c. Not justified, not within department policy

4. Supervisors who participate in a pursuit are not authorized to complete the review process.

5. Pursuits that involve property damage or injury are required to be reviewed by a command level supervisor through a formal process that is memorialized, at a minimum, as a supervisory review (SR).

6. The supervisor who receives the *Vehicle Pursuit Form* is responsible for ensuring that the current procedure for distributing and documenting data on the form is followed.

7. Each deputy involved in the pursuit, is responsible for completing a narrative report detailing his or her involvement and observations.

8. Injuries to a person sustained or alleged by a subject or a deputy as a result of a pursuit will be documented in the narrative and by photograph when possible, provided it does not interfere with or delay medical treatment.

9. Damages to property sustained during the pursuit will be documented in the narrative and photographs.

B. The supervisor of the deputy who attempted the stop or initiated the pursuit is responsible for ensuring that a review of the circumstances of each event occurs as soon as possible after the pursuit or terminated pursuit.

1. All pursuits will be debriefed as a shift After Action Review (AAR) with involved officers/workgroups and other involved personnel and efforts will be made to critically evaluate application of the policy, procedure, stopping tactics, training, equipment and other related areas in order to better further the sheriff's office mission and values.

VIII. Pursuits originating outside Boulder County

A. When the on-duty patrol supervisor believes an outside agency pursuit in Boulder County creates a greater risk than the potential benefit of apprehension, the supervisor is to request that the outside agency terminate the pursuit. In the event the outside agency does not terminate the pursuit, the supervisor may authorize deputies to assist in the pursuit to the degree necessary to ensure public safety, without joining in the pursuit.

B. When the outside pursuit is a permissible pursuit under this policy and procedure, deputies may assist in the pursuit in any manner consistent with this policy.

By Order of the Sheriff,

Joseph K. Pelle — 5/12/2020
Date

ATTACHMENTS OR REFERENCES:

504-A Vehicle Pursuit Form

504-B *Boulder County Interagency Procedures for Multi-Jurisdictional Vehicular Pursuits* procedure

SUBJECT: RETURNED CHECKS **NUMBER:** 505

EFFECTIVE: April 6, 2007

POLICY:

It is the policy of the Sheriff's Office to utilize and enforce state law concerning checks written to the Sheriff's Office that are returned due to insufficient funds or closed accounts. CRS 13-21-109 and 30-1-108 allow for a charge of up to $20.00 for checks returned because of insufficient funds. CRS 18-5-205 Fraud by Check, may be utilized for enforcement of unlawful actions.

Conspicuous posting of the amount charged for returned checks is mandatory. Check writers have fifteen days after notifications of a returned check to submit repayment. If repayment is not received within that time, an additional charge of three times the amount of the check, or $100.00 - whichever is higher - is allowed. There is currently a two-year statute of limitations on returned checks.

DEFINITIONS:

Check: A written, unconditional order to pay a sum certain in money, drawn on a bank or similar institution, payable on demand, and signed by the drawer, including a negotiable order of withdrawal or a share draft.

Drawee: A bank, savings and loan association, industrial bank, credit union or similar institution upon which a check, a negotiable order of withdrawal or share draft is drawn.

Drawer: The individual who writes the check, negotiable order of withdrawal or share draft.

Insufficient Funds: A drawer (check writer) has funds less than the amount the check was written for or no funds with the drawee institution to pay a check or when the drawer has no account or the account is closed.

PROCEDURE:

I. Public Notice

A. All Sheriff's Office locations receiving payments from the public will conspicuously post a sign stating "$20.00 Fee For Returned Checks."

II. Accepting Checks for Payment

A. A Sheriff's employee accepting a check for payment takes the following steps:

1. Look at the photo on identification provided by the check writer to ensure that the check writer is the person in the photo.

2. Compare the signature on the identification with the one on the check and ensure they are the same.

3. Write the check writer's identification number, i.e. driver's license number, on the check.

4. Verify current address and phone number information and write the same on the check if it's not already printed on the check.

5. Initial and write their employee ID number on the front of the check indicating actions outlined in II.A, have taken place.

III. Returned Checks

A. Upon return of a check for insufficient funds, the Division that received the check will personally serve or send, by certified mail, a letter to the check writer which complies with CRS 13-21-109(3) and (4) and includes:

1. The date the check, draft or order was issued.

2. The name of the bank, depository, person, firm, or corporation on which it was drawn.

3. The name of the payee.

4. The face amount.

5. A statement of the total amount due, which shall be itemized and shall not exceed the amount permitted by law including the original payment amount plus the mandatory returned check charge of $20.00.

6. A statement that the maker has fifteen days from the date notice was given to make payment in full of the total amount due.

7. A statement that, if the total amount due is not paid within fifteen days after the date notice was given, the maker may be liable in a civil action for three times the face amount of the check but not less than one hundred dollars and that, in such civil action, the court may award court costs and reasonable attorney fees to the prevailing party.

8. The payment must be in the form of a cashier's check or money order. Cash can be accepted if the payment is made in person.

9. If no payment is received the matter will be referred to a detective for check fraud investigation and other appropriate action.

B. Upon reimbursement of the original payment and the mandatory $20.00 charge, the original check is returned to the check writer.

C. When reimbursement is not made, a detective supervisor is contacted to initiate a criminal investigation.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: EMERGENCY RESPONSE **NUMBER:** 506

EFFECTIVE: April 11, 2007

POLICY:

It is the policy of the Boulder County Sheriff's Office to ensure deputies are properly equipped and trained to respond quickly and arrive safely in situations requiring an emergency response in a Sheriff's vehicle.

DEFINITIONS:

Emergency: A serious situation or occurrence that develops suddenly and unexpectedly and demands immediate attention.

PROCEDURE:

I. Authorized Emergency Vehicle

A. Sheriff's Office law enforcement vehicles authorized for emergency response are equipped with emergency lights, siren and horn as prescribed by law.

1. Emergency lights are prescribed in CRS 42-4-213 (1-3).

B. Sheriff's Office emergency services vehicles authorized for emergency response are equipped with emergency lights, siren, and horn as prescribed in CRS 42-4-213 (1-3) and may be equipped in accordance with CRS42-4-213 (4) and CRS 42-4-222 (1).

II. Authorized Emergency Response

A. An emergency response is authorized:

1. For circumstances and situations that the deputy reasonably believes threaten serious bodily injury or death.

2. For circumstance in which other officers or public safety agencies request an emergency response.

3. For in-progress crimes involving weapons, threatened use of a weapon or physical assault.

4. For in-progress circumstances that the deputy reasonably believes poses a significant health or safety issue or which threaten serious and significant damage to a building that may be occupied.

5. When authorized or directed to do so by a supervisor.

III. Authorized Vehicle Operations

A. In all cases, deputies exercise due regard for the safety of all persons while operating a vehicle during an emergency response in compliance with CRS 42-4-108.

B. Deputies radio the Communications Center to notify them and monitoring units that they are responding emergency.

1. Emergency lights and sirens are activated when responding to an emergency, except as authorized by CRS 42-4-108 and as described below.

2. Sirens are not required when:

a. The vehicle is not moving.

b. The deputy is initiating a traffic contact; or

c. An unannounced approach is necessary.

1) When responding with emergency lights only, deputies use a high level of caution and ensure that their actions do not endanger the public or other motorists.

3. Back-up units do not respond emergency unless it is readily apparent that the first arriving deputy will require immediate back-up, or when further emergency response is requested by the on-scene units or when directed by a supervisor.

4. When obstructing a right-of-way, deputies utilize the level of emergency lighting necessary to make their presence visible to other motorists. In addition, and when appropriate, deputies position their vehicle in such a way as to minimize the impact on traffic flow affected by the obstruction.

5. Deputies responding emergency in a Sheriff’s vehicle are authorized to:

A. Park or stand in violation of existing law or regulation.

B. Proceed through a red stop signal or sign after slowing down or coming to a complete stop as necessary for safe operation.

C. Exceed the speed limit to the extent necessary to expedite their response without endangering themselves or others.

D. Disregard regulations governing direction and turns.

IV. Reporting Requirements

A. Deputies are required to inform their direct supervisor as soon as practical of any near collision with another vehicle or pedestrian, or other significant event, that occurs during the emergency response.

1. Documentation of the incident in a report may be required when the deputy's supervisor concludes such documentation is necessary.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

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SUBJECT: Boulder County Bomb Squad **NUMBER:** 507

EFFECTIVE: 03/01/2004

POLICY:

It is the policy of the Boulder County Bomb Squad to provide a front line response to incidents involving, or suspected of involving bombs, explosives, incendiary devices and other shock sensitive materials. Any Boulder County agency providing Hazardous Devices Technicians to the Boulder County Bomb Squad is considered a participating agency and agrees to adhere to this policy and its procedures.

DEFINITIONS:

Boulder County Bomb Squad: A multi-jurisdictional resource comprised of certified peace officers and firefighters within Boulder County whose primary purpose is to assist with investigations involving the use, or suspected use of explosive substances.

Hazardous Device Technician: Persons trained to handle, deactivate or detonate explosive substances. Only those persons certified as bomb technicians through the Hazardous Device School (HDS) are authorized to act in this capacity. Technicians are also trained to handle post-blast investigations.

Bomb Threat: Any communication reported to anyone warning of an explosive device or substance placed where it may cause injury or damage.

Hazardous Device: Any device containing any combination of commercial explosives, improvised explosives or incendiary devices which have been designed to explode or burn

Explosive Substance: Dynamite, nitroglycerine, or any other material that if detonated, could cause injury to persons or damage property.

Improvised Explosive: Improvised explosives are combinations of fuels and oxidizers, when mixed can be made to explode

Incendiary: An incendiary is a combination of fuels and oxidizers, that when mixed can be made to burn over a period of time.

PROCEDURE:

I. SUPERVISION:

A. Squad administrators, designated by agreement of the Executive Directors of participating agencies, supervise the Bomb Squad. The squad administrators utilize a unified command structure to fulfill this oversight responsibility.

1. Squad administrators may assign the responsibility of overseeing specific squad related functions to an individual member of the bomb squad. These responsibilities may include, but are not limited to: training, equipment acquisition and maintenance, intra-agency liaison, administration, etc.

B. The agency with jurisdiction of the event has the responsibility for designating an Incident Commander (I.C.). The I.C. has the authority to utilize attached units as needed to resolve an event.

C. Upon arrival on scene of an event the bomb squad becomes an attached unit within the command structure of the Incident Command System.

1. Once deployed the bomb squad administrators retain operational authority over bomb squad actions.

II. EQUIPMENT:

A. Participating members of the bomb squad share all current bomb squad equipment and any future equipment acquisitions equally. All equipment is accessible by any bomb squad member within guidelines established by squad administrators.

B. All participating agency personnel or squad members will comply with policies and guidelines established by agreements with private vendors as it relates to the use and care of applicable equipment.

III. DUTIES and RESPONSIBILITIES:

A. When activated the bomb squad responds with essential safety equipment and an adequate number of personnel.

1. The bomb squad follows established Hazard Device School (HDS) safety protocols, whenever possible and practical, when performing any of the following:

a. Rendering safe and/or removing suspected hazardous devices, or

b. Searching for secondary devices, or

c. Transporting, disposing or storing hazardous devices, or

d. Conducting a hazard device crime scene investigation and collecting, recording and preserving evidence related to that investigation, or

e. Preparing and providing courtroom testimony related to any hazardous device event in which the squad member participated, or

g. Using, storing, or performing maintenance, or compiling inventory data, on any bomb squad equipment.

B. The bomb squad performs a number of auxiliary and adjunct duties related to its primary function as a first responder unit to hazardous device events. These duties may include, but are not limited to, the following:

1. Providing technical support related to hazard device situations.

2. Preparing lesson plans and/or conducting hazardous devices related training.

3. Maintaining Bomb Data Center publications or other hazardous device related documents and education materials.

4. Maintaining professional liaison with other state and local bomb squads, Military Explosive Ordnance Disposal (EOD) units, Federal agencies or professional associations.

5. Compiling data on hazardous devices incidents that have occurred within Boulder County.

6. Developing agency specific response plans and crime scene management for bomb threats, hazardous devices, explosive and related investigations.

7. Developing and promulgating bomb threat awareness and safety programs for public and private organizations.

8. Reporting found or recovered military ordnance to the appropriate

military EOD unit(s).

9. Developing and implementing procedures for fireworks disposal.

C. The bomb squad works closely with Boulder County police and sheriff SWAT and canine teams as needed. The bomb squad's support for these units may include, but is not limited to, the following:

1. Construction and deployment of explosive devices used to facilitate safe and quick entry into buildings or vehicles.

2. Assistance in searching for hazardous devices and bobby traps and properly disposing of any such devices once located.

3. Providing hazardous device related training and educational materials to team members.

IV. TRAINING:

A. Hazardous Device Technicians must attend and graduate from the HDS Basic class at Redstone Arsenal in Huntsville, Alabama.

B. Bomb squad members participate in in-service training as required unless excused by a squad administrator. Squad members meet the minimum training requirements as established by the bomb squad administrators.

C. Newly appointed members of the Bomb Squad, who have not yet graduated from HDS, attend all in-service training with the squad. However, these members are prohibited from handling hazardous devices at any time unless they have attended a certified explosive handling course and are under the direct supervision of a Hazardous Device Technician. During callouts, these members may only act as an observer and/or assist with general non-hazardous support duties.

D. Hazardous Device Technicians will recertify as required by the Hazardous Device School. If a team member fails to maintain his/her certification they are subject to suspension or removal from the squad until such time as the certification requirements are met.

V. MUTUAL AID:

A. As a multi-jurisdictional unit, the Boulder County Bomb Squad responds to call outs occurring within its jurisdictional boundaries.

B. Out of county mutual aid must first be approved by at least one of the bomb squad administrators. This squad administrator then obtains approval from their chain of command prior to activating the squad.

By order of the participating agencies:

_____ _____
Boulder County - Sheriff Joseph K. Pelle Date

_____ _____
Longmont Chief of Police – Michael Butler Date

_____ _____
Longmont Fire Chief – Steven Trunck Date

SUBJECT: Alarm Response **NUMBER:** 508

EFFECTIVE: June 16, 2005

POLICY:

Due to the inherent nature of alarms and the proliferation of alarm systems, the impact on police resources is significant. Without proper use, proper maintenance, and proper monitoring, almost all alarms reported to the police are false. However, when used appropriately, alarms can be useful crime prevention and apprehension tools for law enforcement. Therefore, police respond only to alarms that meet and adhere to respective city codes, ordinances, resolutions, and agency policy. It is Sheriff's Office policy that communications airs all alarms to include the alarm subscriber's status (non-response list or non-compliance list). Upon airing, it is the responsibility of the district officer or field supervisor to determine if and what type of a response is appropriate.

DEFINITIONS:

Alarm Administrator – The person designated by the Operations Division Commander to coordinate and administer false alarm reduction efforts.

Alarm Business – Any business by an individual, partnership, corporation or other entity that sells, leases, maintains, repairs, alters, replaces, moves, installs, or monitors any alarm system. Alarm business also includes any person, business or organization that monitors security alarm systems and initiates alarm dispatch request, including units or divisions of larger businesses or organizations that provide proprietary security alarm monitoring services only to affiliates of the parent business or organization.

Alarm Site – The premise served by an alarm system.

Alarm Subscriber or User – Any person or designated responsible party, firm, partnership, corporation or other entity controlling a security alarm system at an alarm site.

Alarm System – The device, which transmits, emits, or otherwise notifies an alarm company, law enforcement, or the alarm system subscriber of alarm activation.

Central Station Alarm Association Alarm Verification and Notification Procedures - Standards approved by the American National Standards Institute that define verification procedures for alarm businesses prior to them requesting a law enforcement response.

False Alarm - A false alarm is considered to be any alarm that is not triggered by criminal or suspicious activity. Alarms triggered by weather, faulty equipment, human error, animals, etc., are all considered to be false alarms for purposes of this policy. A false alarm is also deemed to have occurred when the responding officer is unable to determine if evidence of a criminal offense or attempted criminal offense is present because an alarm site is

inaccessible

Fire Alarms - A signal initiated by a device that indicates the presence of a fire or fire signature. Fire alarms are exempt from this policy.

Intrusion Alarms – Any system or device detecting and reporting any unauthorized entry or attempted entry or property damage upon real property. Alarms on automatic teller machines are included in this definition.

Robbery and Panic Alarms – An alarm signal generated by the manual or automatic activation of any system, device, or mechanism on or near the premises intended to signal that a robbery or other crime is in progress and that one or more persons are in need of immediate police assistance in order to avoid injury, serious bodily harm or death at the hands of the perpetrator of the robbery or other crime.

Medical Alarm – An alarm signal generated by the manual or automatic activation of any system or device on or near the premises intended to signal a medical emergency. Medical alarms are exempt from this policy.

Protective/Reactive Alarm System – An alarm system rigged to produce a temporary disability or sensory deprivation through use of chemical, electrical or sonic defense, or by any other means, including use of vision obscuring/disabling devices.

PROCEDURE:

I. Response to Robbery and Panic Alarms

A. In order for a response to occur, alarm businesses must be in compliance with all applicable ordinances, codes, and resolutions, and must agree and adhere to established agency policy. If a business is not in compliance the agency may suspend response to any alarms from such business until such time they provide proof to the alarm administrator that they are in compliance.

B. Prior to requesting a response, alarm businesses must adhere to the Central Station Alarm Association Procedures as approved by the American National Standards Institute (Link to .PDF in Sheriff's online policies). Upon receipt of a robbery or panic alarm, one patrol unit is dispatched to respond.

1. Deputies respond non-emergency unless conditions meet the criteria found in the emergency response policy.

2. Once a building perimeter has been established, and no notice of a false alarm has been received, the primary unit directs the dispatcher to contact the business by telephone. If such telephone contact is

made and the dispatcher receives a questionable response, officers at the scene are advised and the primary unit, or supervisor, determines the need for additional backup or specialized unit response.

3. If the dispatcher notifies officers that a representative of the business has been contacted and there is an apparent absence of questionable circumstances, the primary officer obtains from the dispatcher identity and description of the representative and waits for that person to exit the facility. The dispatcher advises the representative to exit the establishment with identification in hand and hands visible. Once contact is made with the representative outside of the facility, officers accompany the person into the establishment to verify the status of the interior of the business.

C. After responding to three false alarms at the same location in a year period, the Sheriff's Office may suspend responding to alarms at that location until such time that the alarm business can provide evidence that the circumstances causing such false alarms have been identified and rectified.

D. Upon receipt of a mobile personal panic alarm with locator capabilities, communications determines the victim's location from the alarm business. Deputies respond non-emergency unless conditions meet criteria found in the emergency response policy, and according to the nature of the circumstances.

II. Response to Intrusion Alarms

A. In order for a police response to occur, alarm businesses must be in compliance with all applicable ordinances, codes, resolutions, and must agree and adhere to established agency policy. If a business is not in compliance the Sheriff's Office may suspend response to any alarms from such business until such time they provide proof to the alarm administrator that they are in compliance. Deputies only respond to business intrusion alarms if one of the following conditions exists.

1. An alarm has already been verified as being the likely result of criminal activity through independent means such as third party response, witness verification, listening devices, video monitoring, etc.

2. The alarm business has, prior to requesting a police response, attempted verification pursuant to the Central Station Alarm Association Procedures as approved by the American National Standards Institute. Dispatchers will verify from the alarm business if they have complied with the Central Station Alarm Association Procedures prior to airing the alarm. On demand the alarm business must provide Boulder Sheriff's Communications with the

names and telephone numbers called. The alarm business must also advise communications if a protective/reactive alarm system is installed on the premises.

3. If an electronic cancellation is received, no alarm dispatch will be requested. If an electronic cancellation occurs after a police response has already been requested, the alarm businesses must cancel the request.

B. After responding to three false alarms at the same location in a year period, the Sheriff's Office may suspend responding to alarms at that location until such time that the alarm business can provide evidence that the circumstances causing such false alarms have been identified and rectified.

C. Unless an alarm is otherwise verified as listed in paragraph A.1, communications dispatches one deputy to respond. On alarms verified as criminal activity, two or more deputies are dispatched as circumstances dictate.

D. Should a deputy respond and find the business open or occupied by employees, the deputy contacts an employee to determine the cause of the alarm.

E. When an alarm is received after business hours and the establishment is not occupied, responding deputies conduct an inspection of the exterior for signs of forced entry.

1. It is the responsibility of the alarm business to make any notifications to a representative of the business at the time the alarm notification is made. The business responsible party is advised to respond in order to assist officers as appropriate or to assure the defective alarm is repaired. Once it is determined that an establishment is secure, deputies may leave the scene.

2. If evidence of forced entry or other damage exists, the responding deputy requests appropriate assistance to secure the perimeter and coordinate a perimeter and, if necessary, an interior search.

3. If a responsible party does not respond after a reasonable amount of time, or is unavailable, deputies may leave the scene or in the case of forced entry or damage make reasonable attempts to provide extra patrol for the property as determined by the shift supervisor.

III. Disposition

A. When clearing any alarm, deputies provide communications with the

appropriate disposition.

IV. Record Keeping and Notifications

A. Boulder County Communications maintains alarm response history in the computer aided dispatch system. The alarm administrator assigned to the operations division is responsible for tracking alarm histories and determining and notifying communications of suspended and reinstated responses.

B. When deputies have responded to a false alarm at any given location three times in a year period, a written notice is sent by the alarm administrator to the alarm user and/or alarm business notifying them that police response to future alarms will be suspended.

C. Once the alarm business has identified the problem or source of the false alarms and have taken corrective action, they may submit written documentation to the alarm administrator and request that law enforcement response be reinstated. (see attached sample document)

D. If satisfied that the corrective actions will resolve the false alarm problem, the Alarm Administrator then reinstates police response. If not satisfied, the alarm administrator will provide information on what additional steps must be taken in order for police response to be reinstated.

E. After corrective action has fixed a false alarm problem and police response has been reinstated, any future false alarms within 90 days of reinstatement will again result in no response. Continued problems with an alarm after corrective actions have been taken may result in an indefinite suspension.

F. Annual statistics are collected and monitored by the alarm administrator to determine the impact the policy has had on the rate of false alarms.

By Order of the Sheriff

_____ _____

Sheriff Joseph K. Pelle Date

SAMPLE DOCUMENT

_____ Department

A. Alarm Call Response, Reinstatement Request Form

Date: ____/____/____

Name: _____

Address 1:_____

Address 2:_____

City: _____State:_____ Zip:_____

Contact Name:_____

Phone #:_____E-mail:_____

Call Response History:

Date of Call: ____/____/____ Time of Call:____:____
Cause of Alarm:

[ ] Valid Alarm with explanation, [ ] False Alarm with explanation of remedy
Explanation:

Date of Call: ____/____/____ Time of Call:____:____
Cause of Alarm:

[ ] Valid Alarm with explanation, [ ] False Alarm with explanation of remedy
Explanation:

Date of Call: ____/____/____ Time of Call:____:____
Cause of Alarm:

[ ] Valid Alarm with explanation, [ ] False Alarm with explanation of remedy
Explanation:

We affirm that, to the best of our knowledge, the causes of alarms are accurate and the remedies applied will avoid future, similar occurrences.

Alarm Subscriber/User	Alarm Business Responsible for System
Name:	Name:
Company Name:	Company Name:
Phone:	Phone:
Signature:	Signature
Date: ____/____/____	Date: ____/____/____
Response to be Faxed to:	Response to be Faxed to:

For Dept. use only
Request approved [ ] Date:____/____/____ By:_____
Denied [ ] Reason:_____

Alarm Verification and Notification Procedures

ANSI/CSAA CS-V-01-2004.XX (version July 16, 2004)

Sponsor
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Foreword

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Central Station Alarm Association
440 Maple Avenue East, Suite 201, Vienna, VA 22180
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Introduction

This standard defines methods by which false dispatches can be greatly reduced. It has been proven that verifying an alarm signal by a monitoring central station will drastically reduce false dispatches. This standard takes verification to its next level by defining multiple call verification, cross zoning, biometric, audio and video verification.

Methods defined herein have been tested and proven to achieve a lower level of false dispatch. Further reduction is possible to achieve using a combination of the methods defined herein.

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Alarm Verification and Notification Procedures

1 Scope

This standard has been prepared under the direction of the Security Industry Standards Council (SISC) members with the participation of Central Station Alarm Association (CSAA) members, Security Industry Association (SIA) members, National Burglar & Fire Alarm Association (NBFAA) members, ASIS members and Canadian Alarm Association (CANASA) members. This standard is to be used by alarm monitoring facilities and by state and local units of government in their development of consistent administration criteria for alarms. New technologies and successful efforts to reduce false alarms have led to this standard. This standard, adopted by the various states and local units of government, recognizes the life saving benefits monitored security and fire alarm systems provide. The intent of this standard is to achieve increased efficiencies by reducing costs and eliminating wasteful efforts associated with potential false alarms.

1.1 General

If differences exist between this standard and other written Special Instructions with the monitored premises, the Special Instructions shall take precedence.

1.2 Definitions

1.2.1
alarm verification
alarm verification is a generic name given to many techniques used (1) to permit authorized personnel to appropriately identify themselves, thereby preventing emergency response agencies from being requested to respond to situations that do not represent an emergency; and (2) to confirm or deny the validity of alarm signals received at a Central Station or monitoring facility.

1.2.2
"UL Certificated" Service
the term “UL Certificated” Service, as used in this document, refers to burglar alarm systems that have a UL certificate in force and therefore follow verification procedures outlined in UL 827, UL 2050, ULC S301 or ULC S304 Standards.

1.2.3
Types of Verification
Two broad forms of verification may be employed. These include:

1.2.3.1
standard verification
standard verification is the attempt by monitoring facility personnel to verify that an emergency does not appear to exist at the monitored premises, by means of a telephone call, voice contact or other electronic means

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1.2.3.2
enhanced verification
Enhanced Verification is the attempt by monitoring facility personnel to verify that no emergency appears to exist, at the monitored premises, by means of more thorough procedures such as two (2) or more verification calls, live audio or video, cross zoning, other means or a combination of these procedures.

1.2.3.3
Methods of Verification

1.2.3.3.1
Electronic Verification
An electronic signal transmitted to the monitoring facility that indicates to its personnel or to its dispatch computer that no emergency appears to exist.

1.2.3.3.2
Verbal
A personal contact by means of telephone or audio conversation with an authorized pass code holder or other authorized person for the protected premises to verify that no emergency exists.

1.2.3.3.3
Video
An electronic picture, pictures or images viewing an area of the protected premises from which an alarm signal has been received which permits monitoring facility personnel to view the area which has an alarm to verify an emergency condition exists or alternately that no emergency appears to exist.

1.2.3.3.4
Cross Zoning
The application of redundant detection devices such that one motion detector or one photo-electric beam paired with some other device such as another motion detector, photo-electric beam, door contact or door contacts, to cover generally the same area. An alarm is recognized when both detectors in the pair are triggered.

1.2.3.3.5
Electronic Biometrics
The ability to verify the identity of authorized on premises personnel through the use of detectors that utilize facial or body recognition, voice identification, hand geometry, fingerprint identification or other biometric characteristic identification technology.

1.3
notification call
The call to the law enforcement authority, such as 911 or the telephone number used to reach the responding law enforcement agency.

1.4
dispatch
Notification of law enforcement agency as defined in 1.3. a guard, guards, a runner, runners, other response entities or predetermined combination of the above to respond to the premises.

1.5
special instructions
A written, separate document from the monitoring contract document, that specifies a specific set of instructions to be followed in the event of an alarm, between the monitored premises and the alarm/monitoring company.

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2 Standard Verification Procedures for Burglar Alarm Signals

2.1 Procedures for Alarm Signals Received from Systems without "UL Certificated" Service

Unless Special Instructions exist, monitoring facility personnel shall call the protected premises for identification and verification of persons authorized to be on the customer's premises.

2.1.1 If No Contact

If there is no answer, the monitoring facility personnel shall make a Notification Call, unless the monitoring facility personnel have reason to believe no emergency exists.

2.1.2 If Telephone is Answered

If the telephone is answered, the monitoring facility personnel shall obtain pass code verification or other electronic identification that the person is authorized to be on the premises. Upon receipt of correct identification, and the authorized person states that no emergency exists, responding entities shall not be notified or shall be recalled, if already notified, and the alarm is considered aborted.

2.1.2.1 No Code

If no code or authorization is provided, the monitoring facility personnel shall attempt to reach an authorized person off premises to verify the authenticity of the on premises person, and failing that shall make a Notification Call. Further explanatory material on this can be found in Annex A.

2.1.2.2 Wrong Code

If the person(s) contacted cannot be identified by a valid identification code within a reasonable time after the contact as defined in 2.1.2, the monitoring facility personnel shall make a Notification Call.

2.2 Procedures for Alarm Signals Received from Systems with "UL Certificated" Service

Signals received from certificated systems shall be handled in accordance with the procedures defined in UL Standard 827, UL 2050, ULC S301 or ULC S304.

3 Enhanced Telephone Verification of Burglar Alarm Signals

3.1 Extended Time

The maximum time permitted for enhanced verification of a non-certificated system can be extended beyond the time constraints imposed for certificated systems defined in UL 827, UL 2050, ULC S301 or ULC S304.

3.2 Procedure

For burglary alarm signals received from non-certificated commercial burglary alarm systems or any residential alarm system, the following procedures shall be followed (further explanatory material on this can be found in Annex A):

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3.2.1 Call 1

The monitoring facility shall attempt telephone verification to the protected premises after receipt of the alarm signal. The procedure defined in 2.1.2 above shall be followed if the premises telephone is answered. Otherwise proceed to 3.2.2 or 3.2.3, whichever is applicable.

3.2.2 Call 2 Other Than Premises

When monitoring facility personnel get a busy signal or no answer on the first call to the protected premises, a second call or calls shall be made to an alternate phone number such as a cellular or work number and if the authorized person states that no emergency exists, responding entities shall not be notified or shall be recalled, if already notified, and the alarm considered aborted.

3.2.3 Call 2 Premises

When monitoring facility personnel get a busy signal or no answer on the first call to the protected premises, a second call or calls shall be made to an alternate phone number at the protected premises when such number is available. The procedure defined in 2.1.2 above shall be followed.

3.3 Answering Machines

When any call reaches an answering machine a message shall be left, clearly stating that it is the alarm company calling and leaving necessary information for the alarm user to promptly contact the monitoring facility.

3.4 Scheduled Events

If an alarm signal is received in connection with a scheduled opening or closing event, additional telephone numbers shall be called on the call list in order to determine whether the alarm signal is caused by an opening or closing error. If no answer or no determination can be made that a false alarm exists, a Notification Call shall occur.

3.5 Verified False

If the alarm is verified as being false during the first, second or succeeding calls, monitoring facility personnel shall suspend activities relating to the specific signal being worked.

3.6 Call lists and Priority

Following the Notification Call, attention shall be placed on contacting the emergency call list, until someone is reached to achieve a cancellation of the notification if it is determined that no emergency exists.

3.7 Additional Methods

Audio verification, video verification, cross zoning or other electronic verification mediums shall be permitted in place of or in addition to the second verification call and shall be considered in compliance with this enhanced verification standard.

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4 Hold-Up

4.1 Commercial Hold-Up Alarm

Unless otherwise noted by Special Instructions, the monitoring facility shall not call the protected premises but shall make a Notification Call.

4.2 Residential Panic/Duress/Emergency Alarm

The monitoring facility shall follow the Standard Verification Procedures as defined in section 2.0.

5 Residential Fire Alarms

5.1 Households

For purposes of this standard, “household” is defined in NFPA 72 August 2002 as the family living unit in single-family detached dwellings, single-family attached dwellings, multifamily buildings and mobile homes. This definition excludes common usage areas in multifamily buildings such as corridors, lobbies, basements, etc. Fire alarm systems covering such excluded areas are not “household” fire alarm systems. The primary purpose of fire alarm systems in households is to provide an audible signal to occupants in order to expedite evacuation of the household. Further explanatory material on this can be found in Annex A.

5.1.1 Household Fire Alarm Signal

The procedures defined in the NFPA 72 code shall be followed for household fire alarm signals.

6 Commercial Fire Alarms

6.1

For the purpose of this standard, a commercial fire alarm is defined as all fire alarm systems in all properties other than households as defined in 5.1 above

6.2 Commercial (Non-Household) Fire Alarm

The procedures defined in the NFPA 72 code shall be followed for commercial (non-household) alarm signals.

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Annex A
(Informative)

A.2.1.2.1

If the monitoring facility personnel reaches the protected premises on the first or second call and the person answering the phone does not have the proper pass code then, if possible, the personnel may attempt to make a 3-way call with the premises person retained as a party to the call. The monitoring facility personnel may attempt to reach others on the call list to verify the authenticity of the person on the protected premises. If this process fails to resolve the issue then the monitoring facility personnel should proceed to make a Notification Call.

A 3.2

Verification Phone Accessibility Guideline. Care should be taken to verify that the emergency call list phone numbers are to phones without call waiting, or alternately that *70 is programmed in front of the monitoring center phone number in the electronic digital communicator. The verification phones at the monitored premises should be accessible after hours (not locked up in an office), such as in the vicinity of commonly used entrances and not be sent to voice mail after hours so the after hours users and cleaning people can hear and answer the phone.

A 5.1

NFPA #72 states that “This code {Household Warning Equipment} is primary concerned with life safety, not with the protection of property. It presumes that the family has an exit plan.”

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Profile Stops and Anti-Bias Policing **NUMBER:** 510

EFFECTIVE: July 30, 2019 **SUPERSEDES:** March 13, 2007

POLICY:
Boulder County Sheriff's Office policy prohibits deputies from using profiling as a basis for stopping or detaining any person. It is also the Sheriff's policy that deputies are prohibited from stopping, or detaining, any person when acting entirely on information provided by a citizen and the deputy reasonably believes the citizen's suspicion of the person is based solely on that person's race, ethnicity, age, or gender. Further, deputies are prohibited from prolonging a lawful stop or detention based solely on the race, age, gender, or ethnicity of the person stopped.

DEFINITIONS:

Profiling: The practice of stopping and detaining a person based on factors solely related to the person's race, ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, age, or disability.

Status Offense: A non-criminal act considered a violation of law only because of a juvenile's status as a minor. Status offenses may include truancy, running away from home, general ungovernability, etc.

PROCEDURE:

I. Profiling Practices Prohibited

A. Under C.R.S. § 24-31-309(2), deputies are prohibited from profiling when:

1. Determining the existence of probable cause to arrest;

2. Constituting a reasonable and articulable suspicion that an offense has been or is being committed to justify the detention of an individual or the investigatory stop of a vehicle; or

3. Determining the scope, substance, or the duration of an investigation or law enforcement activity to which a person will be subjected.

B. Deputies may use age as a factor when investigating a juvenile status offense.

II. Training

A. Every POST-certified deputy who, by virtue of their assignment, duty, or responsibility, makes traffic or pedestrian stops is required to attend training

about profiling and anti-bias policing required under C.R.S. § 24-31-309.

1. The Personnel & Training Unit ensures newly hired deputies have received the training required under the statute and, if not, ensures that they receive the training within the first year of hire. Deputies who complete a full Colorado Peace Officer Standards and Training (POST) certification academy obtain this training as part of their basic training curriculum.

B. The Sheriff sets the number of training hours devoted to the subject of profiling and anti-bias policing based on an assessment of internal needs.

1. At a minimum, all POST-certified deputies shall receive a minimum of four (4) hours of profiling and anti-bias policing every five (5) years, as required by C.R.S. § 24-31-315.

C. The content of any anti-bias or profiling training must comply with the promulgated requirements of Colorado POST, which are made available on the Colorado Attorney General's website.

D. Training attendance is documented by the Personnel & Training Unit. The Personnel & Training Unit is also responsible for maintaining lesson plans for each training session.

III. Communications Division Procedures

A. Communications Center personnel are responsible for screening calls received from the public describing suspicious activity, which may be based solely on the suspect person's race, ethnicity, age, or gender.

1. The dispatcher alerts the responding deputy to the possibility that the request to investigate a situation may be based solely on the race or the ethnicity, etc. of the suspect person.

2. Deputies are prohibited from stopping or detaining a person based solely on the suspicion of a third party when that party's suspicion is based only on the race, ethnicity, age or gender of the suspect person.

IV. Traffic Stop and Comment Reporting

A. When a deputy conducts a traffic stop, which does not result in the issuance of a summons or an arrest, the deputy is required to provide the citizen with his or her business card without being asked (cf. C.R.S. § 24-31-309(4)(a)).

1. The information on the business card includes the deputy's name, division,

and badge number. Each business card also includes the telephone number of the traffic contact comment line, so the citizen can contact the Sheriff's Office to make a comment or complaint.

2. Deputies acting in an authorized undercover operation are not required to comply with the provisions in § IV.A.

B. It is the responsibility of the Personnel & Training Unit to monitor and log messages left on the traffic comment line. The employee designated by the Personnel & Training Unit commander ensures that any complaints alleging employee misconduct are processed in compliance with policy and procedure. Anonymous complaints are investigated to the extent reasonably possible.

1. The identity of the reporting person and the report of any such comments that constitutes a complaint shall initially be kept confidential by the receiving law enforcement agency, to the extent permitted by law (cf. C.R.S. § 24-31-309(4)(a)).

2. An employee receiving the complaint is permitted to obtain some identifying information regarding the complaint to allow initial processing of the complaint. If it becomes necessary for the further processing of the complaint for the complainant to disclose their identity, the complainant shall do so, or, at the discretion of the Undersheriff, the complaint may be dismissed (cf. C.R.S. § 24-31-309(4)(a)).

C. Information to be logged

1. Date, time and location of the contact and date and time the phone message was received.

2. Nature of comment.

3. Deputy(s) involved.

4. Brief description of the allegation.

5. Outcome of any follow up or investigation.

V. Reporting Responsibilities

A. In accordance with C.R.S. § 24-31-309(4)(c), the designated employee in the Personnel & Training Unit compiles a summary report of all allegations of profiling. The report is completed annually and given to the Sheriff and is available to any member of the public upon request at no cost.

B. The public version of the report includes, but is not limited to, the following:

1. Number of allegations.

2. Outcome of allegations.

3. Costs of operating the Traffic Contact Comment system.

C. The public version of the report is not to include the following:

1. Identification of complainants.

2. Identification of deputy(s) involved.

By Order of the Sheriff,

Joseph K. Pelle — 7/29/2019

Joseph K. Pelle — Date

"ATTACHMENT A"

COLORADO P.O.S.T.
Anti-Bias Training Program
June 8, 2001

Required Hours - Agency or Academy Determination

A. THE PATTERNS OF BIAS BASED POLICING
General learning goal: The student will have a basic knowledge of the patterns of Profiling and Bias Based Policing.

1. Knowledge of the Colorado statutory provisions pertaining to Profiling and Bias Based Policing.
2. Knowledge of the Fourth Amendment and the interpretive case law.
3. Understanding of the meaning of basic words related to "bias".
4. Understanding the various perspectives of communities of color.
5. Discussion of the impact of consequences on the community.
6. Knowledge of the negative impact on the reputation of the peace officer, the officer's department and the profession.

B. THE PRACTICES OF BIAS BASED POLICING
General learning goal: The student will gain the knowledge of the practices and perceptions of Profiling and Bias Based Policing.

1. Knowledge of the history of Profiling and Bias Based Policing.
2. Knowledge of national and local incidents that illustrate profiling.

C. THE PROTOCOLS WHICH PREVENT PROFILING
General learning goal: The student will understand the concepts and practices that prevent Profiling and Bias Based Policing.

1. The student will be able to identify examples of civil rights violations.
2. Emphasis will be placed upon examples of bias, profiling, civil rights, "isms", and hate crimes.
3. The student will recognize how anti-bias training benefits the communities served by law enforcement agencies.
4. The student will learn how community policing partners with Anti-Bias Based Policing.
5. The student will learn the ramifications of police not policing themselves.

"ATTACHMENT A"

Source Material

- Colorado P.O.S.T. Cultural Diversity, Bias and 4th Amendment Curriculum
- Community Policing - A Contemporary Perspective, Chapter 2
- Crime and Justice in America, Chapter 7
- The Fourth Amendment to the Constitution of the United States
- Driving While Black - Kenneth Meeks

Source: http://www.ago.state.co.us/post/antibiasprog.html 12/31/2002

SUBJECT: Use of Portable Electronic Device While Driving **NUMBER:** 511

EFFECTIVE: November 2, 2010

POLICY:

It is the policy of the Boulder County Sheriff's Office that Sheriff's employees and volunteers operate county vehicles in a safe manner. To that end, the Sheriff places reasonable restrictions on the use of any personal or county-owned portable electronic device while driving a county vehicle, or personally owned vehicle operated while working in an official capacity for the Sheriff's Office.

DEFINITIONS:

Portable Electronic Device: Cell phone, smart phone, MDC/MDT, iPad or similar device, laptop or similar device, iPod or similar device, and 2-way radio.

PROCEDURE:

I. Restrictions

A. Law enforcement operations frequently involve the use of radios, cellular phones, and mobile data computers (MDC) in the vehicle while enroute to a call for service or when contacting a suspected offender. Employees are to exercise discretion in responding to or initiating phone calls, radio traffic, or MDC messages, remaining cognizant of their attendant distractions, and giving weight to the higher priority of driving appropriately and cautiously.

B. Employees are prohibited from using any portable electronic device other than the two-way radio when responding emergency or when driving in adverse weather conditions.

C. Employees are prohibited while driving from using any portable electronic device for the purpose of reading or composing e-mail or text messages when the vehicle is in motion.

D, Cell phone conversations conducted while driving are to be limited to high-priority business related calls or conducted with a hands-free device unless the vehicle is no longer in motion.

1 Employees are to exercise caution when dialing, answering, or conducting cell phone conversations when utilizing the hands-free device.

2. Employees are encouraged to pull over whenever practical in order to use any electronic device, other than the two-way radio.

E. It is unlawful in Colorado for citizens to send or receive text messages while driving. Citizens may observe employees utilizing electronic messaging systems and be unfamiliar with the exceptions granted law enforcement personnel. Employees are to be aware of the public perception that may be created by the use of a portable electronic device and strive to minimize actions that may present an unfavorable image.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Use of Unmanned Aerial Systems **NUMBER:** 512

EFFECTIVE: October 15, 2014

POLICY:

It is the policy of the Boulder County Sheriff's Office to utilize Unmanned Aircraft Systems (UAS) to augment traditional public safety techniques and resources. UAS platforms are operated by Sheriff's Office designated trained and qualified UAS pilots. The systems can be equipped to provide real-time and/or stored video reconnaissance to incident commanders, coordinators, etc., or to provide communications relay capabilities. UAS platforms are unarmed and prohibited from use for stand-alone law enforcement surveillance.

UAS platforms assist with search and rescue, wildfire, flood and other disaster reconnaissance, in support of the Office of Emergency Management, Boulder County Bomb Squad or SWAT team during deployments, and crime scene documentation by providing a needed visual perspective not available by other means. The Sheriff's Office may deploy an UAS platform in a safe, efficient, effective and legal manner in other public safety events when an aerial perspective enhances related tasks related to that event.

This policy is a supplement to other UAS guidelines, Federal Aviation Regulations, aircraft manufacturers' approved flight manuals, BCSO flight manual, and applicable BCSO policies.

DEFINITIONS:

Aircraft Flight Log**:** An electronic and/or written record of a flight, normally showing flight planning information together with actual data recorded during the flight.

BCSO Flight Manual: The program manual containing descriptions and guidelines for the deployment and operation of the Sheriff's Office UAS platforms.

COA: The Certificate of Operating Authority issued by the FAA

FAA: Federal Aviation Administration

Pilot-in-Command (PIC)-[UAS]: The person who has final authority and responsibility for the operation and safety of flight, has been designated as PIC before or during the flight, and holds the appropriate category, class, and type rating, if appropriate, for the conduct of the flight.

SME (Subject Matter Expert): An expert in the deployment, operation and legal requirements of UAS platforms and related hardware and software systems.

UAS Pilot: An individual designated by the Sheriff's Office to operate an unmanned aircraft system, and trained and certified in its use.

UAS (Unmanned Aircraft System): The aircraft and related hardware and software components needed for the successful deployment and operation of an unmanned aerial platform capable of providing video and/or real-time aerial views of a designated area or object.

PROCEDURE:

I. Personnel

A. The Sheriff or his designee assigns a qualified member of the Sheriff's Office to act as the UAS Program Manager. This individual is responsible for oversight of the program including adherence to all regulatory requirements, development and update of the BCSO Flight Operations Manual, pilot training, and liaison with the FAA and other agencies related to the BCSO UAS Program.

B. The program Manager, or his/her designee, may designate any qualified member of the BCSO as the PIC for any UAS flight event that occurs under the FAA Certificate of Operating Authority (COA).

C. All UAS pilots and UAS team members that are not BCSO employees are subject to the Sheriff's Office criminal history and background investigation before assignment to the UAS program.

D. All UAS program members must obtain and maintain CPR and first aid certification during their work with the program.

E. Pilots

1. A Pilot's primary duty is the safe and effective operation of the unmanned aircraft system in accordance with the BCSO Flight Operations Manual, the flight manual of the manufacturer, and FAA regulations.

2. A pilot must successfully pass the FAA private pilot written test prior to assuming flight control duties.

3. A pilot must pass and retain an FAA Class 2 Medical Certificate for the duration of their assignment to the UAS program.

4. Pilots must remain fully aware of all FAA regulations, BCSO Flight Operations Manual, applicable BCSO policies and the UAS manufacturers'

approved flight manual. Failure to remain current in this area, including both criminal and civil legal issues associated with the protections of the 4th Amendment is grounds for removal from flight status.

5. The assignment of any BCSO employee or volunteer to the UAS program is the prerogative of the Operations Division Chief and dismissal from the program occurs with his/her initiation or approval.

II. Training

A. Qualified personnel, in accordance with the BCSO Flight Operations Manual and applicable policies and procedures, conduct the initial and ongoing training of personnel assigned to the UAS program.

B. The program Manager, or designee, documents all training related to the UAS program in accordance with applicable Sheriff's Office policies and procedures.

C. Instructors conduct training in a safe manner and in a way that minimizes the negative impact on members of the public.

1. The UAS Program Manager, in consultation with the Operations Division Chief, designates UAS pilots to organize and execute proficiency exercises on a recurring basis.

2. The UAS Program Manager identifies additional training requirements and collaborates with the BCSO training sergeants to obtain qualified instructors to perform required training.

D. Curriculum

1. Designated UAS program members, and the designated training sergeant(s) in collaboration with instructor pilots and other program SMEs, as assigned, develop training lesson plans jointly.

2. Designated UAS program members review program training and/or instruction objectives on an annual basis, and modify as needed.

3. The program Manager is responsible for monitoring FAA regulations, and the development of curriculum and training as required, ensuring program compliance with FAA regulations.

III. Operations

A. Request for UAS Operations

1. A request for an UAS operation follows the below listed protocol:

    a. When time permits submit the request in writing to the program Manager or his/her designee, and

    b. Receive authorization from a designated command level Deputy from the affected division, or from the Sheriff or acting sheriff.

    c. In the case of an in progress event, the request originates from the incident commander or his/her designee.

2. A request for UAS Operations from an outside agency follows normal BCSO mutual aid request procedures prior to submission to the UAS team.

3. It is required that all UAS missions be performed within Boulder County in accordance with the Sheriff's Office FAA COA.

    a. A FAA geographic waiver is required before undertaking any deviation from the COA. The program Manager is responsible for the initiation of the waiver application when it is determined that the use of an UAS may aid in the resolution of a planned or real-time event.

4. The personal use of an UAS is prohibited.

B. PIC Responsibilities

1. The pilot controlling the aircraft is the PIC and is the final authority over the operation of the unmanned aircraft.

2. No member of the Sheriff's Office, regardless of rank, is authorized to order a pilot to make a flight, or modify a flight, when, in the opinion of the PIC, it cannot be done safely.

3. Pilots are responsible for compliance with this policy, the BSCO Flight Operations Manual and FAA Regulations.

4. Pilots are to document each mission and training use of unmanned aircraft in the electronic flight log as designated in the BCSO Flight Operations Manual.

5. It is the responsibility of the employee requesting the flight operation to obtain a search warrant for any flight that is a search under the 4th Amendment, and that does not fall under exigent circumstance exceptions.

   a. A pilot is prohibited from conducting a mission that is a search under the 4th Amendment without possession of a signed warrant or personal knowledge that one has been issued. It is the responsibility of the PIC to ensure that the location identified in the warrant is in the mission operation area.

   b. Affected personnel are to seek counsel from the District Attorney's Office when unresolved 4th Amendment issues require clarification.

IV. Legal Issues

A. The Sheriff's Office legal advisor, and/or the sheriff's designee, is responsible for monitoring the state of current applicable laws, regulations, and/or case law related to the operation and deployment of an UAS and ensuring that policies, procedures, and/or manuals are updated, as needed.

B. Private or sensitive information is handled in compliance with all applicable BCSO policies and state laws. Any private or sensitive information collected that is not deemed evidence or of significant training value is to be discarded, deleted or destroyed.

V. Safety

A. All UAS missions are conducted in adherence to BSCO life priority criteria and include risk/benefit analysis during mission planning. A mission or training exercise must be terminated when the situation changes in such a way that safety guidelines are exceeded or compromised.

B. The program Manager is responsible for scheduling a safety "stand-down" annually. All members of the UAS program team are required to participate in the review of the program and identify hazards, review program safety criteria; program procedures, and conduct safety and other training as identified.

C. During the “stand-down” normal flight operations are suspended to assure undivided attention on the safety and efficacy of the program.

VI. Emergency Procedures

A. Any unmanned aircraft event that causes injury to any person, damage to private property or to UAS equipment is reported through the management structure of the UAS program. This is in addition to any other reporting or documentation requirements imposed by law, FAA regulation or BCSO policy.

1. Ensuring medical response and providing immediate medical aid to any injured person is the primary responsibility of on-scene personnel.

B. Reporting beyond the UAS program is not required for damage isolated to UAS aircraft during training. Additional reporting of training damage will be at the discretion of the UAS Program Manager.

By Order of the Sheriff,

_____ _____
Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Authorized Weapons, Use and Proficiency **NUMBER:** 513

EFFECTIVE: January 8, 2019 **SUPERSEDES:** August 14, 2018

POLICY: It is the policy of the Boulder County Sheriff's Office to require deputies assigned to certain law enforcement positions to be armed with a firearm when on-duty. The firearm is intended for use as prescribed by Colorado state law and in accordance with Sheriff's Office policies concerning the use of force.

It is the policy of the Boulder County Sheriff's Office that all deputies required or authorized to carry a firearm on-duty are trained in the use and care of that firearm. The sheriff has delegated the responsibility of developing, implementing, and updating firearms use and care training sessions to specific supervisors and deputies. These training sessions are scheduled periodically and are mandatory for all deputies who are required or authorized to carry a firearm on-duty.

In an emergency situation a deputy is authorized to take whatever steps are necessary to protect life or prevent an attempt by another to inflict serious bodily injury on any person, including using firearms not approved by this policy, or adapting an item for use as a weapon.

DEFINITIONS:

Back-up Handgun: Carried by a deputy during normal duty assignments as a back up to the primary duty weapon in the event the deputy's primary duty weapon becomes unusable.

Off-duty Handgun: Carried by a deputy when the deputy is off-duty. It may be the same handgun used by the deputy as a primary or back-up handgun.

Primary Duty Handgun: A handgun carried by a deputy while performing a normal duty assignment.

I. Firearms Program Management and ProficiencyStandards

A. The Undersheriff is responsible for assigning a command level supervisor to administer the Firearms Program and ensuring compliance with all applicable policies.

1. The Personnel and Training Section, along with firearms instructors, assist the Firearms Program Administrator as directed.

B. The Firearms Program Administrator ensures written documentation of all firearms related training and proficiency testing is recorded and maintained.

C. The Firearms Program Administrator provides a bi-monthly firearms training attendance report to the Sheriff's Executive Staff.

D. The Sheriff's Executive Staff reviews and approves all firearm qualification courses prior to the course becoming the proficiency standard.

1. The monthly or bi-monthly firearms training sessions are developed by designated firearms instructors and approved by the Firearms Program Administrator or their designee prior to being held.

II. Authorized Weapons and Ammunition

A. Authorized Handguns and Ammunition

1. Each deputy required or authorized to carry a handgun on or off-duty is responsible for purchasing a handgun meeting all specifications described in this policy.

a. Any handgun, or other firearm, purchased by a deputy pursuant to this policy is the sole property of that deputy.

b. The care, maintenance, and repair of all personally owned firearms are the responsibility of the owner.

c. The care and maintenance of all departmental firearms assigned to a deputy are the responsibility of that deputy.

2. Only handguns of authorized calibers and manufacturer are permitted as primary, off-duty, or back-up weapons. The following specifications are required for all authorized handguns:

a. Primary handguns registered with the Sheriff's Office after August 14, 2018, must be either a 9mm or .45 caliber weapon. Weapons outside of these calibers already registered with the Office prior to this date are grandfathered for the tenure they remain actively registered.

b. Primary duty handguns registered with the Sheriff's Office after August 14, 2018, must be manufactured by *Glock*, *Smith & Wesson*, or *Sig Sauer*, and must be designed for law enforcement use by the manufacturer. Additionally, these handguns may not have a thumb safety, magazine safety, compensated barrel, nor can they be a 1911-style handgun or a revolver.

1) Weapons outside of these parameters already registered with the Office prior to this date are grandfathered for the tenure they remain actively registered.

c. Any handgun carried under this policy must have a capacity of a minimum of eight rounds for a primary duty handgun and five round capacity for a back-up or off-duty handgun.

3. Back-up and off-duty handguns should be of a compact and concealable design and must conform to all applicable specifications described in this policy.

a. Back-up and off-duty handguns registered with the Sheriff's Office after August 14, 2018, must be either a .380, 9mm, .38 caliber, or .45 caliber, weapon, and can be either a revolver or semi-automatic handgun. Weapons outside of these calibers already registered with the Office prior to this date are grandfathered for the tenure they remain actively registered.

4. All handguns must be registered with the Sheriff's Office and inspected by the Sheriff's Office designated armorer prior to deployment.

a. All handguns carried under this policy must operate in accordance with the manufacturer's original specifications.

b. Handguns will be inspected annually by the Department Armorer, or their appropriately qualified designee, to ensure that the firearm is operable.

c. The Firearms Program Administrator is responsible to ensure written documentation of all registered firearms is recorded and maintained in a secure and retrievable format.

5. The Sheriff's Office furnishes the ammunition for departmental training and duty use. The ammunition must be factory loaded with proven reliability and of specific design as determined by the Sheriff's Executive Staff. A command level supervisor may authorize other ammunition types when emergency circumstances require their use.

a. SWAT team members are authorized to train with, and deploy, a variety of ammunition types as per their standing operating procedures

6. A Division Chief may authorize the temporary assignment of a

departmentally-owned handgun to a deputy, subject to availability, for any of the following reasons:

a. The deputy's personally-owned handgun has been damaged or is inoperable. It is the deputy's obligation to ensure that repairs are made as soon as practicable.

b. The deputy's weapon has been impounded pending the resolution of an investigation (e.g., an officer-involved shooting, internal affairs investigation, etc.)

c. The deputy has been assigned temporarily to a duty assignment that necessitates the use of a different weapon.

d. The deputy anticipates transitioning to a different make, model, or caliber of weapon and would benefit from the opportunity to carry a similar weapon for a trial period (subject to their meeting all of the other qualification requirements). This includes the anticipated purchase of a back-up handgun or off-duty weapon.

7. Departmentally-owned weapons may be assigned for a period of up to six months.

8. The Firearms Program Administrator is responsible for maintaining an accurate inventory of departmentally-owned weapons and their status.

a. A physical and documented audit of the weapons maintained in the Office's Armory is to be completed on at least an annual basis.

B. Shotguns and Ammunition

1. Only shotguns owned by the department with proven reliability and of specific design as determined by the Sheriff's Executive Staff are authorized.

2. Only Sheriff's Office issued less-lethal ammunition is authorized

a. Less-lethal shotgun ammunition must be factory loaded, with proven reliability and of the specific design as directed by the Sheriff's Executive Staff.

b. Various types of shotgun ammunition may be utilized during training as approved by the Firearms Program Administrator.

3. The Sheriff, Undersheriff, or Operations Division Chief may authorize specific deputies to carry and use a shotgun loaded with lethal ammunition.

   a. SWAT tactical team members are authorized to use a variety of types of lethal, and less lethal, shotgun ammunition as per their standing operating procedures and as determined by mission requirements.

C. Rifles

1. Only Sheriff's Office issued rifles and ammunition are authorized to be carried on-duty or deployed.

2. The specific make, model, and caliber of rifles are determined by the Sheriff's Executive Staff.

3. The officer assigned to the rifle is responsible for its care and maintenance; the department is responsible for its repair.

D. Special Weapons

1. Special weapons are defined as automatic weapons, silenced weapons, gas launchers, explosive devices, and any other weapons, not covered by this policy, utilized by S.W.A.T.

2. The use of special weapons is governed by S.W.A.T. Policy (#516).

3. The Department Armorer is authorized to test, evaluate, and repair special weapons – providing the Armorer is certified accordingly –at the direction of the Firearms Program Administrator.

   a. The Firearms Program Administrator, with the written approval of the Undersheriff and affected Division Chief, can issue special weapons to deputies for testing and evaluation after a thorough evaluation by the Department's Armorer.

E. Other Weapons

1. Any object or device may be used as a weapon if necessary for self-defense or defense of another person without violating this policy.

2. An employee is required to obtain his or her Division Chief's written approval before carrying a knife on duty when the knife has a folding

blade that is longer than 3.5 inches, or when the knife has a fixed blade of any length.

3. Devices such as body armor, ballistic clipboards, etc. that are defensive in nature are not subject to restriction by this policy.

4. Any weapon described in C.R.S. § 18-12-102 (illegal weapons) is not authorized for normal duty use.

F. Intermediate Weapons: Every uniformed deputy, while on-duty in a public safety capacity, is to carry at least one approved intermediate weapon, or an approved conductive energy device, as a less-lethal alternative to his or her firearm.

1. Batons

a. Sheriff's personnel are only authorized to carry the straight or collapsible baton.

b. Straight batons made of wood or polycarbonate materials are authorized.

c. Collapsible batons made of carbon fiber material, polycarbonate and metal are authorized.

d. Deputies may carry these weapons or keep them readily available. The Sheriff's Office furnishes batons and holders for all personnel authorized to utilize a baton.

e. Deputies use these weapons in the manner prescribed in Sheriff's Office training and in the *Use of Force Policy* (#502).

f. Training and re-certification requirements are to be determined annually by the Personnel and Training Section and approved by Sheriff's Executive Staff.

2. Chemical Agents

a. Deputies may only utilize authorized chemical agents.

b. Deputies are to use chemical agents in the manner prescribed in Sheriff's Office Training and consistent with the *Use of Force Policy* (#502).

c. Training and re-certification requirements are determined

annually by the Personnel and Training Section and approved by the Sheriff's Executive Staff.

III. Authorization of Firearms

A. Deputies who carry a firearm for any employment related purpose are to abide by the following process for each specific firearm:

1. If non-certified, obtain permission from their Division Chief, and successfully complete the "*Non-Certified New Shooter Program"* prior to being authorized to carry a firearm on-duty.

   a. Non-certified deputies are not authorized to carry a back-up or off-duty handgun without written permission of their Division Chief and a CCW endorsement on their identification credentials.

2. If certified, successfully complete the "*Certified New Shooter Program"* prior to being authorized to carry a firearm on or off-duty.

3. Qualify with the firearm.

4. Register the specific make, model, and caliber of weapon, which must be on the authorized duty weapons list approved by Executive Staff for carry.

   a. The Department Armorer inspects the firearm to insure that it is in good working order, is an authorized make and model, and that it meets reliability and safety standards of the manufacturer.

   b. Any repair or replacement of firearms parts must be done by a certified armorer for the given weapon system. The armorer certification course must be recognized by the weapon manufacturer.

      1) If the repair or replacement of parts is done by anyone other than the Sheriff's Office armorer then the weapon owner must furnish a current armorers certificate and a letter stating that the repair or replacement parts and weapon fall within the firearm manufacturer's specifications. The letter is maintained in the employee's equipment file.

   c. The range officer registers the firearm in accordance with established procedure.

B. Employees are responsible for notifying Personnel and Training section when a registered firearm is no longer being carried for on or off-duty use.

C. A deputy may be approved to have a maximum of three personally owned firearms registered with the Sheriff's Office for duty use. Deputies are authorized to have one primary handgun registered with the agency unless their duty assignment requires them to work in a plain-clothes capacity, if this is the case the deputy can have two registered primary firearms but only one duty/off-duty firearm.

IV. Use of Firearms

A. Safety

1. All deputies are responsible for firearm safety. The Sheriff's Office may discipline employees or require them to take additional firearms training for violations of safety rules. The Sheriff's Office may subject employees to disciplinary action including termination for acts including, but not limited to, the following:

a. Deliberately aiming a firearm at a person without lawful purpose or justification.

b. Reckless, negligent, or careless use of a firearm.

c. Any criminal act involving the use, or threatened use, of a firearm.

d. Failure to report any of the above to a Sheriff's supervisor.

2. Deputies may utilize their firearms during the course of their duties in accordance with Colorado Revised Statutes. When utilizing or displaying firearms deputies must take the following safety precautions when applicable:

a. Ensure that firearms are not left unsecured or unattended and make every reasonable effort to prevent firearms from falling into unauthorized hands.

b. Ensure that firearms are carried in a manner that keeps the firearm reasonably secure against loss and accidental discharge.

c. Provide safe storage for firearms and utilize department provided

locking devices and vaults for rifle and shotgun storage in vehicles.

d. Only remove a handgun from its holster in a manner visible to the public when authorized by applicable state law and Sheriff's policies.

e. When not in uniform, deputies are required to carry their handgun in a manner that does not cause undue public alarm.

f. On-duty deputies carrying an exposed sidearm when not in Sheriff's Class A, B, or tactical uniform, must also wear a Sheriff's Office badge clipped to their belt near the weapon and/or their Sheriff's Office badge or photo identification on a lanyard/chain or attached to their outer clothing and clearly visible.

3. Deputies are to immediately secure and make safe all firearms coming into their possession.

a. When the current condition of the action or the loading of the firearm is of evidentiary value, officers are to take appropriate precautions to minimize the risk to persons who may come in contact with the firearm.

b. Deputies receiving an unfamiliar firearm are to seek assistance in properly handling and clearing it.

4. Deputies may not carry firearms within the confines of the Jail unless authorized by the Sheriff or the Jail Division Chief.

B. Training

1. Deputies are authorized to use firearms during training scenarios that do not involve live-fire courses. When using a firearm not specifically manufactured or converted for training purposes that is unable to fire live ammunition (e.g., *Simunition®* firearm, replica firearm, firearm modified to fire only training rounds, etc.), the following steps must be taken prior to the start of each training evolution:

a. Each firearm used in the training scenario must be inspected both visually and physically to ensure that it is not loaded with live ammunition by two employees, one of which must be an instructor conducting the training.

1) After the firearm is inspected it must be marked with a flag or impaired by a device that prohibits the firearm from

functioning while the flag/device is in place. This safety device can be installed in the firearms barrel, ejection port, or magazine well, and must be visible from the muzzle/front of the firearm and one additional side.

b. Prior to the training beginning, each participant in the training (student, role-player, or instructor) must also be visually searched and asked if they have any live ammunition on their person, or in any bags, pouches, etc., that they will deploy during the training prior.

c. If a participant in the training leaves the training location, returns to their vehicle, or any other place where live ammunition might be available, the requirements outlined in this section must be completed again.

2. It is often necessary to maintain a security presence during law enforcement training events that occur in or near a public setting. Instructors who remain armed with live-fire weapons to provide security and safety are required to be visually identified to all participants, in addition to wearing outerwear or clothing (e.g., a traffic control vest, a specific colored instructor shirt, etc.) that easily distinguishes them to training participants as having a live-fire weapon and that they are a non-participant in the scenario or role-play.

a. Instructors carrying live-fire weapons are not allowed to remove their weapons for demonstration or any other purpose outside of a threat, until they meet the requirements in §IV.B.1 are completed and the outerwear distinguishing them as being armed with a live-fire weapon is removed.

V. Warning Shots

A. Under normal circumstances warning shots are not authorized.

1. The deputy firing a warning shot must be able to justify the decision based on the circumstances or conditions faced by the deputy at the time the shot was fired, which must comply with all applicable use of force laws.

VI. Basic Pre-Service Training

A. All deputies are to complete the basic firearms training requirements as described by Colorado P.O.S.T. prior to carrying a firearm. This includes, but is not

limited to instruction in:

1. The safe handling of firearms,

2. The legal aspects of the use of deadly force,

3. The safe storage of firearms,

4. Sheriff's Office policies and procedures, and

5. Pass a written examination covering these topics.

B. Deputies receive range instruction and practice shooting, to include a shooting decision exercise and reduced light shooting exercise.

C. Deputies are required to shoot a passing score on the current Sheriff's Office firearm's qualification course.

VII. In-Service Training

A. Deputies required to carry a firearm are to complete the following annually:

1. Receive instruction in:

a. The safe handling of firearms,

b. The legal aspects of the use of deadly force, and,

c. Relevant Sheriff's Office policies and procedures.

2. Attend all yearly handgun and rifle qualifications and firearms training sessions as determined and required by their Division Chief unless excused.

a. Any discipline related to an unexcused absence is the responsibility of the affected employee's Division Chief.

3. Pass the department specified handgun course twice per year with all registered primary handguns and at least once per year with each authorized back-up/off-duty handgun. The course must be offered at least twice a year.

4. Complete annual training concerning the use of non-lethal force. This training includes, but is not limited to, the following:

a. Announcement of the intent to apply less-lethal force,

b. On scene pre-planning, identification of the authorized less-lethal rounds,

c. Responsibilities of back-up deputies, and

d. Medical attention to be given to an individual after the application of less lethal force.

5. Successfully complete the rifle qualification course when required to carry a rifle.

B. Deputies may be required by their Division Chief to attend other firearms related training.

VII. Firearms Proficiency

A. Deputies who fail to successfully pass a Sheriff's Office firearm's qualification course are afforded two additional opportunities to qualify.

1. When a deputy fails to qualify after a third attempt the range officer in charge of the qualification shoot is to notify the deputy's supervisor as soon as practical. Information presented in the notification is to include the range officer's assessment of the deputy's fitness for duty and recommendations for corrective actions.

2. Employees who do not pass the qualification course on their first attempt are required to attend two department firearms clinics or other authorized sessions within three months of the failure.

a. Based upon unique circumstance, clinics may be waived by the Firearms Program Administrator when appropriate in consultation with the affected Division Chief. Any waiver from this requirement is documented in writing, including the rationale, and is maintained in the affected employee's training file.

B. The supervisor then notifies the affected Division Chief as soon as practical. The Division Chief ensures corrective actions are prescribed and implemented.

1. Deputies who continually fail to demonstrate basic firearms skills or minimum Sheriff's Office standards may be required to obtain additional training and may have their authorization to carry a firearm removed until

such training is satisfactorily completed, as determined by their Division Chief.

2. Continued failure to meet standards may result in a personnel action including reclassification, reassignment, or termination.

By Order of the Sheriff,

Joseph K. Pelle	1/16/2019 Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Conductive Energy Devices **NUMBER:** 514

EFFECTIVE: August 6, 2020 **SUPERSEDES:** August 14, 2018

POLICY:
It is the policy of the Boulder County Sheriff's Office to use the level of force that is objectively reasonable and necessary to effect an arrest, or to control or subdue a violent or potentially violent person, and any person resisting arrest or attempting to escape. Conductive Energy Devices (CED) have proven to be effective in providing deputies with an option that reduces the risks to the deputy and to the subject in these violent or potentially violent situations. Therefore, deputies trained in the use of a CED are authorized to utilize this device in appropriate circumstances.

DEFINITIONS:

Conductive Energy Devices (CED): This term currently refers to a device designed to disrupt a person's central nervous system by means of conducting battery powered electrical energy from the device to the person with sufficient power to cause uncontrollable muscle contractions and override a person's voluntary or directed motor responses.

Non-Lethal Force: Force that is not inherently likely to cause death or cause great bodily injury to a person.

Non-Lethal Weapon/Device: A weapon or device that is armed and/or equipped to deliver a level of force to a person that is not intended to cause death or cause serious bodily injury. Instead, the force delivered is intended to overcome resistance and aggression by causing temporary pain, discomfort and/or incapacitation.

Resistance: A refusal to comply with instructions accompanied by a physical action that is intended to injure, thwart a lawful arrest, or to interfere or overcome an attempt by a deputy to lawfully subdue the resisting individual or another person; or, through word or body posture, a demonstrated intention or willingness to cause or to attempt to cause injury to another person. Resistance should not be understood as a binary state, with resistance being either completely passive or active. Rather, it runs the gamut from the purely passive protestor who simply refuses to stand, to the individual who is physically assaulting an officer.

> Active Aggression/Assault: An active attempt to inflict bodily injury against another person or a deputy. An assault against a deputy or other peace officer is considered an elevated risk because of the possibility that the person committing the assault may get possession of one of the deputy's/officer's weapons and use it against another person.
>
> Active Resistance: A refusal to comply with instructions accompanied by physical

action that is intended to injure, thwart a lawful arrest, or to interfere or overcome an attempt by a deputy to lawfully subdue the resisting individual or another person.

Defensive Resistance: Refusal to comply with instructions accompanied by resistance that does not yet rise to the level of active resistance but through word, or body posture, a person demonstrates an intention or willingness to cause or to attempt to cause injury to another person.

Passive Resistance: For purposes of Sheriff's policies, this term refers to a type of resistance encountered by deputies where a person refuses to comply with instructions but does not offer any type of physical resistance outside of having their body go limp, stiffening their body or refusing to move. The term also refers to resistance by nonviolent methods to a government, an occupying power, or specific laws, as in refusing to comply, demonstrating in protest, or fasting.

Verbal Non-Compliance: An individual ignores instructions and/or refuses to comply with instructions but does not offer or imply any type of physical resistance.

Restraint Devices: Any device, when applied, that secures or restrains the movement of a subject. *Examples of restraint devices include, but are not limited to handcuffs, leg irons, zip-tie or other temporary cuffing system, RIPP restraints, soft restraints, and restraint chairs.*

PROCEDURE:

I. Use of Force Considerations

A. This policy must be viewed and applied in alignment with the Use of Force policy (#502).

B. Prior to utilizing a conductive energy device, deputies, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A deputy may only use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury or death to the peace officer or another person. (§ 18-1-707(1), C.R.S.)

II. Training Requirement

A. A deputy is authorized to carry and use the CED upon successful completion of the Boulder County Sheriff's Office 6-hour training program and/or the manufacturer's certification course.

1. All personnel authorized to carry a CED are required to receive a minimum

of two hours of annual refresher training.

a. The training may take many forms including, but not limited to: briefing, in-service, or law enforcement agency sponsored training. Topics that must be covered during training include:

1) The care and carrying of the device;

2) The appropriate use of the device, including scenario discussions; and,

3) The inappropriate use of the device, including scenario discussions.

B. A person is eligible for authorization to be a CED instructor upon successful completion of a manufacturer's and/or state certified CED instructors' course.

II. Authorized Devices

A. Nothing in this policy is intended to restrict the lawful ownership and lawful use of a CED by a sheriff's employee.

B. Personally owned CED's are not approved for use on-duty.

C. Deputies authorized to carry a CED for on-duty use are only authorized to carry a Boulder County Sheriff's Office issued CED.

1. Deputies must receive written permission from their division chief to carry a department issued CED off-duty.

D. Deputies who use a CED while off-duty within Boulder County's jurisdiction are considered to be acting under the color of their authority as a deputy sheriff and are on-duty from the beginning of the incident requiring the use of the device.

1. Off-duty use of a CED by a sheriff's employee who is not a deputy or that occurs in a jurisdiction outside of Boulder County is subject to applicable local laws.

III. Device Readiness

A. The device is to be carried by authorized personnel in an approved holster on the support side of the body.

B. The device is to be carried fully armed with the safety "on" in preparation for immediate use when authorized and appropriate.

C. Personnel authorized to carry the CED are to be issued at least one spare cartridge as a back-up.

IV. Authorized Use

A. The Conductive Energy Device is a non-lethal device that is intended for use against a person in situations that meet the criteria within the continuum of force for use of other types of non-lethal chemical or impact weapons. Deputies are authorized to use a CED's in a manner that is consistent with their CED training in situations that include, but are not limited to, the following:

1. Defending against any type of assault;

2. Preventing the use or threatened use of any type of weapon against the deputy or another;

3. Overcoming *active* or *defensive* resistance,

4. Disarming a person threatening suicide,

5. In the jail, when and to the extent a jail deputy reasonable believes it necessary to maintain order and discipline, including when an inmate attempts to escape.

6. Holding/jail cell extraction or subduing a violent inmate: The use of a CED to facilitate the removal of an inmate from a holding/jail cell or to subdue a violent inmate is authorized when a jail deputy reasonably believes it is necessary to maintain order and discipline and:

a. The inmate is engaged in active or defensive resistance; or

b. The inmate is engaged in any type of physical or sexual assault against another; and,

c. When the deputy reasonably believes that the likely risk of injury to the inmate or deputy is higher if other means are used to extract or subdue the inmate than is the risk of injury created by using the CED.

B. A deputy's authorized use of a CED is limited in the following circumstances:

1. Fleeing subjects: The use of a CED on a person fleeing on foot from a deputy or other peace officer is only authorized when:

   a. The deputy reasonably believes the person fleeing poses a danger to himself or others if not apprehended immediately; and,

   b. The deputy reasonably believes that the potential risk of serious injury to the person who may possibly be incapacitated as a result of the use of a CED is no higher than the risk of injury posed by other reasonable use of force options available to the deputy.

2. Multiple exposures: Personnel should consider that exposure to a CED for longer than 15 seconds (whether due to multiple applications or continuous cycling) may increase the risk of death or serious injury.

C. In situations where time and circumstances allow, and it is a tactically sound option, deputies are to attempt to gain a person's compliance by announcing their intent to use the CED and then demonstrate its use by activating the electrical arch between the touch prongs prior to actually touching the person with the prongs or firing the probes at the person.

V. Prohibited Use

A. Personnel are prohibited from using a CED on a person in the following situations:

1. The person is restrained and immobilized, in whole or part, in a restraint chair, on a pram, or in another similar manner or device.

2. The person is in restraints, other than those listed in §V.A.1., and is only offering verbal non-compliance or passive resistance, except as described in paragraph 3, below.

3. Overcoming *passive* resistance:

   In the vast majority of circumstances where an individual is offering only passive resistance deputies are not authorized to use a CED to gain the person's compliance. However, there may be rare situations encountered by deputies where it becomes clear that the safest way to overcome the person's resistance is by using the CED. In those instances, deputies must have supervisory authorization before using the CED to be exempted from this paragraph (V.A.3.).

a. Before using a CED, deputies must first take steps to determine whether the person's resistance is due to a medical condition, i.e., the person is suffering a seizure or is in diabetic shock.

b. Deputies must attempt to gain the person's cooperation or compliance using other techniques. These techniques include, but are not limited to, the following:

1) Verbal commands,

2) Use of hand/arm restraint or compliance methods,

3) Applying low levels of physical force to the person while implementing a coordinated effort of multiple officers,

4) Use of pepper spray.

c. The authorizing supervisor must be able to list and describe the specific factors that led him or her to conclude that the use of the CED on the individual was a safer alternative to other available and practical options.

3. The person is fleeing and the deputy does not have sufficient information to believe that the person is a danger to themselves or others.

4. The deputy is in a moving vehicle and the subject is outside of that vehicle.

5. The subject is in a moving vehicle.

6. The subject is using, or in contact with, flammable liquids or vapors.

7. The person may fall from a height when exposed to the CED that is likely to cause serious injury to that person or another.

8. The deputy should reasonably believe the person is pregnant.

9. In any form when the sole intent is to frighten or to cause pain to the person as punishment or for amusement.

10. In a training situation, on any person who is not a Colorado peace officer and has not expressly given permission for its use on him/her.

11. In a training situation on any inmate. Employees are not authorized to request that an inmate participate in the demonstration of a CED.

VII. Medical Evaluation and Treatment

A. As soon as practical after the prongs or probes of a CED have come in contact with a person and electrical current has been discharged in, or on that person, on-scene personnel are to evaluate the person's medical condition and treat for injuries or other medical conditions.

B. Upon completion of the on-scene evaluation, personnel have a number of options for dealing with the medical needs of the subject. The specific option chosen is dependent on the seriousness of injuries or other medical needs of the subject. The options include:

1. Remove probes and administer medical treatment to entry points, if needed, in a manner consistent with training. Transport to the jail and notify a jail nurse of the use of the CED.

    a. Upon arrival at the Jail, jail medical personnel will respond to the Intake Garage and assess the individual and their medical condition. Depending upon signs, symptoms and possible injury as a result of the application of a CED, jail medical personnel may require a medical clearance be obtained from an emergency room physician prior to the Jail accepting them into custody.

    b. In the event of a CED application on an in-custody inmate within the Jail, jail medical personnel will assess that individual for the same associated symptoms as outlined in § VI.B.1.a. If deemed necessary by jail medical personnel, the individual will be transported to a hospital to obtain a medical clearance from an emergency room physician.

2. Request that an ambulance respond to the scene and have paramedics evaluate and treat injuries or other medical conditions.

3. Transport the subject to the hospital for evaluation and treatment of injuries or other medical conditions.

    a. The subject's medical condition determines whether the subject is transported by ambulance or public safety vehicle to the medical facility.

C. Medical clearance at a hospital is mandatory when:

1. The subject was struck in the eyes, head, genitals or, when a female, the breasts.

2. The subject appears to be in unusual physical stress or has not fully recovered within 10 minutes of CED exposure.

4. The subject falls into one of the following classes:

a. A juvenile under the age of 16, or

b. The subject has a pre-existing medical condition known to officers that may increase the subject's vulnerability, including pregnancy, or

c. The subject is elderly.

4. The subject has been exposed to a prolonged application of greater than 15 seconds.

5. The subject is under the influence of drugs and/or is exhibiting symptoms associated with excited delirium.

VII. Reporting Requirement

A. Personnel who use or attempt to use a CED in any non-training situation are required to complete a use-of-force form when required by current sheriff's office policies and procedures governing use-of-force reporting.

1. In situations where a CED is applied, either through drive-stun or probe application, the CED is to be submitted to the divisional employee designated by the affected division's chief for data interrogation.

a. The designee downloads the data from the CED documenting the frequency and duration of its use to the appropriate computer or other applicable storage device.

b. This designee is responsible for ensuring the information from the download is secure and retrievable and stored in a manner that preserves the information for an indefinite period of time.

c. The designee is responsible for documenting the downloaded

information in a report and providing the investigating supervisor with the information downloaded from the CED.

2. When a CED is applied through probe application, the cartridge, including probes and wires, and AFIDs, shall be collected as-is (e.g. wires are not intentionally separated from the cartridge, etc.) and is submitted as evidence.

By Order of the Sheriff,

Joseph K. Pelle — 8/6/2020
Date

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SUBJECT: Off-Duty Use of Sheriff's Vehicles **NUMBER:** 515

EFFECTIVE: July 15, 2005

POLICY:

It Is the policy of the Boulder County Sheriff's Office to designate certain employees, deputies and command staff as "emergency response positions" in order to ensure the timely response to major crime scenes or in-progress emergency situations after duty hours. In order to facilitate this policy, deputies assigned to these positions are required to take certain county-owned vehicles home as specified in this procedure. In order to qualify for designation as an emergency response position the employee, deputy or member of command staff must live within Boulder County, or if in an adjacent county, within 10 or fewer miles of the Boulder County line. Exceptions to this standard may be made upon the review and approval of the division commander, Sheriff or Undersheriff if the location of the residence provides for a timely response or if the need and benefit to the Sheriff's Office outweighs the distance traveled.

DEFINITIONS:

Assigned Vehicle: A marked or unmarked Sheriff's vehicle assigned for the primary use of a particular deputy or employee. The deputy or employee drives the vehicle to and from home due to being called upon to immediately respond outside of normal duty hours.

Emergency Response Position: Personnel subject to call out after normal duty hours. Usually assigned to emergency services, detectives, K-9, SWAT, explosive ordinance disposal, riot team, resident mountain deputy and sheriff's command staff positions.

Emergency Response Vehicle: Any Sheriff's vehicle equipped with emergency lights, sirens and radio equipment or any Sheriff's vehicle used to assist in the investigation of a crime scene or emergency is considered emergency response vehicles for the purpose of this policy. May be assigned, semi-assigned or fleet assigned.

Fleet Vehicle: A marked or unmarked Sheriff's vehicle that is not assigned or semi-assigned to specific deputies or employees and is available for use by any deputy or employee for Sheriff's business purposes. Fleet vehicles are not to be driven to and from home without the consent of the division commander, Sheriff or Undersheriff.

Marked Vehicle: Any Sheriff's vehicle painted, equipped, and configured in such a manner as to be readily identifiable as a Sheriff's Office vehicle. May be assigned, semi-assigned or fleet assigned.

On-Call Status: Scheduled period of time for which the deputy will be the first to be notified of a response requirement, usually relating to an immediate criminal investigative need such as deputies assigned to detectives. The Sheriff and his command staff are always

considered to be in an on-call status.

Semi-Assigned Vehicle: Sheriff's vehicle assigned for the use of two or more deputies/employees. Without the expressed consent of the division commander or designee, semi-Assigned vehicles are generally not driven to and from home.

Unmarked Vehicle: Any Sheriff's vehicle not painted or configured in such a way as to make it readily identifiable as a Sheriff's Office vehicle. May be assigned, semi-assigned or fleet assigned.

PROCEDURE:

I. Assignment Responsibility

A. Division commanders or designee(s) are responsible for the management and assignment of all vehicles within their division. The following is considered when making vehicle assignments:

1. Assigned Vehicles: Position and collateral duties of personnel such as supervisory responsibilities, emergency response and investigative responsibilities and residence within the county or within the parameters of the10 mile guideline. Geographic dispersal to facilitate timely call-outs and off-duty response times and the age, mileage and condition of vehicle are also considered.

2. Semi-Assigned Vehicles: Shared responsibilities of deputies who use a particular vehicle equipment configuration such as mountain deputies, traffic deputies, K-9 handlers, etc. Shift assignments, days off, and shift overlaps, age, mileage and condition of vehicle are also considered.

II. Use of Sheriff's Vehicles:

A. Sheriff's Vehicles are operated in conformance with State law and Sheriff's policy. Only county employees, or with supervisor permission, specific sheriff volunteers, such as; reserve deputies, civilian volunteers and cadets, are authorized to drive Sheriff's vehicles. Only deputies and emergency service personnel are authorized to drive emergency response or marked vehicles unless extraordinary circumstances require an exception to this policy.

B. Deputies and emergency service personnel operating a marked or unmarked department vehicle, on or off-duty, are expected to respond in their official capacity to public safety emergencies, and must be suitably equipped and attired to handle those emergencies (including access to weapon and

identification).

1. Personnel in an assigned vehicle may have family members with them on the way to or from work, (e.g. children to and from school, daycare, wife to work, etc.) with the expectation that they may be called upon to act in their official capacity while operating the vehicle and that the presence of the family member cannot impede the timely response to a call-out.

2. In order to help balance the personal lives of employees and the needs of the Sheriff's Office, off-duty use of an assigned vehicle by personnel in an on-call status is authorized in the following situations:

    a. When traveling alone and the distance is within a reasonable response time to a potential call-out and use of the sheriff's vehicle will reduce anticipated response times (a response time greater than one hour would generally be considered unreasonable), or

    b. When traveling with non-sheriff's personnel and the use is within a reasonable distance of employee's home and their presence does not significantly impact a timely response to a call-out.

C. The Sheriff must approve the use of Sheriff's vehicles outside the State. Travel should be limited to those situations where it is determined that out-of-state vehicle use provides a substantial cost savings or where the situation requires the use of a vehicle because of security concerns. The county risk manager must be notified of the details of the travel for each proposed out-of-state use of a Sheriff's vehicle so that any insurance compliance requirements can be met.

By Order of the Sheriff

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: SPECIAL WEAPONS AND TACTICS **NUMBER:** 516

EFFECTIVE: 04/10/2006

POLICY:

It is the policy of the Boulder County Sheriff's Office to equip, train and maintain a specialized unit of officers to deal with extraordinary, high risk, criminal or public safety events that occur within Boulder County or, upon a mutual aid request, outside of Boulder Count.

DEFINITIONS:

SWAT: Acronym for Special Weapons and Tactics. A team of officers that receives specialized training and equipment to enable it to respond to, and deal with, high-risk criminal and public safety events when those events exceed the capabilities of on-duty patrol resources.

Impact Weapons: Impact weapons are capable of firing rubber, plastic, foam or wooden ammunition. This ammunition is designed to deter, distract or disable and is considered to be non lethal. Impact weapons and ammunition may be used in high-risk situations where the use would likely help resolve the situation and reduce the risk of injury to officers and other persons.

Pepper Ball Non-lethal Weapons: Pepper-Ball is considered a non-lethal weapon that combines elements of both a chemical agent and impact weapon. Pepper-Ball may be used in high-risk situations where the use would likely help resolve the situation and reduce the risk of injury to officers and other persons.

PROCEDURE:

I. Organization and Structure

A. The SWAT team is comprised of commissioned officers from the Boulder County Sheriff's Office, Lafayette Police Department, Louisville Police Department and Erie Police Department, volunteers and employees from the Boulder County Sheriff's Office and specially trained paramedics from Pridemark Ambulance Service.

B. Supervision of the team is the responsibility of the Boulder County Sheriff's Office. The Sheriff's Office provides command and control of the team. All other agencies that participate are governed by this policy and the interagency agreement (IGA). The team is normally organized into three units: the tactical unit, the negotiations unit, and the tactical support

unit.

C. Chain of Command

1. SWAT is an auxiliary unit of the operations division and falls under the supervision of the operations division chief. This assignment is collateral to other duties.

2. The operations division chief with consent of the executive staff appoints the SWAT Commander. In the event the commander is absent, a tactical team leader takes charge of team operations.

3. Tactical team leaders are chosen from among the team without regard to rank, and report to the team commander.

4. Negotiations team leaders are chosen from among the team without regard to rank and report to the team commander.

5. Technical support team leaders are chosen from among the team without regard to rank and report to the team commander.

D. Position Functions:

1. Commander: Develops and coordinates team response to situations, evaluates problems, and identifies the type of equipment and personnel needed. The commander is responsible for the selection, assignment, and training of SWAT tactical and negotiations personnel.

2. Tactical Team Leaders: As determined by the team commander, may assume the commander's duties in his/her absence. Team leaders carry out orders and provide first line supervision and coordination of assigned team members in the field

3. Tactical Officers: Perform those tasks deemed necessary for the completion of each SWAT operation as directed. They may be cross-trained to handle different tasks and may develop specialties as needed.

4. Tactical Unit - The tactical unit's training and equipment is geared towards the resolution of a situation through some application of force. The level and type of force used is determined by the type of incident and by the actions and level of compliance of the subject(s) involved.

a) The tactical unit may be divided into smaller teams with specific duties as dictated by the nature and type of event. Those teams may be designated as, but are not limited to, any of the following:

b) Entry Team – Officers with the responsibility of making entry into any type of physical structure.

c) Arrest Team – Officers with the responsibility of physically arresting and securing a subject.

d) Perimeter Team – Officers with the responsibility of manning inner perimeter posts to secure an area around the target to prevent the escape of suspects and prevent or control the ingress and egress of unauthorized persons.

e) Tactical Observation/Marksman Team – Officers who are trained and equipped in long-range marksmanship and observation skills. This team provides magnified observation capabilities and long range shooting options.

f) Evacuation Team – Officers with the responsibility of removing innocents from an area or structures within an area to a safe location(s).

g) Crisis Reaction Team – Officers with the responsibility to stage and respond to developing crisis situations while more thorough response plans are being developed.

5. Negotiations Team Leader: Carry out orders and provide first line supervision and coordination of assigned negotiators in the field.

6. Negotiators: Conduct discussion and negotiation with persons as needed. They provide intelligence and information on the situation to command and work within the framework of the situation to assist its resolution. Negotiators are cross-trained to provide assistance in tactical support, security and crowd control tactics.

7. Technical Support team Leader: Carry out orders and provide first line of supervision and coordination of Technical Support Team members.

8. Technical Support Team Members: Provide overall technical support to the team to facilitate both tactical and negotiation operations. This support includes but is not limited to:

a) Maintaining the tactical operations center (TOC).

b) Maintaining a negotiation point.

c) Securing and establishing the necessary telephone lines, or other method of conducting negotiations.

d) Providing audio and video surveillance capabilities to the incident commander, TOC, and tactical and negotiation teams.

e) Maintains the various negotiation phones.

9. Tactical Dispatchers: Provide overall communication support to the tactical and negotiation teams. They report to the technical support team leader. SWAT mission related duties include, but are not limited to:

a) Monitor and log operations specific communications and information.

b) Monitor and record communication and observations from observation/marksman teams.

10. Tactical Paramedics: Provide overall medical support the team. They report to the SWAT team commander; duties include the following:

a) Develop and maintain medical histories on each team member.

b) Develop medical plans to support on-going operations.

c) Coordinate with other medical providers for basic and advanced care.

d) Provide immediate on scene medical treatment of team members, hostages, and/or suspects.

e) Maintain a liaison with medical providers who are treating team members requiring medical attention.

E. Staffing

1. The operations division commander determines staffing levels.

They generally include:

2. One commander

3. Two tactical team leaders

4. One negotiations team leader

5. One technical support team leader

6. Sixteen tactical officers

7. Three to five negotiators

8. Three to five technical support members

9. One to three tactical dispatchers

II. Eligibility

A. Eligible department members may apply for SWAT positions. All appointments are made by the operations division chief with the Sheriff's Staff approval and remain in effect until terminated by the operations division chief or by the member's resignation. The appointment or failure to appoint, or termination of appointment of any member, is not subject to grievance. Members who are appointed are expected to serve a minimum of three years. To be eligible to apply for a SWAT team assignment:

1. Candidates must be current full- time certified peace officers with a minimum of two years of police experience with their respective agency. The only exceptions are for tactical medics, dispatchers, volunteer members of the technical support unit, and other non-sworn support members.

2. Candidates volunteer for appointment.

3. Candidates are not on probation at the time of appointment.

4. Candidates have received positive endorsements at every level of their chain of command.

B. Application, Testing and Selection

1. Application and testing applies to all members with the exception of

the commander, who is appointed by the Sheriff.

2. Selection Process

a) Position announcements are posted for a minimum of ten days.

b) Interested members submit a letter of intent to the SWAT commander, through their chain of command.

c) The letter includes a brief resume and an endorsement by the members' supervisors.

d) Tactical testing

e) Completion of agility and endurance exercises as determined by the SWAT Commander.

f) Oral interviews.

g) May include the completion of a written test or questionnaire.

h) Review the candidates' suitability with current supervisors.

i) Assess the candidate's firearms skills and abilities through a review of firearms records, and discussions with firearms instructors.

III. Training

A. New members are required to attend a recognized basic academy or training program, within their area of assignment (tactical, negotiations) within one year of selection (FBI, IACP, or NTOA Basic).

B. Members attend regularly scheduled unit training as determined by the commander. Training is scheduled on a yearly basis.

C. Tactical unit members train at least 16 days a year to include a scheduled monthly training day, and an annual training week.

D. Negotiators train at least 12 days a year, and are encouraged to attend as many tactical unit trainings as possible.

E. Negotiators are scheduled for range days as needed and approved by the

commander.

F. Training records are maintained by the Operations Training Sergeant to include, attendance and lesson plan(s) of each training session.

G. Physical Fitness Qualification

1. Team members are required to perform in high risk, strenuous operations, carrying necessary equipment. Therefore all members are expected to maintain good physical fitness.

2. The commander schedules physical fitness activities as part of the yearly training activities. Tactical officers are required to participate.

3. The minimum level of qualification for any tactical, negotiation or medical team member is a passing score on the sheriff's office essential Job demand course.

4. Tactical unit members are required to complete the course, without stopping, while wearing full gear.

5. If a member is unable to qualify on the course, he/she is given 30 days to train and re-qualify. If they are unable to qualify a second time, he/she is placed on restricted status with the team, and given another 30 days to qualify. Repeated failure to qualify is grounds for dismissal from the team.

H. Firearms Qualification Standards

1. Team members are expected to maintain proficiency in the weapons they are assigned. Members carry their SWAT handgun as their primary duty weapon. Tactical members will normally deploy with a shoulder-fired weapon as well (sub-machine gun, shotgun, .223 rifle, or precision rifle). Team leaders make specific weapon assignments on missions.

2. Team members are required to qualify at scheduled SWAT qualification shoots. The commander and SWAT firearms instructors approve the standards.

3. Members who attend the SWAT shoots are not required to attend the department shoot for that month.

4. A Marksman is assigned to a specific scoped .308 caliber rifle. Marksmen qualify with their assigned rifle monthly.

IV. Vehicles and Equipment

A. The team commander ensures that a current inventory of the team's weapons, equipment, and supplies is maintained.

B. SWAT tactical unit members are assigned take home cars when possible. They keep their assigned equipment in their cars to facilitate an expedited response when either on or off duty.

C. Tactical team leaders drive assigned response trucks where other necessary non-assigned equipment is kept. Team leaders arrange for other team members to drive the response trucks in the event of their absence.

V. SWAT Operations

A. The tactical arm of the SWAT team is generally utilized in a situation that is resource intensive, of a criminal nature and is, or has the potential to become, a threat to public safety.

1. The SWAT team provides a tactical option to the Incident Commander that normally involves the use of some level of force.

2. The deployment tactics and level of force used is entirely dependent on the nature of the crime, the level of threat created by the situation and the urgency that is needed to neutralize the threat.

B. These tactics can involve deployment of diversionary devices, chemical agents, non-lethal weapons and devices; various building and vehicle entry techniques and open ground movement and search techniques. Deployment of the team and use of any of these tactics is inherently high-risk.

1. Therefore, the team is thoroughly trained in the use of assigned equipment and individual or team deployment tactics.

2. The actual tactics used are the responsibility of the team commander or the commander's designee.

3. The tactics used are proportionate to the level of threat created by the situation and in compliance with applicable state law and Sheriff's Office policies.

4. The tactics are designed and implemented in a way that resolves the situation and neutralizes the threat lawfully, effectively and as

urgently as required.

5. Each Operation is debriefed to critically identify issues that were successful and issues that need improvement. An After Action Report is completed for Staff review.

C. The SWAT Team is responsible for coordinating and providing security protection for visiting dignitaries or other persons requiring special security.

1. The team commander, or designee, plans, coordinates, and supervises any special security detail.

VI. SWAT Call Out Process

A. An executive staff member, on-duty commander or on-duty supervisor, has the authority to activate the team for any critical incident or high-risk situation

Critical incidents consist of, but are not limited to the following,

1. Any barricaded subject, armed with a firearm.

2. Any sniper incident.

3. Any hostage incident.

4. Any high risk entry (a known or suspected armed subject, explosives, or a history of violence involving weapons)

5. A riot or significant civil unrest.

6. Warrant service involving a violent felony or possible physical resistance.

B. The on-scene incident commander or ranking supervisor assess the situation and determines if SWAT is needed. The supervisor then performs the following tasks:

1. The team is paged for immediate response in any identified crisis situation.

a) In the event of an escalating situation, the supervisor may consult with the SWAT commander to discuss a response.

2. The supervisor ensures that communications and field units are notified of the response.

3. Informs the responding commander of all pertinent details concerning the incident.

4. Identifies the exact location of the incident; provides directions for best approach, staging areas, and command post; negotiations posts; and evacuation safe zones.

5. Provides an inner perimeter for the incident until relieved by SWAT personnel; maintains the outer perimeter throughout the incident, or until relieved or reassigned.

B. The ranking supervisor maintains overall incident command, unless relieved, providing for support and staffing, logistics, public information officer, and security until the incident is resolved.

C. The SWAT commander takes command of the tactical aspects of the incident upon arrival. The tactics used to resolve the incident are the responsibility of the SWAT commander.

D. Team members are required to carry a pager at all times when available for call response.

E. The communications center is requested to page the SWAT team for response. Upon direction from the commander or team leaders, specific elements of the team may be identified for response.

1. The incident commander or on-scene supervisor provides a telephone number where he/she can be contacted.

F. Instructions and directions for approach into the scene, staging areas, and command posts are sent by pager to responding team members.

G. SWAT command personnel respond directly to the scene to assess the situation, and begin planning deployment.

VII. Use of Force

A. A team member’s use of force is consistent with applicable state law and Sheriff’s Office policy. When considering force options, deputies assigned

to SWAT, and conducting SWAT operations, are held to the same standards as other Sheriff's Deputies engaged in police activities. Nothing in this policy is intended to change those standards.

B. Members are authorized to use appropriate levels of force, without prior authorization from SWAT command, when it is apparent that the life or safety of an innocent person, or police officer is in imminent danger, and the officer is in a position to appropriately and successfully intervene based upon the following safety priorities:

1. The safety of hostages;

2. The safety of innocent parties;

3. The safety of police officers;

4. The safety of the suspect.

C. In the event the SWAT commander places additional restraint on the use of force, the commander issues these orders in plain and understandable language.

VIII. Use of Flash/Sound Diversionary Devices

A. The SWAT Team maintains and trains with flash/sound diversionary devices. These devices are used in accordance with this training and applicable state law and department policy.

B. Flash/sound diversionary devices may be used in high-risk situations where the use of such devices would likely help resolve the situation and reduce the risk of injury to officers and other persons. These situations include, but are not limited to:

1. Barricaded suspect or hostage situations;

2. High risk warrant service;

3. When the distraction of a mentally deranged, violent person, or one who is under the influence of alcohol or drugs, is deemed necessary to help in their apprehension; and

4. When the authorizing person deems their use necessary to safely resolve the situation.

C. Flash/sound diversionary devices are not used without prior authorization from the SWAT commander except in an emergency that has the potential to cause serious injury or is life threatening.

D. When using flash/sound diversionary devices, the commander considers circumstances such as the location, the nature of situation, the presence of children, elderly persons, natural gas or other flammables, and other circumstances that would make the use of the device inadvisable or dangerous.

IX. Use of Chemical Agents, Ordinance and Special Weapons

A. The SWAT Team maintains and trains with various chemical agents, ordinance, and special weapons. Such agents or weapons are used in accordance with this training and applicable state law and department policy.

B. Chemical agents may be used in high-risk situations where the use of such agents would likely help resolve the situation and reduce the risk of injury to officers and other persons.

C. Chemical agents are not used, without prior authorization from the SWAT commander, except in an emergency has the potential to cause serious injury or is life threatening.

D. In crowd control situations, when practical, a dispersal order is given including the warning of the use of chemical agents.

1. If circumstances do not allow for an announcement, the commander may authorize the use of chemical agents if innocent persons or police officers are in immediate danger.

2. When using chemical agents, the commander considers circumstances such as:

a) The location;

b) The nature of the crowd;

c) Weather conditions such as wind direction; and

d) The likely presence of children or other at risk persons.

X. Use of Non-lethal Weapons and Ammunition

A. The SWAT Team maintains and trains with various non-lethal impact weapons. Such weapons are used in accordance with this training and applicable state law and department policy.

B. In crowd control situations, when practical, a dispersal order is given including the warning of the use of these non-lethal impact and Pepper-Ball weapons.

1. If circumstances do not allow for an announcement, the commander may authorize the use of these non-lethal impact weapons if innocent persons or police officers are in immediate danger.

C. Impact weapons and ammunition is not used, without prior authorization from the SWAT commander, except in an emergency that has the potential to cause serious injury or is life threatening.

1. When possible, and announcement is made prior to deploying impact weapons and ammunition.

2. When using Impact weapons and ammunition, deputies do not target above mid-chest level.

D. Pepper Ball weapons are not used, without prior authorization from the SWAT commander, except in an emergency that has the potential to cause serious injury or is life threatening.

1. When possible, and announcement is made prior to deploying Pepper-Ball weapons.

2. When using Pepper-Ball weapons, the commander considers circumstances such as the location, the nature of the crowd, weather conditions such as wind direction, and the likely presence of children or other at risk persons.

3. When using Pepper-Ball weapons, deputies do not target above mid-chest level.

C. Conducted Energy Devices

1. Deputies using Conducted Energy Devices (CED) during special operations do so in compliance with the Sheriff Office’s applicable CED policy.

_____ _____

Joe Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: ESCORTS **NUMBER:** 517

EFFECTIVE: 02/06/2003

POLICY:

It is the policy of the Boulder County Sheriff's Office that Officers do not normally escort ambulances, fire equipment or any other law enforcement agency vehicles EXCEPT out-of-County vehicles which need emergency direction to a particular location at which an individuals health and/or welfare is at stake. Employees may not use Sheriff's Office vehicles to transport sick or injured persons to hospitals or medical centers under normal circumstances.

Additionally, it is the Sheriff's Office belief that sufficient resources exist in the private sector to escort funerals, wide loads, house moves, etc.. As a general rule the Sheriff's Office shall not conduct escorts that are rightfully handled by the private sector.

PROCEDURE:

I. Out of County Vehicles

A. Officers in the field who are requested by an out of county agency for emergency direction may escort that vehicle if the health and welfare of an individual is at stake.

B. If the officer decides to escort the out of county vehicle he must advise Communications of:

1. His/her location, at contact with out of county vehicle,

2. His/her destination, and,

3. The nature of emergency.

II. Commercial Escorts

A. The Sheriff's Office, as a general rule shall not conduct commercial escorts. Exceptions to this position are at the discretion of the on duty shift commander.

By order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

SUBJECT: USE OF SEAT BELTS **NUMBER:** 518

EFFECTIVE: June 25, 2007

POLICY:

Employees of the Sheriff's Office are to utilize existing safety belt systems in compliance with CRS 42-4-236 when in a motor vehicle on county business. .

DEFINITIONS:

CRS 42-4-236: The State of Colorado statute requiring the use of safety belt systems, stating the exceptions to the statute and the penalties for violation of the statute.

Safety Belt System: A system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers.

PROCEDURE:

I. Wearing Safety Belt Restraints

A. All Boulder County Sheriff's Office personnel utilize safety belt systems while operating or riding in a Sheriff's Office or county vehicle.

B. All passengers riding in Boulder County Sheriff's Office vehicles are required to utilize safety belt systems.

C. All Boulder County Sheriff's Office personnel utilizing private transportation, for which reimbursement for mileage is being received from the Sheriff's Office are subject to the restrictions in Sections A. and B.

D. All prisoners transported in Boulder County Sheriff's Office vehicles are subject to the restrictions of Section B above. Additional regulations on the transport of prisoners can be found in the Jail Policy on Prisoner Transportation.

II. Exceptions

A. When the vehicle is not equipped with a safety belt system.

B. Employees performing tasks that require the frequent exiting from and entering of vehicles (business checks).

C. Employees anticipating the need for a rapid exit from a vehicle.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: AUTOMATED EXTERNAL DEFIBRILLATORS **NUMBER:** 519

EFFECTIVE: March 1, 2016

POLICY:

It is the policy of the Boulder County Sheriff's Office to stage and/or deploy a number of Automated External Defibrillators (AEDs) to provide an effective medical response to an individual who suffers sudden cardiac arrest within a Sheriff's Office facility or who is encountered by sheriff's deputies in the course of their duties.

DEFINITIONS:

Automated External Defibrillator (AED): "AED" or "defibrillator" means an automated external defibrillator that is capable of recognizing the presence or absence of ventricular fibrillation or rapid ventricular tachycardia and is capable of determining, without intervention by an operator, whether defibrillation should be performed and, automatically charges and requests delivery of an electrical impulse to an individual's heart.

Cardiopulmonary Resuscitation (CPR): External manual compression of the chest and/or rescue breathing applied to a victim in sudden cardiac and/or respiratory arrest.

Maintenance Coordinator: A designated employee that is responsible for oversight of the AEDs within their assigned division. Responsibilities include periodic maintenance and inspection of the AED, equipment inspection and replacement, and record-keeping.

Medical Director: A physician licensed to practice medicine in the State of Colorado who serves as the prescriptive authority for the AED Program, conducts post incident reviews of AED therapy, and approves written plans as required by C.R.S. § 13-21-108.1.

Program Coordinator: The Sheriff's Office employee designated as the departmental program coordinator and the primary AED program liaison with Boulder County Risk Management.

Sudden Cardiac Arrest: Is a life-threatening event in which the heart suddenly and unexpectedly stops beating.

PROCEDURE:

I. Administration of the AED Program

A. Boulder County Risk Management is responsible for identifying and contracting with the medical director who oversees the AED Program for all Boulder County governmental Offices and departments.

B. It is the responsibility of each division chief, or designee, to ensure that Sheriff's Office AEDs within their division are compliant with this policy.

II. Equipment

A. Only AEDs compliant with the definition of AEDs outlined in C.R.S. § 13-21-108.1, and purchased and maintained by the Sheriff's Office, are authorized for deployment in a Sheriff's Office facility or vehicle.

B. Each AED is to have an accessory kit connected to the AED, which contains, at minimum: one pair of latex gloves, one razor, one set of trauma shears, and one facemask barrier device.

C. Each division is to maintain a list of AEDs, their current assigned locations or vehicles, and ensure a copy of the list is provided to the Communications Center.

III. Training

A. Sheriff's deputies are to receive and maintain certification in cardiopulmonary resuscitation (CPR) and the use of Automated External Defibrillators (AED).

1. The training is conducted in accordance with the American Heart Association or the American Red Cross guidelines.

2. Training is to include a review of Colorado's *Good Samaritan* law (C.R.S. § 13-21-108) and the law governing the use of AEDs (C.R.S. § 13-21-108.1).

B. Civilian staff members are provided the opportunity to obtain CPR and AED certifications through courses regularly offered through the Boulder County training program.

IV. Maintenance

A. Each division chief is responsible for designating an AED maintenance coordinator for his or her division.

B. The division's maintenance coordinator is responsible for ensuring that periodic maintenance and inspection of AEDs is conducted according to the device manufacturer's specifications.

C. A maintenance and inspection form (Attachment "A") is completed for each Sheriff's Office AED at the time of inspection.

1. The maintenance and inspection form includes, but is not limited to: (1) the date and time of the maintenance/inspection; (2) the type of

maintenance/inspection conducted; and (3) the printed name and signature of the individual performing the maintenance/inspection.

2. Completed maintenance forms for all divisions of the Sheriff's Office are maintained by the Operations Training Sergeant, or designee.

3. When an AED is decommissioned the maintenance and inspection records for that AED are transferred to Boulder County Risk Management.

V. Medical Response and Utilization

A. The use of an AED is restricted to a sudden cardiac arrest event, only.

1. AEDs designed for training use are authorized for use in a training environment, but are not to be stored or co-mingled with full-function AED units, and are to be visually distinguishable from full-function AED units.

B. When a sudden cardiac arrest event occurs, emergency medical services are to be requested as soon as possible.

C. After being utilized during a medical emergency, the AED is removed from service, whether or not a shock was advised or administered.

D. Within 24 hours of utilizing an AED, the program coordinator is notified by the involved staff of the general circumstances surrounding the medical event, the corresponding case number, and the current location of the AED.

E. Once the AED is available for inspection by the program coordinator, or designee, the following post-event analysis is completed:

1. A data interrogation of the AED is conducted to preserve the medical records associated with the medical emergency.

a. A printed copy of all the data interrogation reports will be placed into the associated case file. In the event of a criminal investigation, a copy of the AED reports — in both paper and electronic forms — is placed into evidence.

b. In the event the patient is deceased, a copy of the AED report(s) is provided to the Coroner's Office.

2. The Boulder County Risk Manager is notified of the AED utilization and patient outcome. A copy of the AED data interrogation report and incident summary is provided to the risk manager.

3. The program coordinator provides the medical director with a copy of the AED data interrogation reports, along with an incident summary for medical review.

    a. The providing of follow-up information or responding to investigative requests from the medical director regarding the case is the responsibility of the program coordinator.

F. The circumstances surrounding the utilization of the AED and the rendering of medical aid is documented in a narrative report by the involved staff in accordance with normal Sheriff's Office report writing procedures.

1. If a Sheriff's Office AED is utilized by anyone other than a sheriff's deputy or Health Services staff member, an Operations deputy is assigned to initiate a case report and is responsible for interviewing the individual(s) involved in the event.

G. Once the data interrogation is completed and, excluding AEDs booked into evidence, the AED undergoes routine maintenance and inspection, including replacement of any used accessories, and is returned to service.

1. When the AED is booked into evidence the return of the device to active service is subject to the approval of a detective supervisor.

By order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Limited English Proficiency **NUMBER:** 520

EFFECTIVE: November 12, 2019 **SUPERSEDES:** March 31, 2016

POLICY: The Boulder County Sheriff's Office recognizes the importance of effective and accurate communication between its employees and the community they serve. Language barriers can impede effective and accurate communication in a variety of ways. Language barriers can sometimes inhibit or even prohibit individuals with Limited English Proficiency (LEP) from accessing and/or understanding important rights, obligations, and services, or from communicating accurately and effectively in difficult situations. Hampered communication with LEP victims, witnesses, alleged perpetrators, and community members can present the Sheriff's Office with safety, evidentiary, and ethical challenges. Ensuring maximum communication ability between law enforcement and all segments of the community serves the interest of both.

RELATED POLICIES:
522 - ADA Compliance: Deaf & Hard of Hearing

DEFINITIONS:

Bilingual: The ability to speak effectively in two or more languages. An individual who is bilingual is not necessarily culturally competent or bicultural.

Interpretation: The act of listening to a communication in one language (source language) and orally rendering into another language (target language) while retaining the same meaning.

Limited English Proficiency (LEP): A person has Limited English Proficiency (LEP) if he/she speaks, reads, writes, or understand English less than very well. LEP individuals may be competent in certain types of communication (e.g., speaking or understanding), but still be LEP for other purposes (e.g., reading or writing). Similarly, LEP designations are context-specific: an individual may possess sufficient English language skills to function in one setting (e.g., having a casual conversation on the street), but may find these skills are insufficient in other situations (e.g., a legal proceeding).

Primary Language: An individual's native tongue or the language in which an individual most effectively communicates. Sheriff's personnel should avoid assumptions about an individual's primary language.

Qualified Interpreter: A Sheriff's SOI or interpreter provided through a contracted interpreter service.

Sheriff's Office Interpreter (SOI): Bilingual sheriff's personnel, who have been certified and tested by the Administration Division, are authorized to interpret for others in certain situations.

SOI List: A list of sheriff's office personnel who are certified as bilingual and are authorized to act as interpreters in a given language. The list will be created and maintained by the Administration Division (cf. *Policy 311 – Bilingual Compensation Program*).

Translation: The rendering of a written text from one language (source language) into another language (target language).

PROCEDURE:

I. General Guidelines

A. Sheriff's personnel should make every effort to ascertain an individual's primary language to ensure effective communication. Personnel in need of interpretation services should attempt to identify the LEP individual's primary prior to making the request.

1. For LEP individuals whose primary language is Spanish, the involved Sheriff's personnel should contact dispatch to ascertain the availability of on-duty SOI interpreters.

B. To ensure effective communication is possible with LEP individuals, the Sheriff's Office shall maintain a contract(s) with interpreter services to supplement any interpreter needs that cannot be met through an SOI.

C. Exigent Circumstances

1. Sheriff's personnel are expected to follow the general procedures as outlined in this policy and procedure; however exigent circumstances may require some deviations. With exception of interrogating a suspect, bilingual law enforcement personnel are authorized to act as interpreters until a SOI or another qualified interpreter can be located. In such situations, personnel are to use the most reliable, temporary interpreter available, such as non-certified bilingual law enforcement personnel, until an on-duty SOI or other qualified interpreter arrives.

Examples may include the need to obtain descriptive information on a fleeing suspect or identifying information of an injured person.

2. Once an exigency has passed, all personnel should request the assistance of a certified SOI.

D. Non-Exigent Circumstances

1. In other than exigent circumstances, Sheriff's personnel should only use family, friends or bystanders for interpreting in very informal, non-confrontational contexts, and only to obtain basic information at the request of the LEP person.

II. In-Person Interpretation Services

A. Boulder County Communications Center (BCCC) will be the central conduit for connecting personnel to the appropriate interpreter, whether an SOI or contracted interpreter service.

1. Upon the arrival of the interpreter, the deputy/investigator will ask all questions through the interpreter.

2. It is sheriff personnel's responsibility to develop and ask any questions. Under no circumstances will a contracted interpreter independently question a LEP individual. The interpreter's role is to serve as a neutral third party, taking care not to insert his or her perspective into the communication between the parties.

B. Non-Spanish-Speaking LEP Individuals

1. In-person interpretation services are made available to sheriff's personnel when interacting with LEP individuals whose primary language is other than Spanish. While this contracted service is available to all sheriff personnel, it is best suited for investigative units operating under non-emergency situations, such as witness interviews and criminal interrogations.

a. The requesting employee will provide BCCC with their name, badge number, phone number, and exact location where the interpreter services are needed.

C. Spanish-Speaking LEP Individuals

1. For LEP individuals whose primary language is Spanish, the BCCC dispatcher will contact an on-duty SOI interpreter, if any, and will provide

all pertinent information for their response. The dispatcher will obtain an estimated time of arrival (ETA) for the interpreter before ending the call and will notify the deputy/investigator with this information. The use of this service will be noted by the responding SOI interpreter.

III. Interrogation, Interviews and Complaints

A. Criminal Investigations

1. A failure to protect the rights of LEP individuals during interrogations risks the integrity of any investigation. Sheriff personnel must recognize that miscommunication during interrogations may have a substantial impact on the evidence presented in any related criminal prosecution. A qualified interpreter shall be used for all interrogations as the suspect's legal rights could be adversely impacted.

2. Because of the dual role a deputy may have when conducting interrogations and acting as an interpreter, it may be determined that a deputy should not serve as an interpreter during interrogations.

3. Miranda Warnings, and all other vital written materials, should be available to the suspect or witness in Spanish. In the case of a language into which forms have not been translated and/or in the case of illiteracy, forms will be read to the suspect or witness in his or her primary language using an SOI interpreter, bilingual law enforcement employee, or contracted interpreter service.

B. Complaint Procedures for LEP Persons

1. Any LEP individual who wishes to file a complaint with the Sheriff's Office regarding language access, or the discharge of departmental duties, shall be provided with translated internal complaint forms. It is the responsibility of the Administration Division to make translated complaint forms available.

2. The assigned supervisor will use a qualified interpreter when conducting any interviews of LEP complainants or witnesses.

3. The investigative supervisor will provide written notice of the disposition of any LEP complaint in the complainant's primary language.

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

By Order of the Sheriff,

Joseph K. Pelle	11/13/2019
	Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Required Display of ID Tags in County Courthouses **NUMBER:** 521

EFFECTIVE: April 14, 2020 **SUPERSEDES:** April 28, 2015

POLICY: The Chief Judge of the Twentieth Judicial District has issued an administrative order restricting the carrying of firearms and other weapons inside Boulder County courthouses in Boulder and Longmont. Law enforcement officials who are on official business have been permitted under this order to remain armed. No person, including law enforcement officials, are permitted to be inside a Boulder County courthouse on personal business while armed. In furtherance of this order it is the policy of the Sheriff's Office that all armed law enforcement officials, in or out of uniform, are required to check-in with Court Security staff at the Security Access Point, and wear and display a Sheriff's Office issued ID Tag while inside Boulder County courthouses.

RELATED POLICIES:
Administrative Order 03-108 (20th Judicial District), Revised July 20, 2012

DEFINITIONS:

ID Tag: The ID tag is a Sheriff's Office issued 2" x 3" card in a clear plastic sheath, with a fluorescent green lanyard. The card reads "Boulder County Sheriff's Office" (with a star), on one side and "LEO Visitor" (with a number), on the other side.

PROCEDURE:

I. Requirements

A. The Sheriff's Office, under Administrative Order 03-108, requires all law enforcement officials entering Boulder County courthouse premises wear a Sheriff's Office ID tag that designates the law enforcement official on the premises for official business.

B. Prior to a law enforcement official entering the building for official business, he/she is required to sign-in at the Security Access Point. The law enforcement official writes his/her name, agency, the date and time of entry, the ID tag number issued, and the purpose of their visit.

1. At the Boulder County Justice Center, the ID tags are in a metal box adjacent to the sign in book, near the Security Access Point.

2. At the County Courthouse in Longmont, the ID tags and sign-in book are located at the Security Access Point.

C. The law enforcement official is required to wear/display the ID tag for the duration of his/her visit to the courthouse.

D. When the law enforcement official has completed his/her business in the courthouse, he/she returns to the Security Access Point, signs out and places the ID tag in the metal box or gives it to a Sheriff's deputy.

1. At the end of shift, the Sheriff's deputies ensure all ID tags are accounted for.

2. If any ID tags are missing, security deputies will notify the law enforcement official or their agency and request the tag be returned.

E. Any off-duty law enforcement official who enters the Courthouse for personal business, must clear security screening the same as other visitors, and will not be issued an ID tag. Should the officer have a firearm needing to be secured, they can opt to leave it in a lockbox at the Security Access Point, until their visit to the building is over, or they must secure it in their vehicle.

II. Exceptions

A. An undercover law enforcement official will not be required to wear an ID tag but will be required to check-in and sign the book acknowledging that he/she is there for official business and will be in the building unscreened.

1. This notification can also be accomplished by the undercover officer calling Court Security and advising of their presence in the building, having entered through a card access door elsewhere in the building. At which point, a deputy within the Court Security Unit will sign the undercover officer's name into the book.

B. On-duty Court Security and Court Transport deputies, and those supervisors within their chain-of-command, are not required to wear an ID Tag and lanyard.

C. Law enforcement officers responding to a call-for-service within a courthouse and/or courtroom are not required to check-in or wear and ID tag and lanyard.

By Order of the Sheriff,

Joseph K. Pelle — 4/14/2020
Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: ADA Compliance – Deaf and Hard of Hearing **NUMBER:** 522

EFFECTIVE: October 1, 2016 **SUPERSEDES:** March 21, 2012

POLICY:

It is the policy of the Boulder County Sheriff's Office to ensure that a consistently high level of service is provided to all community members, including those who are deaf or hard of hearing. The Sheriff's Office has specific legal obligations under the Americans with Disabilities Act to communicate effectively with people who are deaf or hard of hearing. Therefore, Sheriff's Office employees are to comply with the directives of this policy when interacting with any person who is in need of, and/or subject to, public safety and or law enforcement services.

The tenets of this policy are built from a set of values that include, but are not limited to, the following:

- People who are deaf or hard of hearing are entitled to a level of service and communication equivalent to that provided to any other person.
- The Boulder County Sheriff's Office recognizes and accepts an obligation to ensure that its deputies and employees communicate effectively with people who are deaf or hard of hearing.
- Effective communication can be facilitated through the use of various types of auxiliary aids and services and Sheriff's employees strive to match the most effective aid or service with the individual by balancing the individual's usual method of communication with the nature, importance, and duration of the communication at issue. The Sheriff's employees must give primary consideration (defined below) to the type of auxiliary aid or service requested by a deaf or hard of hearing individual, unless doing so presents an undue administrative burden on the jail at the time or causes the individual unnecessary delay in release.

DEFINITIONS:

Deaf or Hard of Hearing: a person who has a functional hearing loss of sufficient severity to prevent aural comprehension even with the assistance of hearing aids.

Qualified Interpreter: An interpreter who is able to interpret effectively, accurately and impartially both receptively and expressively, using any necessary specialized vocabulary. Primary consideration should be placed on obtaining an individual who holds a current certification issued by the registry of interpreters for the deaf or a successor organization, which shall be made available for immediate inspection and review by any consumer of such interpretation services. The interpreter does not require a legal interpretation certification for public tours, or classes attended voluntarily by the public.

Primary consideration must also be given to provide an interpreter certified to provide legal interpretation when the interpretation might be used as evidence of any violations of laws or regulations, including making reasonable efforts to provide an interpreter for major violations related to inmate conduct. The interpreter does not require a legal interpretation certification for simpler communications including, for example, basic communications with inmates regarding the booking process, the routine operation of the Boulder County Jail, and interpretation of many Inmate Services or Programs.

Effective Communication: communication with a deaf or hard of hearing individual that is as effective, both expressively and receptively, as communication with others.

PROCEDURE:

I. Assistance Dog

A. A disabled person with an assistance dog has the same rights to access public places and services as any other person. An assistance dog means a dog that has been or is being trained as a guide dog, hearing dog, or service dog. (C.R.S. §24-34-803). The Boulder County Jail will make reasonable efforts to accommodate the use of such assistance, weighing all of the concerns of inmate and staff safety, and staff resources.

II. Deaf or Hard of Hearing

A. Under the Americans with Disabilities Act (ADA), people who identify themselves as deaf or hard of hearing are entitled to a level of service and communication equivalent to that provided to hearing persons. Boulder County Sheriff's Office personnel are to ensure that they communicate effectively with those who identify themselves as deaf or hard of hearing.

B. Sheriff's Office personnel encountering any person who identifies themselves as deaf or hard of hearing are to immediately notify the shift supervisor or watch commander. The supervisor/commander is to secure and provide appropriate auxiliary aids or services to ensure effective and accurate communication with individuals who are deaf or hard of hearing. The supervisor/commander is to give primary consideration to the particular auxiliary aid or service requested by the deaf or hard of hearing individual so long as it is not an undue administrative burden and would not otherwise cause delay in the individual's release. Such auxiliary aids include, but are not limited to:

1. Use of a qualified oral or sign interpreter.

2. Use of gestures or visual aids to supplement oral communication

3. Use of a pen or pencil to exchange written notes

4. Use of a phone or other electronic communication device available

5. Use of an assistive listening system or device to amplify sounds

6. Use of computers or a typewriter

7. Use of Teletypewriters (TTY) or Videophones (VRS), or UBIDUO device.

8. Only in truly emergency circumstances, use of family members or friends of the individual (patrol and investigations only).

   a. Personnel shall refrain from using family members or friends of the deaf individual, unless either requested by the deaf or hard of hearing individual, or it is emergent and necessary to communicate immediately and no other option is available. The nature, level of importance, and duration of the communication at issue are to be weighed before using family members or friends of the deaf individual.

C. Primary consideration is to be given to providing the type of communication aid or service requested by the individual. Attempts are to be made to determine what type of auxiliary aid or service the individual prefers. The individual's choice is to be accommodated unless another equally effective form of communication is available given the circumstances, importance of the communication, as well as the communication skills of the person who is deaf or hard of hearing.

III. Qualified Sign Language Interpreting Services

A. The Operations Division Administrative Commander, or designee, is to develop and maintain a list of qualified sign language interpreting services that are available on-call, 24 hours per day, and are able to provide qualified interpreters, as needed. The interpretation services are to have qualified interpreters with legally recognized qualifications, when necessary, as defined above. The list is to be made available to all Sheriff’s Office personnel via the Sheriff’s Office intranet, and in Communications, Jail booking and Operations administration. The list shall be updated annually to ensure that such services are available when needed.

B. When an interpreter is needed, because a deaf or hard of hearing individual requested one or based on evaluations of Sheriff's Office personnel, the employee is to take the following actions:

1. Contact the on-duty supervisor and seek approval to contact an interpreting service.

2. The supervisor shall grant approval unless there is a different, identified auxiliary aid or service that still ensures effective communication.

3. Once approval is obtained, the employee is to personally contact, or request that Communications contact, an approved sign language interpreting service and request the use of a qualified interpreter.

3. Specify whether a legal, oral or a sign language interpreter is needed.

C. Document the use of the interpreting service in the inmate's file and any other appropriate reporting location and notify Sheriff's Accounting by voicemail or email that an interpreter was used.

D. Persons who are deaf or hard of hearing are not to be charged for the cost of an auxiliary aid or service needed for effective communication.

IV. Summons and Complaint

A. At the time that a Summons and Complaint is issued to a deaf or hard of hearing person, the deputy is to ensure that effective communication is achieved. Issuing deputies are to use appropriate discretion in deciding whether or not to call an interpreter to the scene; however primary consideration should be given to obtaining a qualified interpreter to ensure effective communication.

1. This includes weighing any possible misunderstanding and the desire of to the individual to await the arrival of the interpreter.

B. On any summons and complaint issued to a deaf or hard of hearing individual, the deputy is to write on the face of the summons: "Deaf or Hard of Hearing Individual – Interpreter Required". This note alerts court officials to summon a qualified interpreter for the court proceedings, minimizing delays and postponements.

V. Arrest Procedure

A. When a deputy has probable cause to arrest an individual who is deaf or hard of hearing, he or she is to ensure that the individual has access to auxiliary aids and services necessary to ensure effective communication as soon as practicable during the arrest. The type of auxiliary aid or service necessary may depend on the circumstances of the arrest and the specific requests of the deaf or hard of hearing individual. When a deputy determines that it is necessary to handcuff an individual who is deaf or hard of hearing, the deputy shall, safety permitting, handcuff the individual with his or her hands in front to permit the individual to communicate in sign language and writing. The deputy shall have the discretion to determine whether or not it is safe to handcuff the individual with his or her hands in front.

B. When possible, an interpreter is to be requested prior to a deaf or hard of hearing individual being arrested; however, deputies are not required to delay an arrest of a deaf or hard of hearing person based solely on the lack of an interpreter. Nevertheless, when a deaf or hard of hearing individual is arrested without a qualified interpreter, a qualified interpreter should be provided as soon as practicable following the arrest.

C. Arrest of a deaf or hard of hearing person is to be supported by probable cause developed without the questioning or interrogation of the deaf or hard of hearing person. An interpreter is to be provided before any questioning of the suspect takes place and before verbally advising the suspect of his or her Miranda Rights.

D. Prior to the arrival of the interpreter, the deputy is to write messages to the suspect or witness in simple language explaining what is transpiring or is going to transpire. However, the deputy should, safety permitting, minimize communication prior to the arrival of the interpreter. In writing, the deputy shall notify the deaf or hard of hearing individual that an interpreter has been requested.

E. No other questioning, interviews or interrogations are to be conducted without an interpreter present. Do not verbally advise the deaf person of their Miranda Rights without the interpreter present, and do not seek a waiver of Miranda Rights without the interpreter present.

F. Once an interpreter has arrived, use him or her to facilitate all communication with the deaf or hard of hearing individual.

G. At the conclusion of the arrest, if the deaf or hard of hearing individual is to be

placed into jail, the interpreter is asked, when possible, to accompany the deputy to the jail to complete the book-in process. If the interpreter is unable to accompany the deputy to the jail to complete the book-in-process, the deputy shall immediately contact a shift supervisor/watch commander to secure another qualified interpreter for the book-in process. If an interpreter is not immediately available, the deputy will use other appropriate auxiliary aids and services to maximize effective communication.

H. At the conclusion of the arrest, if a deaf or hard of hearing witness or other member of the public is to be questioned or interviewed, whether orally or in writing, the interpreter is asked, when possible, to remain with the deputy and the witness or other member of the public to complete the questioning or interview. If the interpreter is unable to remain with the deputy and the witness or other member of the public to complete the questioning or interview, the deputy shall immediately contact a shift supervisor/watch commander to secure another qualified interpreter for the questioning or interview. If an interpreter is not immediately available, the deputy will use other appropriate auxiliary aids and services to maximize effective communication.

VI. Interview/Interrogation

A. Interviews or interrogations of individuals who identify themselves as deaf or hard of hearing are to be completed using the services of a qualified interpreter. These would include any interviews with victims, witnesses, suspects, arrestees or inmates. Lengthy or complex interviews or interrogations might require multiple interpreters due to interpreters' professional standards and regulations if suggested by the interpreter.

1. Individuals are to be notified that the service of a qualified interpreter is provided free of charge to them.

B. Procedures for utilizing an interpreter are as follows:

1. Contact a supervisor and obtain approval to use a qualified legal interpreter.

2. Supervisor approval shall be granted unless there is a different, identified auxiliary aid or service that still ensures effective communication.

3. Contact an interpreter from the Sheriff's Office list of qualified sign language interpreting services.

4. Establish the location of the interview/interrogation with the interpreter and supervisor, as necessary.

5. Document all aspects of the interview/interrogation, including the name and contact information of the qualified interpreter, the time the interpreting service was contacted, and the time the qualified interpreter arrived in the original report or supplemental report pertaining to the case.

   a. Documentation can also be accomplished through the use of an electronic video recording of the interview until such time as the interview can be reduced to writing.

6. Advise Sheriff's Accounting via email or voicemail that an interpreter was used.

VI. Evidence

A. All written correspondence exchanged with a person who is deaf or hard of hearing in a criminal case or investigation, whether the correspondence is with a witness or suspect, is to be placed into evidence under the appropriate case report number. This includes any notes exchanged between the individual and deputy. Any correspondence exchanged with a person who is deaf or hard of hearing that is not related to a criminal case or investigation shall be returned to the deaf or hard of hearing individual.

B. Placement of any notes into evidence does not take the place of documenting the conversation in the narrative section of the case report.

C. In non-custodial interactions (i.e. traffic stops) deputies shall place any written notes exchanged with a deaf or hard of hearing individual into evidence under the appropriate case report or summons number.

VIII. In Custody, Charged with New Crime

A. When an inmate who is deaf or hard of hearing is in custody and is being charged with a new crime, the services of a qualified interpreter are to be used to notify the inmate of his constitutional rights prior to any attempts to interrogate or take a statement

IX. Other Situations

A. In situations where communication is simple and basic, gestures and/or an exchange of written notes are likely to be sufficient to communicate efficiently without the need of an interpreter. Urgent or exigent situations may also necessitate the use of gestures or an exchange of notes, but the type of communication being used should be reevaluated as soon as practicable once the urgency or exigency has abated to determine the most effective type of communication for the situation.

X. Telephone Service

A. Access to TDD, TTY, Video Phone, UBIDUO, or equivalent telephone services is to be made available to all inmates who are deaf or hard of hearing when the inmate qualifies for phone use as described in Jail Procedure III: Telephone Use, under Jail Policy 0920, Module Supervision.

XII. Inmate Privileges

A. Jail inmates may have specific privileges which may include access to the special programs as described in Section 19 of the Jail Policy Manual.

B. Deaf or hard of hearing inmates who wish to attend programs and who require the use of interpretation services or who have other special needs, are to submit a 'Program Attendance Request' form to a deputy at least 48 hours in advance of the scheduled program. The deputy receiving the request form is to immediately notify the appropriate supervisor and/or designated program director. The supervisor or program director is responsible for scheduling an interpreter or making other arrangements.

1. If a “Program Attendance Request” form is submitted to a deputy less than 48 hours in advance of the scheduled program but during such period of time prior to the scheduled program that an inmate who is not deaf or hard of hearing would be permitted to attend, the deaf and hard of hearing inmate shall be permitted to attend the scheduled program, and the supervisor or program director shall still attempt to secure a qualified interpreter of the scheduled program. In the event that the supervisor or program director is unable to secure a qualified interpreter for the scheduled program, Personnel shall immediately notify the deaf and hard of hearing individual that he or she can attend the scheduled program without a qualified interpreter, and shall notify the individual of the requirements of this Section XI of this policy.

2. If the deaf or hard of hearing inmate is unable to complete the written “Program Attendance Request” form on the basis of his or her disability,

Personnel shall either waive the requirement that the form be utilized and shall document such waiver in a conspicuous location within the inmate's file or shall assist the inmate with completing the form, which assistance might require the use of a qualified interpreter to ensure effective communication between the inmate and the Sheriff's personnel.

C. All personnel are to ensure that any verbal communication given to the hearing inmate population is effectively communicated to any deaf or hard of hearing inmates.

D. Module deputies making announcements via the public announcement (P.A.) system are to ensure the deaf or hard of hearing person is made aware of the information as soon as practicable. The deputy communicating the contents of the P.A. announcement to deaf or hard of hearing inmates shall make every effort to document the time when the information was communicated to the inmates. Inmates who are deaf or hard of hearing shall not be disciplined for failing to follow any orders made via the P.A. system prior to the time that such inmate was notified of the contents of the communication by the deputy. Module deputies will also utilize the UBIDUO device to provide this service where applicable.

E. An inmate may request interpretation assistance through the module deputy at any time, including if the inmate identifies as deaf or hard of hearing, cannot read, write, or speak English or if it has been determined that the inmate does not understand the jail disciplinary process.

F. In order to ensure that the deaf or hard of hearing are given the ability to fully understand any disciplinary actions charged against them, a qualified interpreter is to be utilized at any time when the inmate is incapable of effectively understanding written communication.

XIII. Inmate Interaction - Booking

A. When a deputy or booking Law Enforcement Technician becomes aware that a person is deaf or hard of hearing in the booking area, a supervisor is to be notified so that the most appropriate form of auxiliary aids and services for communication during the booking process can be determined.

B. Primary consideration is to be given to the type of communication aid requested by the inmate. Types of communication may include but are not limited to:

1. Use of a qualified oral or sign language interpreter

2. hearing aid

3. written communication

4. text messaging

5. 3rd party qualified video interpretation (VRS)

C. In all instances, documentation of the communication is necessary.

1. When written communication is used, those notes are to be placed in the inmates file in ISU.

2. When a sign language interpreter is to be utilized, a request for an interpreter is made from the approved list, after receiving approval from a supervisor. Approval shall be given unless there is a different, identified auxiliary aid or service that still ensures effective communication.

3. Upon arrival at the jail, the interpreter is to be escorted by a deputy to the booking area to assist in the completion of the booking process.

D. During the intake screening with the classifications deputy intake, the deputy is to complete a 'Deaf and/or Hard of Hearing' intake form, which identifies or describes the inmate's preferred method of communication.

E. During the medical intake screening, a notation is to be made on the inmates screening sheet that the inmate is deaf or hard of hearing.

By Order of the Sheriff,

_____ _____
Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Uniforms & Appearance **NUMBER:** 523

EFFECTIVE: April 16, 2019 **SUPERSEDES:** July 16, 2010

POLICY: It is the policy of the Sheriff's Office that employees wear the approved or issued uniform(s) in a consistently prescribed manner, and given deputies and employees are highly visible representatives of local government and the policing community, professional appearance is of utmost importance. The Sheriff's Office recognizes that while there are a wide variety of norms of acceptable appearance within our communities, our employees must present a professional, conservative appearance in order to effectively engage with all members of the community. Therefore, the following standards of uniform, equipment, and professional appearance in this policy are adopted for all employees. Division Chiefs are authorized to issue additional division-specific policies and procedures providing further guidance as necessary.

DEFINITIONS:

Class A Uniform: A long sleeve dress shirt, fully buttoned, with a black tie worn and secured to this dress shirt by a polished silver tie bar, with a metal badge, polished 3/8" silver metal name plate, and metal rank insignia for command and executive staff. Pants are to be of a dress style, without cargo or BDU pockets. Service hash marks are required, and award ribbons and skill pins authorized under this policy are allowed at employee discretion.

Class B Uniform: Inclusive of all Class A specifications, but not of a dress style and service hash marks on the long sleeve shirt may be worn at the employee's discretion. The shirt is worn without a tie with the shirt collar open. The shirt may be long or short sleeved, but long sleeve shirts must remain buttoned; long sleeve undershirts may never be worn with short sleeve uniform shirts under any circumstance regardless of color. Cargo pocket style BDU pants are authorized at deputy discretion. Service hash marks, award ribbons, and skill pins authorized under this policy are allowed at employee discretion.

Command Staff: All commanders within a division.

Decorations: Class I & II awards, as designated and authorized by the *Awards & Recognition* policy (#317).

Executive Staff: For purposes of this policy, the uniformed members of the Sheriff's executive staff are the Sheriff, Undersheriff, and Division Chiefs.

Skill Pins: Pins worn on the designated Class A and Class B uniforms shirts that denote special skills (e.g., SWAT, Bomb/EOD technician, K9, firearms instructor, DRE, HazMat, etc.).

Tactical Uniform: A unit-specific uniform designated for special unit activities or operations.

Uniformed Employee: For purposes of this policy, uniformed employee refers to any employee authorized to wear a uniform while performing a sanctioned sheriff's office job function or task. Uniformed employees include all sworn job classifications, regardless of whether their current job assignment requires a uniform or not, with exception of undercover investigators assigned to the Boulder County Drug Task Force who are exempted from §I.A. of this policy. Uniformed employees may include civilian employees issued clothing embroidered with a Sheriff's star or other Sheriff insignia, as determined by each Division Chief.

PROCEDURE:

I. General Appearance and Grooming

A. Employees

1. All employees are expected to maintain a neat, clean, well-groomed, professional appearance, while at work.

2. Tattoos

a. Employees are not to display a tattoo, temporary decal, or portion thereof that is deemed to detract from the professional appearance required by their job assignment. This includes visible facial, head, or neck (above the collarbone) tattoos or decals.

b. No employee may display a tattoo or temporary decal that is deemed racist, sexist, offensive, or obscene.

Examples may include but are not limited to: Tattoos that depict nudity, are sexually explicit or depict sexual acts; tattoos that display obscene, offensive, racist, sexist, or vulgar words; tattoos that depict symbols used by militant, racist, or hate groups; tattoos that promote, support, or identify gangs, gang activity, or gang affiliation.

c. Employees with tattoos or temporary decals that are deemed inappropriate shall ensure they are covered while at work (e.g., wearing a long-sleeved shirt, cover-up sleeve, etc.).

d. Tattoos that are medically necessary or are common cosmetic tattoos (e.g., permanent eyebrows, makeup, skin discoloration

repair, etc.) are exempt from this policy.

3. Body Ornamentation

   a. Body ornamentation shall include, but is not limited to: Body piercing jewelry, intentional body mutilation, intentional scarring, or intentional placement of foreign objects in or under the skin.

   b. Employees shall not wear any item of ornamentation in their nose, eyebrow, tongue, or any other location of the body that is visible while at work, or while at a job-related function, including training.

   c. Intentional body mutilation, piercing, branding, or intentional scarring that is visible is prohibited.

      Examples include but are not limited to: Split or forked tongues; abnormal shaping or coloring of the ears, eyes, nose or teeth; foreign objects inserted under the skin to create a design or pattern; and/or enlarged or stretched earlobes beyond normal ear piercings.

4. Employees are prohibited from wearing any jewelry piercing on any visible part of the body other than the ears while at work or while at a job-related function, including training.

5. Contact lenses, if worn on duty, are to be of a natural eye color. Red, orange, silver, and other unnaturally colored or graphic design contacts that create or result in an unnatural eye color or appearance are prohibited.

6. The use of gold, platinum, or other veneers or caps for teeth for the purpose of ornamentation are prohibited. Teeth, whether natural, capped, or veneer, shall not be ornamental with designs, jewels, initials, or other graphics.

B. Uniformed Employees

1. All uniformed employees, whether sworn as a peace-officer or not, are expected to maintain a neat, clean, well-groomed, professional appearance, while in uniform.

   a. Uniformed employees are responsible for maintaining their

uniforms in good condition. Uniforms must be clean and wrinkle-free. Duty gear must be clean and in good repair. Faded or torn uniforms are prohibited.

b. Visible jewelry is restricted to conservative rings, wristwatches, stud-style earrings, and must not present a safety hazard.

c. Hair

1) Male uniformed employee's hair must be neatly groomed and may not exceed the shirt collar in length. Unnatural colors or extreme styles are not permitted.

2) Female uniformed employee's hair must be neatly groomed. Hair that exceeds the shoulder in length must be secured back away from the face and in a way that will not interfere with head gear or gas/SCBA masks. Unnatural colors or extreme styles are not permitted.

3) Facial hair must be neatly groomed and cannot interfere with a uniformed employee's ability to wear a protective mask, other duty-required breathing device, or communication device (e.g., a boom microphone, etc.).

C. The Division Chief is the deciding authority as to whether a uniformed employee's appearance and grooming meets the letter and spirit of this policy.

II. Authorized Use and Wear of Uniforms

A. Each division chief is responsible for establishing guidelines as to the appropriate uniform wear and usage within their respective division, including specifications and accessories to be worn by employees of their division. All uniforms require the approval of the Sheriff prior to their purchase and wear.

B. Employees are to wear the appropriate class of uniform prescribed for the type of duty to be performed, or as directed by a supervisor authorized to set uniform requirements. Unless otherwise directed, uniformed employees are authorized to wear any approved uniform class at their discretion.

C. While in attendance at a formal occasion (e.g., funerals or other ceremonies), a Class A uniform will be worn.

III. Purchase, Issuance, Care, and Replacement of Authorized Uniforms

A. The Administration Division is responsible to maintain a comprehensive list of uniform items approved by the Sheriff for wear, including brand, model, color, and part numbers.

B. The commander over the Personnel & Training Unit in the Administration Division is responsible for maintaining a requisition, approval, and issuance/inventory process for uniforms and equipment to be used across all divisions, and to establish contracts with vendors for uniform and equipment purchase in accordance with county purchasing policies.

C. The quartermaster in the Administration Division is responsible for coordinating the purchase or issuance of approved uniforms and equipment items upon the receipt of an approved request.

1. Only uniform brands and styles approved by the Sheriff are authorized for purchase at department expense.

D. The quartermaster in the Administration Division is responsible for maintaining a uniform and equipment inventory for each uniformed employee. The quartermaster records the issuance of all apparel and accessories to uniformed employees as they occur, and checks returned uniforms and equipment back in when an employee separates from the organization. In addition, the quartermaster is responsible for maintaining a list of all approved uniform items and vendors.

E. Employees are required to use the established requisition and approval process to obtain uniforms and equipment at department expense.

1. By approving a request for uniforms, accessories, or equipment, the employee's supervisor has determined that repair or replacement of any uniform or part is necessary.

F. Cleaning and care of issued uniforms, accessories, and equipment, is the responsibility of the receiving employee.

IV. Uniforms

A. Insignia and Rank

1. Shoulder patches are centered on the left and right shoulder sleeves, ½" below the shoulder seam.

2. When authorized for uniform apparel, the Sheriff's Office cloth star badge is centered, 3 1/2" above the left breast pocket.

3. A 3/8" metal polished silver nameplate is centered above the right breast pocket with no space showing between the pocket and the nameplate on all uniform shirts. The nameplate shall read with the employee's first name initial and last name (i.e., "J. Doe"); the employee is authorized to include their middle initial if desired (i.e., "J.D. Doe").

4. A cloth nameplate must be worn on outerwear and will read in the same manner as the metal nameplate.

5. The Sheriff (4-stars), Undersheriff (3-stars), Division Chiefs (2-stars), and Commanders (1-star), wear 5/8" silver metal insignia designating their rank on all uniform shirts. Cloth insignia of the same size and composition is worn on tactical uniforms, when applicable. The rank insignia is to be worn centered on the collar, ½" from the leading edge, and parallel with the upper edge of the shirt collar.

    a. Cloth shoulder board insignia are worn centered on each shoulder of the outerwear. If a sweater is worn, rank insignia may be placed on the shirt collar.

6. Sergeant chevrons are sewn on all sleeves, except for the tactical uniform, ¼" below the lowest center point of the shoulder patch, on both uniform shirts and outerwear.

7. FTO patches are sewn on all sleeves, except for the tactical uniform, ¼" below the lowest center point of the shoulder patch, on both uniform shirts and outerwear.

8. Years-of-service hash marks (one hash mark for every five completed years of service) may be worn on the outside left sleeve of the Class A uniform, near the cuff, when:

    a. Uniformed deputies who have completed at least five years of service with the Sheriff's Office are eligible to display years-of-service hash marks on their Class A uniform.

    b. Following five years of service with the Sheriff's Office, commissioned deputies with prior law enforcement experience with other agencies may seek authorization from their division

chief to display years-of-service hash marks commensurate with their prior service. Division chiefs are to only consider the following as prior service for purposes of this section:

1) Fulltime employment as a sworn, non-military, law enforcement officer assigned to patrol, investigative, or correction functions, with authority to make arrests, enforce and investigate federal, state, or local laws.

c. Uniformed deputies hired at command level rank or higher may display years-of-service hash marks commensurate with their service years upon the start of their employment.

B. Decorations and Special Skill Pin Identifiers

1. Sheriff's Office award decoration ribbons (Class I & II awards) and decoration ribbons for commonly known awards (e.g., the Beth Haynes Award, the FBI LEEDA Trilogy Award, the FBI National Academy, the Northwestern School of Police Staff and Command, etc.), and Sheriff's campaign ribbons, are authorized for wear on Class A and Class B uniform shirts. Decoration ribbons are to be worn as follows:

a. Centered on, and ¼" over the metal nameplate

b. Two or more decoration pins are placed above the nameplate, side-by-side horizontally, in order of precedence, with the highest award near the badge. A maximum of three decoration pins or ribbons may be worn horizontally; additional pins are then worn in a new row.

1) Order of precedence: Purple Heart, Medal of Valor, Silver Star, Bronze Star, Meritorious Service Medal, Life-Saving Medal, Distinguished Service Award, Distinguished Unit Citation, Sheriff's campaign ribbons, and other non-BCSO decoration ribbons (e.g., Beth Haynes Award, FBI NA, etc.).

2. Special skill identifier pins are authorized by the affected division chief, and are to be placed ¼" above, and centered on the nameplate, or, if applicable, ¼" above and centered on any decorations. Only one qualification pin may be worn.

3. A red, white and blue American flag pin, approved by the affected division

chief, may be worn with a skill identifier pin in the same location.

C. Duty Belt, Body Armor, and Supplemental Clothing and Accessories

1. The Sheriff's Office provides duty belts and accessories to sworn employees based upon their job classification. Each division chief designates the style, type, and manufacturer of duty belt equipment, and is responsible for enforcing the criteria for wearing duty belt equipment.

2. Body armor is issued to all uniformed personnel in direct enforcement positions.

   a. Uniformed employees in direct enforcement positions are required to wear body armor while working in an enforcement capacity.

   b. Deputies are not authorized to wear body armor in an external manner, without the approved external vest carrier, except in emergency situations.

3. External Vest Carriers

   a. Body armor may be worn in an approved external vest carrier while wearing a Class B or tactical uniform. The external vest carrier must display a metal badge and metal name plate but may not be worn with skill pins or award ribbons.

   b. Only department-issued equipment is authorized to be carried or worn on an approved external vest carrier. Authorized equipment includes:

      1) AR single magazine pouch
      2) Handgun double magazine pouch
      3) Handcuff case
      4) Body-worn camera
      5) Radio
      6) *Taser™* strike plate

   c. The external body armor carrier is authorized for emergency use for all uniform types and over non-uniform clothing.

4. Any clothing that is worn under the uniform that is visible (e.g., shirts, turtlenecks, crew-collared undershirts, socks, etc.) must be solid black in

color with no visible embroidery, printing, or other graphics visible.

V. Authorized Accessories

A. Headgear

1. Authorized headgear approved by the Sheriff includes the following:

c. A black baseball-style hat embroidered with a BCSO sheriff's star emblem centered on the front (the baseball hat is not authorized for wear with a Class A uniform).

1. A deputy may elect, at their expense, to have their last name or radio number embroidered on the rear of the hat when approved or authorized by their division chief. No other embroidery, pin, or adornment on the hat is authorized.

d. A black U.S. Navy-style "watch cap," with or without a sheriff's star or other sheriff's insignia.

e. A Class A black felt hat with a metal oval "Sheriff" emblem, adorned with silver acorns.

f. Protective helmet, with a reflective sheriff's star decal centered on the front, and reflective employee badge number centered on the rear near the bottom edge.

1. Uniformed employees are to wear helmets when directed to do so by their supervisor.

2. Helmets may be worn at the employee's discretion when necessary to protect the employee.

B. Uniform Outerwear

1. All outerwear, except a traffic safety vest, is to be solid black in color. Outerwear assigned to uniformed employees is to receive shoulder patches, a star patch on the left breast, and a name strip of the employee's first (and middle, if desired) initial and last name on the right breast. Removable liners may be worn stand-alone by uniformed employees, provided they receive the same patch markings as their outer jacket.

2. Outerwear includes, but is not limited to coats, jackets, windbreakers, sweaters, and gloves.

    a. Gloves are not issued and are an elective purchase by employees.

3. Neon-yellow, ANSI-certified reflective traffic vests are issue to each sworn employee who works in an operational field environment (e.g., patrol, extra-duty, etc.).

C. Footwear

1. All uniformed employees are to wear plain black footwear, without color accents, appropriate for their assignment. Class A uniforms require solid black footwear with a polished toe. Open toe, sandals, and high heels, are not authorized for any sworn employees.

VI. Other Attire

A. The Sheriff may authorize the wearing of other clothing (e.g., polo shirts, vests, etc.) that display a sheriff's star, logo, or any wording that identifies the wearer as a sheriff's employee or member of a sheriff's division, section, or unit. Each respective division chief is responsible to determine when an employee may wear this clothing, and if it will be provided at department expense.

B. Civilian clothing is authorized for certain positions not requiring the wearing of a uniform. Division chiefs have the authority to grant permission for employees to wear civilian clothes based upon the employee's position or assignment.

1. Civilian clothing worn for normal duty assignments is to meet, at a minimum, the generally accepted current definition of "business casual."

    a. Shorts, t-shirts, torn garments, etc., are not acceptable apparel for normal duty assignments but may be worn if approved by an employee's supervisor in order to perform specific work-related tasks (undercover investigators assigned to the Boulder County Drug Task Force are exempt).

    b. Civilian clothing worn for normal duty assignments shall not have any visible wording or markings that is, either explicitly or through innuendo, sexual, violent, or derogatory.

By Order of the Sheriff,

Joseph K. Pelle	Date

ATTACHMENTS:
523-A Grooming Standard Photographs

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: STAFF NOTIFICATION OF MAJOR EVENTS **NUMBER:** 524

EFFECTIVE: June 25, 2007

POLICY:

It is the policy of the Sheriff's Office that on-duty supervisors are responsible for ensuring that the Sheriff and Executive Staff receives timely notification of major events that occur during each supervisor's tour of duty.

DEFINITIONS:

Major events: Events which effect, or potentially effect, the lives and safety of the people in Boulder County, or are likely to produce inquiries from the news media, or that may require additional resources beyond those readily available to on-duty supervisors. Major events include, but are not limited to, the following: Homicides, accidental deaths - including traffic fatalities, kidnapping, non-work release jail escapes, major disturbances in the jail, deaths in the jail, SWAT activations, missing children - under the age of ten - who are still missing one hour after law enforcement notification, prolonged pursuits, large fires, flooding, prolonged search and rescue missions, on-duty injury to deputies or Sheriff's Office staff requiring hospitalization, damage to or failure of county property or equipment which impairs Sheriff's Office operations, or a major event in a Boulder County municipality which significantly effects Sheriff's Office operations.

Executive Staff: The Sheriff, Undersheriff, Division Chiefs and Civilian Directors.

PROCEDURE:

On-duty supervisors in the division that is most directly effected by the event are responsible for initiating the notification. Notification is to be made as soon as practical by use of the paging system. If the paging system is not available, notification is to be made by telephone. Notification of less serious events that occur between 2400 hours and 0600 hours may be deferred until after 0600 hours when no immediate response from the Sheriff or Executive Staff is needed.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Evidence Processing & Handling **NUMBER:** 525

EFFECTIVE: March 31, 2020 **SUPERSEDES:** September 26, 2017

POLICY: The Boulder County Sheriff's Office uses specific procedures during the collection, handling, packaging, and storage of property collected and/or seized in the course of official law enforcement operations, which will protect the integrity of evidence, and preserves the value of items held for safekeeping or as found property. This includes procedures limiting access to stored evidence, maintenance of records detailing the chain of custody, and a mechanism for the efficient disposal or lawful return of items.

DEFINITIONS:

Abandoned Property: Items held for safekeeping, which go unclaimed (30) thirty-days after written notification to the owner informing them that the item is available for release; found property which goes unclaimed for (90) ninety-days after being received in the Evidence Section; evidence for which ownership is not known which goes unclaimed for (90) ninety-days after release is authorized; evidence for which ownership is known and goes unclaimed (30) thirty-days after written notification to the owner that the item is available for release.

Evidence: An item that is collected or needs preservation for potential presentation in court, or which is collected for processing to obtain trace evidence for potential presentation in court for the purpose of proving and/or corroborating an assertion of fact or proposition in a civil or criminal court case. This term also refers to items seized under public nuisance laws for forfeiture purposes.

Found Property: Any item collected that is not related to a known criminal event, and/or for which ownership is not known.

Property Room: A room or rooms within the Boulder County Sheriff's Office's control in which all items of property collected as evidence, found property, or for safekeeping are stored. This is a secure facility with limited access.

Safe Room: A room within the property room used to store cash, valuables, and controlled substances. Access to this room is restricted and requires both a detective supervisor and Evidence Technician to be present.

Safekeeping Item: Any item collected that is not related to a known criminal event, and for which ownership is known. This includes but is not limited to property of inmates, which is not suitable for storage at the jail, and items such as guns, which may be collected to prevent future offenses.

RELATED POLICIES:
529 – Body-Worn Cameras

PROCEDURE:

I. Evidence Section Chain of Command

A. The Evidence Section is a component of the Operations Division, staffed by Evidence Technicians and supervised by Detective supervisors. Other Sheriff's Office members may be authorized to perform limited clerical and evidence functions in the absence of Evidence Technicians as designated by the Detective supervisors, or Operations Division Chief. The Evidence Technicians hold primary responsibility for the security of the property room and the accuracy of the inventory.

II. Duties

A. An Evidence Technician performs the daily functions of the Section as described below:

1. Logging of all items received by the Evidence Section — the Evidence Technician will conduct an inventory of incoming property to verify the presence of each item listed on the property report. Under normal circumstances, the Evidence Technician will not open sealed containers. The Evidence Technician will sign the property report acknowledging receipt only after all items are accounted for, and enter the items into the applicable computer system.

a. The Evidence Technician will notify the submitting employee and the employee's supervisor via phone, e-mail, or in person as soon as possible when a discrepancy is discovered in the list of items on the property report and the items submitted. Inventory problems are to be resolved before items are logged into the Evidence Section. The submitting employee is responsible for rectifying the problem as soon as possible. In the employee's absence, the supervisor will assume the responsibility.

b. The Evidence Technician will not accept any items that are not properly labeled or sealed. On occasions when property/evidence is improperly labeled or sealed, the Evidence Technician will notify the submitting employee and the employee's supervisor via phone, e-mail, or in person, and the employee will ensure that the property/evidence is properly labeled or sealed. The assignment of storage locations for each item received and ensuring the information is logged on the property report and in the evidence computer.

a. Most items will be assigned space in the property room.

b. Cash, odorless controlled substances, and other valuables, will be kept in the safe room located inside the evidence room.

c. Hazardous materials, such as explosives, will be kept in an off-site facility. The Evidence Technician will coordinate storage of these items with a certified hazardous device tech.

d. Larger items may be stored in locked cages, outside bins at the Sheriff's Headquarters, or other off-site facility, at the discretion of the Evidence Technician.

3. Release of Property: The Evidence Technician coordinates the expedient release of property as appropriate.

a. Items held for safekeeping will be released to the listed owner, or a designated agent of the owner who is either the legal guardian of the owner, or who has a statement signed by the owner authorizing the agent to take custody of the owner's property. A notarized statement is preferred but not required. This document will be kept with the property report and later put into the case file in Records.

b. Items held as found property may be released at the Evidence Technician's discretion to a person whom the Evidence Technician is reasonably satisfied are the rightful owners of the property.

1) Found property will be considered abandoned if an owner cannot be identified or located within (90) ninety-days, or if the owner does not claim it within (30) thirty-days of being notified via certified mail that it is available for release.

2) In the event a member of the general public turns in found property, that person may reclaim the items if the owner cannot be identified or located, or fails to respond to written notification within (90) ninety-days. Employees receiving found property should document from whom the property was received on the property report, and indicate their desire to retrieve the property if unclaimed. In these cases, the Evidence Technician arranges the release of the property to the finder.

c. Evidence will only be released after authorization is received from the employee responsible for the case, an Operations Supervisor, or by court order. The authorizing employee is responsible for checking with the District Attorney on cases that involve an arrest to ensure there is no future need for the evidence in court for any other defendant or an appeal or potential appeal.

d. The Evidence Technician may solicit dispositions of items from the employee responsible for the case as listed in the Sheriff's Office computer system under the following circumstances:

1) Upon receipt of a disposition from the District Attorney

2) When 30 days has passed for non-evidentiary items

3) When the statute of limitations for the offense has expired

4) Forgery cases with no identified suspects and having dollar amount under $2500 after 10 years.

e. DNA evidence is preserved in accordance with applicable laws as detailed in C.R.S §§ 18-1-1101-1109.

f. Forensic medical evidence related to a sexual assault investigation is treated as detailed in *the Forensic Medical Evidence Collection in Connection with Sexual Assaults* policy (#526), in compliance with C.R.S § 24-33.5-113.

g. When available, the District Attorney's disposition form will be attached to the request for property disposition, and submitted to the responsible employee. When the responsible employee is no longer affiliated with the Boulder County Sheriff's Office, a detective supervisor or patrol sergeant will determine a disposition for the property/evidence in question.

h. When evidence is eligible for release, an Evidence Technician will contact the owner of the property at the owner's last known address. A certified letter will be sent to the owner and the owner has 30 days to pick up the property from evidence or it will be destroyed, converted, or sold.

i. Marijuana – both medical and recreational – seized during the

course of an investigation will not be released back to the owner and will be destroyed in accordance with the Colorado Supreme Court ruling in *People v. Crouse*, 388 P.3d 39 (2017).

1) Drug paraphernalia that only contains trace residue and no usable quantity of marijuana is eligible for return to its owner. Drug paraphernalia that contains a usable quantity of marijuana remnants will not be returned and the drug paraphernalia will be destroyed.

j. Body worn camera recordings are stored as evidence in the cloud and are handled by the Records Section in accordance with the *Body Worn Camera* policy (#529).

1) In circumstances where video evidence is maintained longer than current cloud retention levels as outlined in the *Body Worn Camera* policy, a copy of the footage may be transferred to physical media and turned into the Evidence Section. The disposition of that evidence will be handled in accordance with this policy.

k. Photos collected by department issued smartphones will primarily be stored as evidence in the cloud and are handled by the Records Section in accordance with this policy.

1) A BWC administrator, assigned case agent, or supervisor may request files be burned to disk and submitted to evidence at times when on-site storage is requested.

B. An Evidence Technician will perform periodic and specialized functions that may include, but are not limited to, the following:

1. Transporting evidentiary items to the Colorado Bureau of Investigation (CBI), or other qualified evidence processing laboratory.

a. It is the responsibility of the employee assigned to the case to put in a request to the Evidence Section for evidence to be taken to CBI. Once an Evidence Technician receives this request, the property is then signed out by the Evidence Technician and taken to CBI. When an Evidence Technician is unable to take items to CBI, the employee assigned to the case is responsible for transporting the items to CBI.

2. Disposing of items no longer required for a case or for those items for which an owner has not been found.

    a. An Evidence Technician will obtain authorization for disposal of qualified items from the assigned employee prior to seeking authorization from the other appropriate sections of the criminal justice system.

    b. All items meeting destruction criteria will be disposed of in a manner that is in compliance with current laws, regulations, or code governing that destruction. At least one Evidence Technician, and a Sheriff's employee approved by a detective supervisor, is required to be present during the destruction process of any drugs or weapons previously stored in the evidence section.

3. The execution of disposition orders that authorize the conversion, destruction, or sale of property.

    a. Proceeds from items that are auctioned or sold are given to the Sheriff's Finance Section.

4. Property maintained by the Evidence Section of the Sheriff's Office can be inspected or viewed by a person(s) who is involved with the investigation or by a representative of that person, such as an attorney. When an Evidence Technician receives a request to view property they are to notify the assigned employee. During a property viewing an Evidence Technician and an Operations Division deputy must be present to maintain the integrity of the property and chain-of-custody.

III. Firearms and Contraband

A. The Boulder County Sheriff's Office will not release any items to the general public, which are illegal to possess under Colorado Revised Statutes or federal law.

1. Firearms will not be released to a person prohibited by law from possessing firearms, even when person is the owner of the firearms. An Evidence Technician will obtain photographic identification from the person seeking release of firearms. A criminal history and records check will be conducted to verify that the person seeking the release does not have a criminal record that would prohibit the possession of a firearm. When the person has an arrest that, if convicted of that offense, would restrict or prohibit the possession of firearms, the Evidence Technician will verify the court

disposition of the applicable charges and releases the weapon(s) when it is legal to do so (i.e. 18 U.S.C. § 922(a)(6), 924(a)(1)(A), and/or § 18-12-111, C.R.S.).

2. When it is legal to release a firearm an Evidence Technician will attempt to contact the owner at the last known address by way of a certified letter. In the event that the owner does not make arrangements to pick up the firearm within 90 days of the mailing of the certified letter, the firearm(s) will be disposed of or destroyed in compliance with applicable laws, regulations, and/or Sheriff's Office policies.

   a. Firearms classified as abandoned property and converted to Sheriff's Office use will not be sold, traded, or otherwise disposed of, except by approval of the Sheriff, or Undersheriff acting in the Sheriff's stead.

      1) When the law prohibits the owner from possessing firearms, the owner may authorize another person to be his agent and to take custody of the firearms. It is the responsibility of the owner to present a notarized statement designating a person as the owner's agent.

      2) The agent is subject to the same records check as the owner. The agent is required to sign a form acknowledging that he or she is receiving the firearm(s) for the owner, that it is illegal for the owner to possess the firearm(s), and that he or she will not provide or transfer the firearm(s) to the owner.

      3) This form includes a warning that the return of any of the firearms to the owner by the agent may constitute a crime on the part of the agent, and the agent, as well as the owner, may be prosecuted.

   b. Illegal items held in evidence will be destroyed in a manner that complies with this policy, as soon as practical after any court needs are fulfilled.

   c. Property seized pursuant to public nuisance laws is handled as evidence. The responsible employee and the District Attorney's Office coordinate the release or conversion of the property.

   d. Any person removing evidentiary items from the evidence room on

either a temporary or permanent basis are to sign for the items. An Evidence Technician is responsible for documenting the return of the item(s) and making appropriate computer entries.

IV. Accountability and Control

A. The Evidence Technicians and Detective Supervisors are the only employees authorized to enter the evidence room without restriction. Any other employee or person that enters the property room must have the authorization of an Evidence Technician and/or Detective Supervisor and sign a log indicating the in and out time and the purpose for entry. Persons allowed in the property room are to be escorted by an Evidence Technician or by his/her designee. The entry log remains as a permanent record in the Evidence Section.

B. The Evidence Technicians are responsible for all items logged into the property room. Technicians are to annually conduct an inventory audit or conduct one as directed by their supervisor, the Detective Commander, Operations Division Chief, or Sheriff. All audits are to be documented in a written report that is forwarded to the Detective Commander. Any inventory discrepancies found during the audit are to be noted and resolved as quickly as possible.

V. Property Custody Procedure

A. Any member of the Sheriff's Office is authorized to place an item into the evidence locker or bin when the item is evidence, found property or being held for safekeeping.

B. All items are to be inventoried on a Sheriff's Office property report submitted with the items. This includes digital memory cards, CDs, DVDs, etc. turned in for storage or processing. Each item is labeled individually and is packaged separately.

1. All property report forms must designate items as Evidence, Found Property, or Safekeeping, and the submitting employee will complete all applicable portions of the form and signs each page. The type of crime is to be listed on the form. Ownership information is added to the form for any item booked into evidence, when it is known.

2. Items are to be placed in a sealed container and/or properly tagged or marked. The container is to be sealed using evidence tape, and initialed and dated by the person sealing the container. Items are not considered sealed if they are stapled inside a paper bag. In the event it is not practical to place items in a sealed container due to size or other problems, the item is marked,

labeled, or tagged in a manner that preserves the evidence.

3. All items entered into evidence are to be labeled with the case number, item number, employee initials or signature, and date. Other information, such as type of item, may be put on the label. This may be done either on the container, on the item or on a tag attached to the item. The outermost container must be labeled regardless of markings on the item itself.

4. Items are to be placed into a locking evidence bin, or into an evidence cage when applicable. In some instances it may be necessary for an employee to contact the Evidence Technician to facilitate items being placed directly in the property room.

B. Items requiring special handling may include, but are not limited to, the following:

1. Documents submitted as evidence are placed in a sealed envelope, or clear plastic bag.

2. Latent print cards are to be placed in a sealed envelope.

3. Digital memory cards that are associated with a case are to be turned in with a property report. Digital memory cards that are not associated with a case are to be turned in and appropriately labeled, i.e. Training, annual report, id photos, etc.

4. Bloody clothing, or other wet items, needing to be dried are not to be sealed in plastic bags. These items are placed in drying cabinets according to the directions on the drying cabinets. It is the responsibility of the employee to package the evidence after it is completely dry. In the event the employee is unable to complete this task he or she will notify the Evidence Technician by email, phone or in person and the evidence tech will package the evidence. The Evidence Technicians are to be notified in person or by email that property is in the cabinets. Wet evidence is to be placed in an open paper bag(s) or in a secured bin when a drying cabinet is not available. The Evidence Technician will set out the item(s) to dry in a secured drying area, prior to packaging. All bloody clothing must have a bio hazard label on the packaging.

5. A hazardous item that presents a potential safety issue is to be clearly marked in a manner that provides sufficient warning to anyone handling the item and/or container with the item. Sharp objects, such as knives or hypodermic needles, are to be marked as such and packaged so as to minimize the possibility of accidental injury. Any blood-soaked, blood

stained, or other bodily fluid items are to be labeled with a biohazard sticker/label.

6. Firearms are to be unloaded and made safe prior to submitting into evidence. The Evidence Technician will confirm that all firearms entering evidence are unloaded and safe unless already sealed in a firearms box. If a firearm is placed into evidence and requires further processing for trace evidence, the employee will clearly note this on both the property report and the packaging containing the firearm. An Evidence Technician will contact the assigned employee to assist in rechecking the weapon to ensure that any trace evidence is preserved. When practical, the submitting employee will shows the firearm to the Evidence Technician prior to sealing the container, thus alleviating the need to open the seal for a safety check. Firearms, which do not require processing for trace evidence, may be tagged rather than sealed in containers at the employee's discretion. Employees are to request that the Records Section enter the serial number for all firearms turned into evidence into the CCIC gun file classified as “impounded”.

7. Items with serial numbers are to be cleared through CCIC/NCIC by the submitting employee prior to being placed in evidence. Results of the query are to be documented on the property report. When CCIC/NCIC is not functional, a notation of this fact will be made on the property report and the Evidence Technician is then responsible for clearing the items as soon as practical.

8. The submitting employee is responsible for ensuring that controlled substances are tested and weighed prior to submission into evidence.

    a. It is preferred that the weight of the substance be shown as net weight. However, the weight can be calculated as the net weight or gross weight. Net weight is the weight of the substance by itself and gross weight is the weight of the substance including the packaging, wrapping, or container.

    b. The weight of all controlled substances is to be documented on the property report form and notation made as to whether the amount shown is gross or net weight.

    c. A presumptive test is to be completed on the substance(s) prior to submitting the item into evidence.

    d. Freshly cut marijuana plants are to be placed in open paper bags. The

evidence tech sets the bags containing the plants in a secure designated area to dry. When there are too many plants to be placed in a locked evidence bin, the Evidence Technician is to be called to facilitate setting the plants out to dry in a secure area.

9. Money is to be counted by the submitting employee in the presence of a second employee and placed in a container that can be sealed. After the container is sealed, both employees sign and date the container. The amount of the money is written on the container and on the property report form.

10. Items booked into evidence for processing are to be clearly marked with specifics about the type(s) of processing required.

12. Large items may be placed in the common secure area in the outside evidence cage. Property reports for these items are to be placed in the evidence bins with a notation as to where the item is located. The Evidence Technician assigns permanent storage space for these items.

13. Motor vehicles are not the responsibility of the Evidence Section. Vehicles that are seized for a search or processing, are to be secured in the vehicle cage in the vehicle maintenance garage or at an impound lot. The vehicle will remain the responsibility of the impounding employee and/or case detective. Motor vehicles are subject to the Sheriff Office's vehicle impound procedures with paperwork handled by the Records Section and do not require an evidence property report form.

14. Beer kegs taken as evidence in criminal cases are booked as a “safekeeping” item and placed in the outside evidence cage. The keg is to be listed on a property report form and the form is to be placed in an evidence bin. The Evidence Technician will arrange for the disposition of the keg. The keg is to be photographed before the keg is released. Kegs are to be returned to applicable local business, and any compensatory monies received in exchange for the kegs may be designated by the Sheriff or his/her designee, to fund functions within the Sheriff’s Office.

By Order of the Sheriff,

Joseph K. Pelle — 3/31/2020
Date

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SUBJECT: FORENSIC MEDICAL EVIDENCE COLLECTION IN CONNECTION WITH SEXUAL ASSAULTS **NUMBER:** 526

EFFECTIVE: TBD

POLICY: The Boulder County Sheriff's has adopted the rules and regulations promulgated by the Colorado Bureau of Investigation to ensure compliance with Colorado state law, CRS § 24-33.5-113 regarding the collection of forensic medical evidence in the investigation of allegations of sexual assault.

DEFINITIONS:

Accredited Crime Laboratory: This is a law enforcement crime laboratory, which has received forensic accreditation through ASCLD/LAB (American Society of Crime Laboratory/Laboratory Accreditation Board) Legacy or ISO/IEC (International Organization of Standardization/International Electrotechnical Commission) 17025:2005 by a recognized accrediting body.

Backlog: as referenced in C.R.S § 24-33.5-113 means all unanalyzed collected forensic medical evidence stored in any law enforcement facility in the State of Colorado. All forensic medical evidence received by law enforcement entities as part of an active investigation shall be considered "backlog" until the date these rules become effective.

CODIS: (Combined DNA Index System) means a database system controlled by the Federal Bureau of Investigation (FBI) authorizing individuals within an accredited crime laboratory to utilize the system upon successful completion of a FBI QAS (Quality Assurance Standards) audit.

Forensic Evidence: as referenced in section 113 (b) (I) of CRS § 24-33.5-113 means forensic medical evidence.

Forensic Medical Evidence: Evidence collected by medical or law enforcement personnel using a sexual assault evidence collection kit (or components thereof) consistent with state/national collection standards. This excludes any toxicological evidence.

Forensic evidence analysis/release of results: for the purposes of this law means that any results from the forensic analysis conducted will be released to the submitting agency.

PROCEDURE:

I. Application of Rules

A. These rules and regulations apply to all personnel who participate in any or all parts of the collection, transportation, storage, forensic analysis, investigation, and the judicial process of forensic medical evidence in connection to alleged sexual assaults occurring in the State of Colorado. These rules must be complied with by March 1, 2014.

B. These rules apply whether the forensic medical evidence is submitted to the Colorado Bureau of Investigation or to another accredited crime laboratory.

II. Consent

A. Forensic medical evidence must be collected if a victim of an alleged sexual assault requests the collection. Boulder County Sheriff's Office personnel are not to discourage a victim of an alleged sexual assault from receiving a forensic medical examination.

B. Any person who receives forensic medical evidence or the results of those tests conducted on the forensic medical evidence shall not disclose that information except for the authorized purpose for which that forensic medical evidence was obtained

III. Consent and Information Form

A. The **Colorado Sexual Assault Consent and Information Form** (see Attachment A) is to be utilized when obtaining consent from and providing information to sexual assault victims regarding:

1. Evidence collection through a medical forensic exam,
2. Forensic evidence analysis/release of results.
3. Reporting options, and
4. Victims' ability to withdraw consent.

B. The use of this form is required beginning March 1, 2014. This form is to be utilized prior to the collection of forensic medical evidence whether collected by medical or law enforcement personnel.

C. Consent or non-consent must be confirmed through the victim's initials and signature on the form.

IV. Withdrawal of Consent

A. A sexual assault victim may withdraw his/her consent for evidence collection and forensic evidence analysis/release of results.

1. However, consent for analysis/release of results cannot be withdrawn once forensic analysis has been initiated by a qualified employee of an accredited crime laboratory.

2. Withdrawal of consent becomes effective when the investigating law enforcement agency verifies that the person seeking to withdraw consent is the victim who is acting of her/his own free will. When possible, deputies attempt to obtain written confirmation from the victim of the withdrawal request.

B. When the evidence collection kit is in the custody of an accredited crime lab when the withdrawal of consent becomes effective, the accredited crime lab is to be notified of the withdrawal as soon as possible, but no later than the second business day after consent has been withdrawn and victim identification has been verified.

C. Sheriff's personnel are to make a reasonable attempt to verify the identity of the person seeking to withdraw consent. When the identity of the person seeking to withdraw consent cannot be verified, or there is a belief that the victim is not acting of her/his own free will, consent cannot be withdrawn.

V. Submission of Forensic Medical Evidence

A. Beginning on March 1, 2014, all forensic medical evidence received by the Boulder County Sheriff's Office is to be submitted to the Colorado Bureau of Investigation or an accredited crime laboratory for analysis within 21 days of receipt of such evidence except under the following circumstances:

1. The victim has not consented or has withdrawn consent to have the forensic analysis conducted;

2. A law enforcement investigation has corroborating evidence that the alleged sexual assault never occurred; or

3. The law enforcement entity is not the investigating agency. In this case, the forensic medical evidence is to be forwarded to the appropriate agency of jurisdiction as soon as possible.

B. When an accredited crime laboratory receives the evidence, the laboratory is required to analyze the evidence and, when applicable, upload the information into CODIS within six (6) months of receipt, assuming the laboratory has sufficient resources.

C. Upon completion of the analysis, the laboratory is required to report the results to the submitting agency.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Records Inspection **NUMBER:** 527

EFFECTIVE: May 8, 2019 **SUPERSEDES:** January 23, 2018

POLICY:

It is the policy of the Boulder County Sheriff's Office to allow the inspection of records pursuant to C.R.S. §§ 24-72-201 through 206, (Colorado Open Records Act ("CORA") - Inspection, Copying or Photographing Public Records), and C.R.S. §§ 24-72-301 through 309, (Colorado Criminal Justice Records Act ("CCRJA")). Records produced by the Sheriff's Office are governed by CCJRA, however if CCJRA is silent, CORA may apply. It is the intent of the Sheriff's Office to provide the widest scope of release possible to the requester.

It is the policy of the Sheriff's Office to request from the Boulder County Attorney's Office opinions on questions of law, related to the keeping, inspection and dissemination of records and records information. Nothing in this policy statement shall preclude the seeking of advice and counsel from other sources when deemed necessary for the protection of the Office and the residents it serves.

The Sheriff's Office complies with all statutes governing the keeping, inspection and dissemination of records and records information. The Sheriff's Office has established procedures for the inspection of records and the dissemination of records information. The Sheriff's Office has established reasonable fees for conducting public records searches and checks in accordance with the guidelines of the Colorado Revised Statutes.

DEFINITIONS:

Arrest and Criminal Records Information: Information reporting the arrest, indictment or other formal filing of criminal charges against a person; the identity of the criminal justice agency taking such official action relative to an accused person; the name, birth date, last known address, and sex of an accused person; the nature of the charges brought or the offenses alleged against an accused person; and one or more dispositions relating to the charges brought against an accused person, (C.R.S. § 24-72-302(1))

Basic Identification Information: The name, place and date of birth, last known address, physical description, photograph, sex, fingerprints, and any known aliases of any person, (C.R.S. § 24-72-302(2)).

Criminal Justice Agency: Any court with criminal jurisdiction and any agency of the state or of any county, city, governing boards of institutions of higher education, school district, special district, judicial district, or law enforcement authority which performs any activity directly relating to the detection or investigation of crime; the apprehension, pretrial release, post-trial release, prosecution, correctional supervision, rehabilitation, evaluation or treatment of accused persons or criminal offenders; or criminal identification activities or the collection, storage, or dissemination of arrest and criminal records information,

(C.R.S. § 24-72-302(3)).

The Colorado Attorney General has deemed any agency of the United States government and any of the states of the United States of America and any agency of a foreign country whose duties are as defined in C.R.S. § 24-72-302(3) to be a criminal justice agency.

Criminal Justice Records: All books, papers, cards, photographs, tapes, recordings, or other documentary materials, regardless of form or characteristics, which are made, maintained, or kept by any criminal justice agency in the state for use in the exercise of functions required or authorized by law or administrative rule, (C.R.S. § 24-72-302(4)).

Criminal History: See "Arrest and Criminal Records Information."

C.O.S.I.N.: Computer Operated Sheriff's Information Network. System used prior to 2003 and replaced by Tiburon™.

C.C.I.C./N.C.I.C.: Colorado Crime Information Computer/ National Crime Information Computer. These state wide and nationally based computer systems are interlink through a cooperative agreement between the Colorado Bureau of Investigation (C.B.I.) and the Federal Bureau of Investigation (F.B.I.) to provide criminal activity information.

COSIN Criminal History: Criminal history information within COSIN.

CCIC/NCIC Criminal History: Criminal history information obtained through computer systems of the Colorado Bureau of Investigation, Federal Bureau of Investigation, Department of Revenue Motor Vehicle Division, National Law Enforcement Teletype System (NLETS), and any other local, state or federal criminal justice agency.

Custodian: The official custodian or any authorized person having personal custody and control of the criminal justice records in question, (C.R.S. § 24-72-302(5)).

Disposition: A decision from the courts not to file criminal charges after arrest, the conclusion of criminal proceedings, including conviction, acquittal, the dismissal, abandonment or indefinite postponement of criminal proceedings; formal diversion from prosecution; sentencing, or correctional supervision, and release from correctional supervision, including terms and conditions thereof; outcome of appellate review of criminal proceeding; or executive clemency, (C.R.S. § 24-72-302(6)).

Dissemination Levels: Tiburon™ internal control on reports set by BCSO supervisors to control access to specific reports.

> Level "P" (Public Report): Open to general inquiry, after internal supervisory review.
>
> Level "L" (Criminal Justice Agencies): Open only to criminal justice agencies for reasons such as an ongoing investigation, information concerning agency security or intelligence information, etc.

Level "G" (Sheriff's Office Access Only): Available only for internal Sheriff's Office employees and are not to be disseminated externally (e.g. reports entered by deputies but not yet approved by a supervisor, disapproved report awaiting officer correction as to form or content, an on-going investigation requiring tighter control, etc.)

Level "S" (Supervisor-only Access): Sheriff's Office supervisory-level access only (e.g., typically used for sensitive internal information concerning specialized planning, internal investigations, etc.)

Level "T" (Drug-Task Force Only): Used for cases, incidents, ore events that are currently under active investigation by the Boulder County Drug Task Force.

Level "R" (Top-Rank Only): Used for highly-sensitive internal investigations, which are most often criminal in nature. "Top Rank" officers include the Sheriff, Undersheriff, and Division Chiefs.

Internal Investigation File: A formal internal investigation of alleged misconduct conducted under *Policy 318 – Internal Investigations* and documented in a Supervisory Review (SR) or Internal Affairs (IA) file.

Official Action: An arrest; indictment; charging by information; disposition; pretrial or post-trial release from custody; judicial determination of mental or physical condition; decision to grant, order or terminate probation, parole or participation in correctional or rehabilitative programs; and any decision to formally discipline, reclassify or relocate any person under criminal sentence, (C.R.S. § 24-72-302(7)).

Official Custodian: Any officer or employee of the state or any agency, institution or political subdivision thereof who is responsible for the maintenance, care and keeping of criminal justice records, regardless of whether such records are in his actual custody or control, C.R.S. § 24-72-302(8). For the Boulder County Sheriff's Office the official custodian is the supervisor designated by the Sheriff to act on his behalf in that function.

Person in Interest: The person who is a subject (see primary subject definition below) of a criminal record or any representative designated by said person by power of attorney or notarized authorization; except that, if the subject of the record is under legal disability, it means and includes his parents or duly appointed legal representative, (C.R.S. § 24-72-302(10)).

Jail Jacket: A Boulder County Sheriff's Office file folder containing documents related to a person's arrest(s) and/or incarceration.

J.M.S.: Jail Management System, a software information retention/tracking system used by the Jail Division in the 1990's.

Primary Subject of a Criminal Record: While not statutorily defined, the Sheriff's Office considers suspects, defendants, witnesses, complainants and victims of criminal offenses to be primary subjects. (See person of interest definition above.)

Sealed Records: A record of a law enforcement agency that has been ordered removed from that agency's database by the Court. Upon the entry of an order to seal the records, a criminal justice agency may properly reply, upon any inquiry in the matter, that no such records exist with respect to the person. Sealed records may be opened and inspected only (except for criminal justice agencies) upon order of the district court, (C.R.S. § 24-72-702).

Tiburon™: A Sheriff's Office purchased commercial records management software system replacing C.O.S.I.N. and J.M.S. systems, which includes but is not limited to, arrest, records and reports, master files, jail files.

PROCEDURE:

I. Inspection Schedule

A. Records maintained within the Records Section are available for inspection by the general public at established and posted times or by special supervisory approval.

1. Criminal Justice agency representatives may request and inspect these records within the policies and procedures (cf. Records Section policies *R300 – Records Inspection Procedure* and *R303 – Case Report Requests*).

2. All other members of the public may request records and may inspect them when reasonably appropriate as to not interfere with the completion of the Record's Sections duties.

a. All records approved for inspection are made available for inspection within three working days, (C.R.S. § 24-72-303(3)).

b. Records not within immediate access (storage, micro-media processing, etc.) are made available for inspection as soon as practicable. The applicant requesting the records is advised of the circumstances and notified immediately upon availability, (C.R.S. § 24-72-303(2)).

4. Fees for searching and duplication are assessed in accordance with Colorado Revised Statutes and the established procedures of the Support Services Records and Civil Sections, (C.R.S. § 24-72-306)

B. Records maintained by other divisions are available for inspection during normal business or as otherwise approved by a supervisor.

1. Each division is responsible for scheduling approved inspections within three working days of the request, (C.R.S. § 24-72-303(3)).

2. Documents/information not within immediate access (storage, micro-media processing etc.) will be made available for inspection as soon as practical. The applicant requesting the records is advised of the circumstances and notified immediately upon availability, (C.R.S. § 24-72-303(2)).

II. Rights of Inspection

A. All records inspections shall be in accordance with this policy and all other established procedures and laws.

B. Inspection of any original record is not permitted when there are reasonable grounds to suspect the record may be damaged, destroyed, altered without authorization, or removed from the Sheriff's Office without authorization.

C. Any division may provide for inspection a true and accurate copy of an original record. A reasonable charge not exceeding the actual costs will be assessed for creation of the duplicate record in accordance with this policy, (C.R.S. § 24-72-306).

D. Any person denied the right of inspection is provided with an explanation of the grounds for denial. Upon written request by the applicant, the Sheriff's Office provides a written statement citing the law or regulation under which access is denied or the general nature of the public interest to be protected by denial. Any written responses are provided to the applicant within three working days, (C.R.S. § 24-72-305(6). Denial may be based on:

1. Inspection is contrary to any state statute.

2. Prohibited by rules of the Supreme Court or order of any court.

3. Disclosure is contrary to the public interest.

4. Disclosure would interfere or endanger ongoing investigations.

5. Disclosure of intelligence information.

6. Disclosure of internal investigation files that do not (a) involve in-uniform or on-duty conduct of a Sheriff's deputy <u>and</u> (b) an allegation of misconduct that involves a member of the public.

7. Disclosure could reveal operational security or tactical procedures of the Sheriff's Office, any Police Department, District Attorney, and/or any criminal justice investigatory files for any other law enforcement purpose.

8. Report has an internal case dissemination status indicating report is still in process or under investigation.

E. Court orders supersede the policies and procedures relating to Sheriff's Office records.

F. Requests that consist of broad and general inspection without reference to specifically identifiable reports will be honored based on limitation of current retrieval technology and resource allocation. All costs, including programmer staff time required conducting the collation of data, computer, and equipment usage costs, not to exceed actual costs, would be the responsibility of the requester and require payment in advance.

Access and collation of information such as Uniform Crime Reports and other standard Sheriff's reports will be allowed via the requester's own resources and personnel. Such access shall be supervised by and scheduled with the records custodian in accordance with C.R.S. § 24-72-205.

G. Any record normally open for inspection may be closed to inspection, should public interest and law enforcement needs require such action.

III. Records Open for Public Inspection

A. The following reports are open for public inspection unless specific exceptions (i.e. limited by court order) are stated:

1. Sheriff's Office Arrest reports

a. All BCSO arrest reports, unless release of the report would be is contrary to statute or other public interest exceptions apply, are available for inspection. Inspection may be denied upon approval of the Sheriff, any member of his command staff, or the Records Custodian.

2. Sheriff's Office crime reports, incident reports, property reports, voluntary statements, D.U.I. reports, summonses, rights advisements (subject to internal Sheriff's Office dissemination levels and retention schedules.)

3. Uniform Crime Reports and other Sheriff's Office statistical reports.

4. Budget information and reports.

5. Department policies and procedures.

6. Grants.

7. Personnel schedules.

8. Vehicle maintenance reports.

9. Press releases.

10. Department property inventory reports.

11. Prisoner photographs (mugshots).

12. Communication tapes (within 24 months of the date of request) and communication tracking information.

13. Animal control reports, licenses, and receipt logs.

14. Civil process, file folders, and money receipts.

15. Jail Jackets including fingerprints, photographs, (mugshots), internal jail incident reports, property forms, hard cards, and all other internal jail documentation held in these files (not to include any C.C.I.C./N.C.I.C. printout within the jail jacket).

16. COSIN/Tiburon™ criminal history, including master card listing.

17. Domestic Violence reports including temporary restraining orders and COSIN/Tiburon™ indexes.

18. Inactive warrants information (unless limited by §II.D or case dissemination level).

19. Sex Offender listing (subject to direction of Colorado Revised Statute.)

20. Completed internal affairs or supervisory review investigations file summaries that involve an in-uniform or on-duty deputy and which the allegation of misconduct involves a member of the public (subject to the constraints of C.R.S. § 24-72-303). If requested after provision of the summary, the entire file may be inspected.

IV. Records Open Only for Inspection by Person in Interest and Criminal Justice Agencies

A. The following reports are open for inspection by persons in interest and representatives of criminal justice agencies only. Requests must be made in person by completing a records request form (including Criminal Justice Agencies), no public telephone inquiries are accepted. Requests can be sent by facsimile, e-mail or web inquiry.

1. Alcohol Recovery Center and Mental Hold records.

2. Active arrest warrants.

4. Juvenile Records (see Section VII).

V. Records Open Only for Inspection to Criminal Justice Agencies

A. The following records are open for inspection only to representatives of criminal justice agencies.

1. CCIC/NCIC criminal histories.

2. Field interview cards.

3. Supplemental reports of cases open for investigation.

4. Active arrest warrants.

5. Sex offender registration forms.

VI. Records Closed for Inspection

A. The following records are closed for inspection unless authorized by the Sheriff, or a member of his Command Staff.

1. Intelligence files.

2. Internal affairs or Supervisory Review investigation files that do not involve an in-uniform or on-duty deputy <u>and</u> alleged misconduct that involves a member of the public.

3. Sheriff's Office employee personnel records.

4. Computer programming and computer system support documentation.

5. Programming and classification files.

6. Work release records pertaining to medical and/or psychological information.

7. Personal correspondence unless made a part of the record open to inspection.

8. Personal notes, notebooks, calendars, files, tape recordings and photographs.

9. Certain Sheriff's Office planning documentation.

10. Training records.

11. Tiburon™ message switching.

12. Prisoner medical histories shall be released only upon the treated prisoner's authorization or upon court order, including mental health information, (C.R.S. § 24-72-204(3)).

VII. Juvenile Delinquency Records

A. Records of law enforcement officers concerning juveniles, including identifying information, shall be identified as juvenile records and shall not be inspected by or disclosed to the public, except as identified by exceptions of specific Colorado Revised Statutes. Information concerning juveniles not charged with a crime or listed as a suspect in a crime, such as a witness, victim (except sexual assault) or complainant is releasable, (C.R.S. §19-1-304(2)(a)).

B. Names, addresses or other information concerning the identity of juveniles who are arrested or taken into temporary custody are deleted from reports disseminated to the general public.

C. Persons of interest and law enforcement agencies may have access to all juvenile records. Requesters are required to provide proof of relationship (such as same address of juvenile, birth certificate, appointment by court as guardian, etc.).

D. If a petition is filed in the juvenile court alleging that a juvenile between the age of 14 and 18 has committed an offense that would constitute a crime of violence, as defined in C.R.S. § 16-11-309, if committed by an adult or whenever charges are filed in district court alleging that a juvenile has committed such an offense, then the arrest and criminal reports for that crime as well as their basic identification information concerning such juvenile shall be made available to the public.

1. In such cases the requester must provide proof of the filing of said petition in juvenile court or

2. Provide proof that charges have been filed in district court or

3. The department has obtained knowledge of §§VII.D.I or VII.D.2 independent of the requester.

E. The news media has no special access to juvenile records and shall be treated the same as the public in release matters.

F. Military recruiters have no special access to juvenile records and shall be treated the same as the public in release matters.

G. Legal actions stemming from a juvenile case remain within the restriction of the children's code even when the juvenile has passed the age of 18 years.

H. Information on juvenile suspects and/or victims of sexual assault or child abuse/neglect will not be disclosed to the general public. Information identifying the complainant in these cases will not be disclosed to the general public.

I. Juvenile records concerning dependency, neglect and child abuse are not disclosed to the public in accordance with C.R.S. § 19-1-307, except as ordered by the Court.

J. Child abuse cases in which the suspected child abuse victim dies are releasable to the public in accordance with C.R.S. § 19-1-307(b).

VIII. Internal Procedures

A. The BCSO Records Custodian assigned to the Support Services Division is mandated by the Sheriff to establish all ongoing procedures for the day-to-day management of records release, and maintain the procedural changes required in response to changes in the application of the law, directed by the Colorado State Legislature.

1. Written operational policies and procedures shall be considered public record and freely viewable, unless excepted under §II.D.7. Copies of these procedures can be obtained in accordance with the fee structure established within those same procedures.

3. The Records Section may provide to the public a log containing computerized printouts of arrest, incident, and criminal reports, occurring during the next 24 to 72 hours. Any member of the public or media may access these reports at no cost, for viewing during normal business hours.

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

By Order of the Sheriff,

Joseph K. Pelle	5/9/2019
	Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Archiving & Destruction of Documents **NUMBER:** 528

EFFECTIVE: August 14, 2018 **SUPERSEDES:** March 24, 2014

POLICY: The Boulder County Sheriff's Office operates in conjunction with the Colorado State Archives, Division of State Archives, and Public Records to maintain a lawful records retention system, and maintain an accurate, efficient, and manageable retention and retrieval system with consideration for the selection of historical and permanent operational documents, in accordance with the applicable Colorado Revised Statutes (C.R.S. §§ 24-80-101 to 24-80-113,). All destruction of documents containing personal identifying information will be done in accordance with the applicable statute (C.R.S. § 24-73-101).

DEFINITIONS:

Certificate of Compliance: A document approved and prepared by the Colorado State Archives authorizing and documenting the destruction and method of destruction of permanent (after transfer to an approved alternative medium storage) and non-permanent documents in accordance with the C.R.S. and those procedural rules set by the Colorado State Archives.

Microfilm: An alternate method of document storage consisting of a film bearing the photographic record on a reduced scale of printed and other graphic matter.

Microfiche: This is an alternate method of document storage consisting of a sheet of microfilm containing rows of micro-images of pages of printed matter.

Non-Permanent Records Control Schedule Authorization: A document approved by and submitted to the Colorado State Archives identifying those documents, which have a limited retention schedule in accordance with C.R.S. and those procedural rules set by the Colorado State Archives. Boulder County Information Technology also maintains copies of document schedules.

Optical Disk: An alternate method of document storage consisting of scanning by laser paper documents onto a computer compact disk (CD/DVD) then coupled with personal computer (PC) based retrieval software.

Permanent Records Control Schedule Authorization: A document approved by and submitted to the Colorado State Archives identifying those documents that require permanent retention in accordance with the C.R.S. and those procedural rules set by the Colorado State Archives. Boulder County Information Technology also maintains copies of document schedules.

Personal Identifying Information (PII): Any information that can be used, whether individually or in combination together, to uniquely identify an individual. This includes name, birth date,

social security number, personal identification number, state-issued driver's license or identification card number, passport number, biometric data, and/or an employer, student, or military ID number (cf. C.R.S. § 24-73-101(4)(b)).

Purge Schedule: An internal schedule established by division in coordination with the Sheriff's designated Record Custodian, to identify and collect those non-permanent documents to be destroyed without medium duplication.

Records Custodian: The records custodian is the official custodian (Support Services Division Chief or any authorized employee) having possession and/or control of criminal justice records in question, C.R.S. § 24-72-301, et. seq.

RELATED POLICIES:
217 – Data Security, Use & Management

PROCEDURE:

I. Archive/Retention Schedules

A. It is the responsibility of the departmental Records Custodian to establish and maintain a permanent and non-permanent Records Control Schedule Authorization for all departmental records, in conjunction with the Colorado State Archives.

B. Each of these schedules is specific to a division or working subunit of the Sheriff's Office. These schedules identify the specific records involved (known as the "records title" by State Archives), the minimum retention period for each "records title," the reservations or limitations placed on each "records title" and the actions approved for the "records title."

C. Boulder County Information Technology maintains certificates of destruction of all documents currently listed on the Archive/Retention Schedules.

D. The Records Custodian prepares a *Control Schedule* and *Certificate of Compliance* specific to each division within the Sheriff's Office with special attention to certain sections within each division.

E. Each Division Chief appoints one or more authorized representative(s) from their division to coordinate all archiving, storage and destruction of documents for their areas of control. Divisional and sectional procedures must be developed by these designees to ensure consistent handling of documents prior to destruction and/or preservation.

II. Permanent Storage

A. Colorado Revised Statutes requires any document of administrative, policy, legal, fiscal, historical, or research of enduring value be permanently retained by an acceptable method approved by the State Archives. Broadly interpreted, a potential exists for a majority of Sheriff's Office documents to be of a permanent nature. In conjunction the Sheriff's Office's Records Custodian and the State Archives has established a listing/schedule of these identified permanent documents.

1. Master copies of these schedules are maintained in the Support Services Division of the Sheriff's Office and reside with the Support Services supervisors assigned to the Records Section. Boulder County Information Technology also maintains copies of schedules.

2. The following Sheriff's Office documents have been established as having a permanent retention classification:

- Arrest Reports.
- Criminal Reports including all associated case documents.
- Incident Reports.
- Annual, Departmental and Office of the Sheriff Reports.
- Policy and Procedures. *This includes a master copy of the final policy or procedure governing a subject or practice, for each time period that a policy or procedure was in effect prior to modification or redraft.*
- Computer generated Jail Lists.
- Computer generated Book and Release Lists.
- Jail Disciplinary Hearing Reports.
- Court Disposition information provided by the Court of Record.
- Jail Division Hard Cards containing summary information.
- Annual Civil Section Statistics Reports.
- Expungement / Sealed Records Files.
- Civil Case Reports.
- Case/Crime/Complaint Report Logs. (Month and Year)
- Annual Warrants Section Statistics Reports.
- Firearms Training Records.
- Film Negatives.
- Emergency Services Contracts.
- Historical, Administrative, Policy, Legal, Fiscal, and/or
- Research of enduring value.

C. It is the responsibility of the Records Custodian to coordinate storage, and/or alternate methods of archiving these documents with the assigned divisional representatives and State Archives. Methods of storage are to be consistent with budgetary allocations, physical storage capacity, and legal requirements. Documents converted to an alternative method of archives are to be maintained in the Records Section of the Sheriff's Office. Boulder County Information Technology maintains an electronic list of all documents stored offsite. Copies are sent to the Records Custodian quarterly, or as needed.

D. The Records Custodian meets periodically with the divisional representatives to review and modify any archives schedules and procedures. The Records Custodian briefs the Support Services Division Chief of any changes or modification and of the necessary projected resources to necessary to continue the task of proper archiving and destruction for the next year.

III. Non-Permanent Storage

A. Each divisional representative, in conjunction with the Records Custodian, is responsible for establishing a purge schedule based on that specific division's non-permanent records control schedule authorization. The purge schedule includes a method of collection of those documents due for destruction.

B. The representative, in conjunction with the Records Custodian, arranges for the transfer of those documents identified for destruction which are not already in central storage and which are still within the control of the specific division. This transfer occurs at least once annually.

C. The Records Custodian arranges for the overall disposal and transport of the identified documents authorized for destruction on an annual or needed basis. The methods of destruction that may be utilized, include, but are not limited to: shredding, paper recycle, landfill and/or pulp mill.

D. The Records Custodian is responsible for completing the "Certificate of Compliance" for each series or years' worth of documents destroyed. Boulder County Information Technology sends the Certificate to the Records Custodian on an annual basis.

IV. Destruction of Personal Identifying Information

A. When a non-permanent storage record that contains personal identifying information is determined to no longer be needed, whether in paper or

electronic form, the record must be destroyed in a manner unreadable or indecipherable through any means.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Body-Worn Cameras **NUMBER:** 529

EFFECTIVE DATE: May 5, 2020 **SUPERSEDES:** August 14, 2018

POLICY: The Boulder County Sheriff's Office equips select uniformed deputies with a body-worn camera (BWC) system. The BWC system is designed to assist deputies in the performance of their duties and is used to record certain duty-related activities, thereby creating a visual and/or audio record of the incident as a supplement to the deputy's report. A BWC recording does not constitute a complete or exhaustive record of an event or incident and a deputy's recounting of an incident or event, particularly under acute stress, may differ or vary from the recording based upon scientifically-validated psychological factors and/or limitations.

It is the purpose of this policy to provide deputies with guidelines for the use of BWC recording devices, but is not intended to describe every possible situation where the system may be used.

DEFINITIONS:

Body-Worn Camera (BWC) System – Any hardware device designed to be worn on one's person that captures audio and video for storage.

Digital Evidence – Electronic data containing probative information that is stored in a digital format.

Digital Evidence Storage – A device or service that can read, write, or store information represented in numerical form (e.g. computer hard drive, CDs / DVDs, magnetic tape, floppy disk, flash drive, memory stick, cloud storage, etc.).

RELATED POLICIES:
501 – Critical and Post-Traumatic Incident
503 – Boulder County Investigation Team
525 – Evidence Procedures / Handling
526 – Records Inspection
OP402 – Body Worn Cameras (Operations Division)
J939 – Body Worn Cameras (Jail Division)
R300 – Records Inspections (Support Services Division)
R301 – Records Inspections – Video & Audio Recordings (Support Services Division)
R302 – Records Inspections – Body Camera Footage (Support Services Division)

PROCEDURE:

I. Body-Worn Camera Systems

A. Deputies are only authorized to deploy BWC systems that are owned and maintained by the Sheriff's Office.

B. Digital evidence produced by BWC systems is to only be maintained and stored on the storage system(s) authorized and designated for BWC evidence.

1. Copies of BWC evidence for internal and/or external use are to be maintained or disseminated in accordance with the Records Dissemination and Evidence policies.

C. Public release of BWC recordings will be in accordance with current departmental evidence release and records dissemination policies, to be maintained or disseminated in accordance with the *Colorado Criminal Justice Records Act*.

1. BWC recordings may not be released on social media or other public websites without the authorization of the Sheriff or his designee. The Records Section supervisor will determine what, if any, redactions must be made to comply with all applicable laws before release.

D. The Sheriff's Office recognizes there are limitations to any recorded BWC footage. As such, a BWC recording will only be used to supplement an event analysis and will not be used in isolated consideration.

1. Examples of known limitations of any camera device include, but are not limited to: the fact that a camera recording only captures an event in a two-dimensional view, from a single perspective; danger cues observed by a deputy may not always be captured or visible on the recording; and cameras are unable to accurately capture what the human eye sees, particularly in low-light conditions.

II. BWC General User Requirements

A. Users of the BWC system shall be trained on their proper use and policy requirements prior to the utilization and deployment of a BWC device outside of a training environment.

B. Prior to going into service each day, each uniformed deputy with an assigned BWC shall test the system in accordance with manufacturer specifications and training. Testing includes:

1. Verifying that the camera/recording device is functional and that the lens is clean and the microphone opening is free of debris;

2. Verifying the device has adequate power/charge;

3. Ensuring that the device is properly placed/affixed for optimal use;

C. If at any time the BWC is found not to be functioning properly, it is to be removed from service and the appropriate supervisor and/or BWC administrator notified as soon as reasonably possible.

D. Deputies or detectives operating in a plain clothes or undercover capacity are not required to utilize a BWC system in the performance of their duties.

E. Whether a BWC system will be used in a specialized tactical operation (e.g. by a SWAT Team, Riot Team, or other specialized unit) is determined by the BCSO command officer overseeing the operation. Considerations should include, but are not limited to: the duration, scope and purpose of the mission; ability to accommodate a BWC system with mission-required equipment; and mission environment (e.g. extremely cold weather, inclement weather, or other factors considered under the discretion of the command officer, which could be detrimental to the BWC hardware during prolonged exposure).

III. Body-Worn Camera Recordings

A. Once activated, the BWC – with few exceptions as outlined under 'Cessation of Recordings' – shall remain on and not be turned off until the initial incident that caused the activation has concluded.

1. For purposes of this section, conclusion of the incident occurs when the exchange of substantive communication with citizens related to law enforcement activities has concluded.

B. All incidents may not clearly start out as needing to be documented by a BWC or have a clear ending when the BWC is no longer needed or required. Deputies are to use their best judgment under this policy as to when the activation occurs and when it is terminated when the situation is unclear.

C. Required Activation of the Body-Worn Camera

1. All field contacts by uniformed deputies involving actual or potential criminal conduct within video or audio range, including but not limited to:

   a. Traffic contacts

   b. Vehicle pursuits

   c. Suspicious person/vehicle contacts

   d. Arrests

   e. Vehicle searches

   f. Physical and/or verbal confrontations

   g. Use of force situations

   h. Domestic violence calls

   i. DUI investigations, including field sobriety maneuvers

   j. Any call for service involving a crime where the recorder would clearly aid in the apprehension and/or prosecution of a suspect.

   k. Any self-initiated activity in which a deputy would normally notify dispatch and in which a BWC recording could be useful.

   l. Any contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

2. Any contact within the jail in which a use of force, beyond compliant handcuffing, may be reasonably expected to occur

including cell extractions, restraint chair utilization, uncooperative subjects in booking or other areas of the jail, and any other situation in which the deputy deems may warrant the use of a BWC for an incident.

3. In the service of civil process, contacts involving the service of protection orders, the initial contact on an eviction, or on any high-risk civil process in which a confrontation is reasonably expected to occur or may occur.

    a. On an eviction, once the initial contact has been made, if the defendant occupant(s) is (are) cooperative and compliant, or if the subject property is unoccupied, the recording may be terminated. D.

D. When Activation is not Required

1. Activation of the BWC is not required during breaks, lunch periods, when not in service, or when a uniformed deputy is otherwise involved in routine or administrative duties.

E. Limitations on BWC Activation and Recording

1. No member of this agency may surreptitiously record a conversation of any other member of this agency or other law enforcement, except with a court order or when authorized by the sheriff, undersheriff, or a division chief, for the purpose of conducting an investigation or administrative function.

2. No member of this agency may show a recording to anyone outside of law enforcement without supervisor approval.

F. Cessation of Recording

1. If there is a break in the recording of a case-related incident, when known, the deputy's report or documentation shall explain why that break occurred on the recording or in the associated report. Examples of such breaks in recording include but are not limited to:

    a. There is a malfunction to or accidental deactivation of the device;

b. The deputy is on a related assignment that has no investigative purposes, such as a scene security post, scene processing, traffic post, etc.

c. Activity such as a transport or change of venue where there is no incident-related law enforcement activity occurring;

d. Once an event has been stabilized, if it is necessary to discuss issues surrounding the investigation with a supervisor, another deputy, another law enforcement or public safety official, or a mental health clinician in private.

1) The deputy shall break contact with any citizen if they plan on intentionally turning off or muting audio recording on the BWC. Prior to ending or muting the recording the deputy should verbally articulate the general reason for doing so.

e. If a request is made for a BWC to be turned off by a party being contacted, the deputy shall take into account the overall circumstances, and what is most beneficial to all parties involved, before deciding whether to honor the request. In all instances, the request to terminate the recording should be captured by BWC.

1) For example, a deputy may choose to turn off the BWC device if its operation is inhibiting a victim or witness from giving a statement.

2) Extenuating circumstances must exist for a deputy to grant the request to terminate the recording and must be articulated on the recording prior to terminating it.

2. When a deputy has determined that no additional substantive citizen interaction is likely to occur, the BWC may be shut-off as a deputy completes their investigation such as during the processing of a crime scene for evidence and other procedural activities for which the BWC footage is unwarranted.

IV. Uploading, Downloading and Storage of Recordings

A. Uploading or downloading of digital evidence from a BWC will be done in accordance with manufacturer specifications, training, and this policy.

B. BWC recordings will be treated as evidence.

1. BWC evidence will be stored in a secured manner at all times to maintain the integrity of the digital evidence and chain-of-custody.

2. Deputies are not authorized to duplicate, delete, modify, edit, or otherwise manipulate digital evidence or data from the BWC device under any circumstance.

C. BWC recordings that are associated with a departmental case report number must have a property/evidence entry made by the deputy into the ARS report, just as if physical evidence was being submitted to Property & Evidence.

D. BWC recordings that are not associated with a case report number must have a notation made on any corresponding documentation by the deputy including Jail IR reports, traffic summonses, FI cards, and other corresponding reports, that the contact was recorded.

E. All BWC recordings shall be periodically uploaded or downloaded, but all recordings shall be uploaded or downloaded no later than the end of the deputy's shift. If there is an extenuating circumstance when this cannot be accomplished, a supervisor must be notified and approve the delay.

V. Classification and Retention of Body-Worn Camera Recordings

A. After recording an encounter, the deputy shall initially classify the recording by tagging the video with the pertinent information prescribed by the BWC training program lesson plan.

B. Any BWC recording classification may be changed to another classification or have its retention status changed for the benefit of an investigation, organizational needs, or modified retention.

1. In general, classification changes will be made by the Records Section as part of their record retention and management duties; however, the involved deputy or any supervisor may request the classification be upgraded by the Records Section to result in a longer video retention period.

2. Downgrading the classification to a shorter retention period requires the approval of the Records Section manager.

C. Classifications, descriptions, and retention times are as follows:

   1. "Unclassified" – The default classification of videos uploaded to the system that has not otherwise been classified by an employee. The retention period of unclassified videos is thirty (30) days from the date of the recording.

   2. "Contacts" – Any stops involving a citizen, vehicle, or bicycle where the deputy issues a penalty-assessment citation. Retention will be one hundred eighty (180) days.

   3. "Jail Operations" – Encounters within the Jail Division that are typically classified as being a critical incident, or involve the use of force, however slight. Retention will be one hundred eighty (180) days. In cases where a BCSO case number is drawn (not a JMS incident report), the video should be marked as "Case Report/Criminal Action".

   4. "Case Report/Criminal Action" – Anytime a BWC recording has been made during an investigation and a case report has been generated. These recordings are subject to general policy and procedure regarding the retention of case-related evidence, but the default retention period for this classification is 3 years unless dispositioned earlier in accordance with BCSO Policy 525.

   5. "Restricted" – Any BWC recording that documents an incident which is deemed sensitive in nature – whether evidentiary or for purposes of mutual accountability – may have its access restricted to designated personnel

only. BWC recordings classified as "Restricted" are permanently retained until further order of the affected Division Chief, Undersheriff, or Sheriff.

a. This classification may be assigned by any supervisor, and is entered by a BWC administrator. The requesting supervisor, BWC administrator, or Records Manager, must identify the individuals or sections that are authorized to have view-access to the recording.

b. Examples include, but are not limited to, cases involving use of force resulting in death or SBI, officer-involved shootings, allegations of criminal actions by an officer or by a citizen with an officer as a victim, and investigations alleging misconduct.

6. "Permanent Retention (PR) or Manual Hold" – BWC recordings sometimes need to be retained on a more permanent basis than the above classifications allow for. The PR classification or Manual Hold is utilized in the Motorola Vault system any time a BWC recording is needing to be retained permanently. A BWC administrator, assigned case agent or supervisor may request a physical copy is submitted to evidence at times when on-site storage is requested.

a. When the PR classification tag has been applied to the video as evidence, the disposition of the recording will follow the regular disposition process for all case-related evidence. Examples include a Notice of Final Action is received from the DA's Office, the statute of limitations has elapsed, or other applicable dispositions in policy.

b. When the PR classification tag was applied by a supervisory request as part of an administrative review or action, the video may only be reclassified with the permission of a command-level deputy, a division chief, the undersheriff or the sheriff.

7. "Capture App" – Items uploaded to the *Motorola Vault* system utilizing the Motorola Capture application available to deputies on their assigned mobile devices will be permanently retained. Disposition of items added through the Capture Application will be handled in accordance with BCSO Evidence Policy 525.

VI. Review of Body-Worn Camera Recordings

A. All recordings and related digital evidence are the property of the Boulder County Sheriff's Office.

1. BWC recordings that depict or involve members of other law enforcement agencies will be made available, un-redacted, to those law enforcement agencies upon request.

B. Recordings may be reviewed in any of the following situations:

1. When the BWC footage captures a use of force, deputies are authorized to review their BWC footage *after* completing their initial report, or, in the case of a force investigation—such as an officer involved critical incident—after their initial interview is completed.

a. The Sheriff's Office recognizes that under the *Graham v. Conner* standard of objective reasonableness applied in a use of force analysis, it is critical to obtain detailed information as to the deputy's perceptions and decision-making in a use of force encounter. Therefore, it is critical to obtain and memorialize a deputy's independent memory prior to reviewing any footage, as the objectively reasonable standard is judged upon the on-scene perspective of the deputy and not by using the 20/20 vision of hindsight.

1) The Sheriff's Office acknowledges that any visual recording is only representative of one perspective of an event, and that a camera "sees" differently than the human eye. A deputy's recall of an event, particularly in a critical, acute-stress, encounter is distinct from any other view.

b. If, after reviewing a BWC recording, a deputy's recollection is enhanced and they recall additional information beyond their independent recollection, that information is to be memorialized. That additional recalled information can be memorialized by:

1) The same report narrative, but only after qualifying the additional recalled information as having come from a review of BWC recordings.

2) Continuation of an interview.

3) Completion of a supplemental report.

c. In light of the inability to predict all possible circumstances in policy, upon articulable cause, the Sheriff may authorize a deputy to review BWC footage prior to completing their report or providing a formal interview.

2. By a deputy when preparing their written report or other case-related documentation that does not involve a use of force.

3. By a supervisor investigating a specific act, allegation, or pattern of officer misconduct.

4. By a supervisor to assess an articulable concern surrounding deputy performance.

5. To assess proper functioning of BWC systems and proper classification of BWC recordings.

6. By an investigator or supervisor who is participating in an official investigation, such as personnel complaint, administrative inquiry, or a criminal investigation.

7. A deputy who is captured on or referenced in the video and/or audio recording may review the recording and use it for any purpose relating to his/her employment, such as incident debriefings or training, unless otherwise restricted.

8. For training purposes.

a. If an involved deputy objects to showing a recording, his/her objection will be submitted to their division chief (or the division chief's designee) to determine if the training value outweighs the deputy's objection.

1) In no event shall any recording be used or shown for the purpose of ridicule or embarrassing any employee.

VII. Supervisory Responsibilities

A. Supervisors will monitor and verify that their deputies are properly using the BWC units as prescribed by departmental policy and training.

VIII. Divisional Policies & Procedures

A. Each division that utilizes or has responsibility for maintenance, processing, storage, and retrieval of recordings, from BWC systems, will establish a divisional policy and procedure to supplement this policy.

1. The purpose of each supplemental divisional policy and/or procedure is to provide division-specific guidance as to the deployment, utilization, and management of BWC systems and recordings, specific to each division's circumstances.

B. If a conflict is found to exist between a divisional policy and procedure and this policy, this policy shall control and take precedence.

By Order of the Sheriff,

Joseph K. Pelle

5/5/2020
Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: IN-CUSTODY DEATHS **NUMBER:** 530

EFFECTIVE: September 6, 2016 **SUPERSEDES:** New

POLICY:

It is the policy of that sheriff's office that all authorities having jurisdiction over a death are immediately notified when the death of an in-custody subject occurs. All in-custody deaths are thoroughly investigated, including a complete death investigation, an administrative (IA) review, a clinical mortality review, and a psychological autopsy, as appropriate. The sheriff's office will cooperate in the death investigation with all agencies having jurisdiction over the death. Any reports or documents generated as a result of this policy are confidential and shall not be released unless authorized by the Sheriff or his/her designee.

RELATED POLICIES:

318 – Internal Affairs
501 – Critical and Post Traumatic Incidents
502 – Use of Force
503 – Boulder County Investigation Team
519 – Automated External Defibrillators
525 – Evidence Processing & Handling
J2010 – Jail Medical Procedure re: Critical Incidents

DEFINITIONS:

Administrative Review: An internal review of correctional, emergency response, and involved staff or deputy actions, and the circumstances surrounding the death of an in-custody subject.

"Blue Book": A collection of all related documents and evidence prepared for the County Attorney's Office for review in the event of litigation.

Clinical Mortality Review: An assessment of clinical care provided by medical staff of the sheriff's office to the subject of the in-custody death. The purpose of the clinical mortality review is to identify areas of patient care or related policy and procedures that may need improvement.

Critical Incident Stress Debriefing: A process whereby individuals are provided an opportunity to express their thoughts and feelings about a critical incident (e.g. suicide, serious injury or death, etc.), provide an understanding of critical stress symptoms, and discuss processes of dealing with those symptoms. Critical incident stress is a normal reaction to an abnormal event that causes individuals to experience unusually strong emotional reactions.

In-Custody Death: The death, or expected death, of an individual while in-custody. For purposes of this policy, custody occurs when there is a responsibility established for the direct care and control of an individual, including those incarcerated at the Boulder County Jail, those under criminal arrest, those in custody pursuant to a writ or warrant, and subjects held under emergency commitment orders or other statutory authority.

Psychological Autopsy: A reconstruction of an individual's life, in whole or part, with an emphasis on factors that may have contributed to the individual's death. A psychological autopsy may also

be referred to as a psychological reconstruction and is typically conducted by a psychologist or other qualified mental health professional.

PROCEDURE:

I. Rendering Medical Aid and Medical Transport

A. When an individual in the care and custody of the sheriff's office is found to be in, or suffers from, apparent medical distress, has sustained a serious injury that could result in death, or is unresponsive, emergency fire/rescue medical personnel shall immediately be summoned.

1. Deputies – and in the jail, on-duty medical staff – shall immediately begin to render medical aid and resuscitative efforts, to the best of their ability, until relieved by fire/rescue personnel, or a pronouncement of death is made by a qualified medical professional.

a. If an inmate incarcerated at the jail is found to be obviously deceased (e.g. evidence of rigor mortis, livor mortis, etc. during a cell check) the scene is secured pending an investigation.

i. Fire/rescue personnel shall be summoned, but the on-duty jail supervisor shall limit medical personnel entering the scene to one paramedic for the expressed purpose of the official pronouncement of death.

b. In-custody individuals may be relocated by deputies or medical staff to any area necessary in order to render medical care or life-saving resuscitative efforts.

B. When sufficient personnel have arrived to render medical aid, and if possible under the circumstances, additional deputies or officers should be assigned by the on-duty supervisor or the incident commander to act as supporting personnel to the incident. The following personnel should be considered:

1. A scribe assigned to document significant events and track an event timeline.

2. Deputies or other staff assigned to maintain and preserve the scene, to the greatest extent possible, without interfering with medical intervention or life-saving efforts.

a. Deputies or staff assigned to preserve the scene(s) should also take photographs of the area, from general-to-specific, to document as much of the scene as possible, as it is likely the potential scene will continue to be disturbed during the application of life-saving resuscitative efforts.

C. Once the in-custody subject has been moved from the scene, or scenes, while medical treatment is being rendered, the security of the original and any ancillary scenes, shall be maintained as potential crime scenes, to the greatest degree possible, with the available staffing.

D. As soon as practicable, the on-duty Operations Division supervisor shall be advised of the in-custody death, or potential death. The on-duty Operations Division supervisor is to ensure that appropriate resources are ordered and that the Detective Bureau is notified.

II. Pronouncement of Death

A. When qualified medical personnel have made a pronouncement of death, the body of the decedent shall remain in place, and the area will be secured by deputies as a potential crime scene, as the coroner's office has jurisdiction over the decedent, pursuant to C.R.S. § 30-10-606.

1. Any items attached to the decedent shall be left in place and undisturbed, including medical devices, implements, clothing, or other personal effects, until authorization from both a coroner's investigator and a sheriff's detective is obtained.

2. Medical and other ancillary equipment not attached to the decedent may be removed from the scene, after the scene has been secured and documented by photograph, upon the approval of a sheriff's detective supervisor.

3. Under no circumstances may a scene, whether primary or ancillary (including the inmate's cell, if they were incarcerated at the jail), be manipulated, disturbed, or cleaned, until the scene(s) are released by a sheriff's detective supervisor.

a. In recognition of the complexities of a pronouncement of death within the confines of the jail, it is understood that there is a balance between the responsibilities of crime scene preservation and the continued safe management and control of the remaining inmate population. The on-duty jail supervisors are permitted to screen or shield the crime scene from the view of other inmates, or take any other reasonable measures necessary, provided that each crime scene is preserved, including trace evidence.

i. The body of the decedent and the contents of the crime scene may not be covered in any manner, without the approval of the Operations Division detective commander or the Operations Staff Duty Officer (SDO).

ii. Under no circumstance will crime scene preservation usurp life safety priorities.

B. Upon the pronouncement of death, the coroner's office will be notified of the in-custody death through the Communications Center. The on-duty Operations Division supervisor is responsible to ensure this notification has been made in a timely manner.

C. If the in-custody death occurs in the jail, the on-duty Jail Division supervisor is responsible for notifying the on-duty (or on-call) Jail Division commander of the death. The on-duty Operations Division supervisor is responsible for notifying the on-duty Operations Division commander or on-call Staff Duty Officer of any in-custody death. It is the responsibility of

each division's on-duty or on-call command officer to make any additional notifications to their division's chain-of-command.

1. The incident commander is responsible for ensuring an "Executive/Command Staff" page notification is sent by the Communications Center.

2. The on-call or on-duty commander of the division in which the in-custody death occurs is responsible for notifying and briefing the sheriff's legal advisor.

III. Roles & Responsibilities

A. Principles of the incident command system are to be used to manage the initial response and subsequent investigation.

1. The initial deputies or staff on-scene are responsible for managing the incident until relieved by the on-duty supervisor of the involved division. The on-duty supervisor of the involved division will retain command authority until relieved, or until the pronouncement of death.

a. For events within Boulder County, when the pronouncement of death is made, incident command responsibility will transfer to the on-duty Operations Division supervisor until incident command is transferred to a detective supervisor.

2. The on-duty jail supervisor always retains authority and responsibility over on-going jail operations that are unrelated to an in-custody death investigation within the jail.

B. The Operations Division SDO, in consultation with the Operations division chief, the department's legal advisor, and the sheriff, as necessary, will determine who will undertake the death investigation.

1. In circumstances where the in-custody death, or expected death, is the result of an application of force that occurred within the jurisdictional boundaries of Boulder County, the *Boulder County Investigation Team* policy is to be applied.

2. In circumstances where the in-custody death, or expected death, occurs outside of unincorporated Boulder County, or outside of a sheriff's or county facility, the investigation will typically be handled by the municipal jurisdiction where the death occurs.

3. In circumstances where the in-custody death occurs outside of Boulder County (e.g. during an extradition or inmate transport), the local jurisdiction where the death occurred will handle the investigation.

C. Regardless of the jurisdiction or agency that handles the death investigation, an internal administrative investigation will be undertaken.

D. The sheriff's investigation of the in-custody death will be led by the Operations Division

Detective Bureau, under the supervision of the detective commander.

1. Upon the initiation of an investigation, all investigative steps or efforts must be coordinated through the detective commander, or the designated detective supervisor leading the investigation. This includes, but is not limited to, interviews of deputies and staff about what occurred, follow-up interviews or conversations with family members, and/or collection of documents and evidence.

E. Media and public information

1. The sheriff's Public Information Unit, led by the administrative commander in the Operations Division, is responsible for the completion of all media advisories, press releases, and public messaging related to in-custody deaths.

   a. Prior to any public messaging beyond the basic confirmation of an in-custody death having occurred, the sheriff, the affected division chief, and the sheriff's legal advisor, are to be consulted.

   b. Any information regarding an in-custody death, beyond confirmation of the incident, will be provided to the media and members of the public in written form. Members of the Public Information Unit may not provide comment, interviews, and information beyond the scope of the information disseminated in written form, without the authorization of the sheriff, or his designee, in consultation with the sheriff's legal advisor.

F. Notification of family members or emergency contacts

1. For any in-custody deaths, the notification of family members or emergency contacts will be coordinated with the assigned investigator from the coroner's office.

IV. Documentation, Preservation of Records, and Investigation

A. All deputies and staff, including supervisors, involved in an in-custody death or resuscitative efforts, are required to complete written reports documenting their involvement and actions according to their divisional report-writing and documentation procedures.

B. Reports of involvement shall include information the author has personal knowledge of, but are not limited to the following elements, and shall be written in the first-person form:

1. The identification of the author.

2. The location of the incident, the date, and the relevant time(s).

3. The full name(s) of all those involved, including full name and birth date for civilian witnesses, and ranks for sworn staff. Fire/rescue, ambulance or any other emergency response personnel must also be identified by agency, full name, and rank. All

individuals mentioned in the narrative of a report must be indexed.

4. A thorough and complete recounting of actions, observations, and decisions made, including all factors used in decision-making.

5. All facts and information to provide all necessary context, detail of circumstances, and the chain-of-events that occurred.

6. Statements of opinion should be avoided, but if included, must be qualified as such.

C. Preservation of evidence

1. All potentially related documents, audio/video recordings, and physical evidence shall be preserved and placed into Property & Evidence or the case file, as appropriate.

   a. For incidents that occur within the confines of the jail, the on-duty Jail Division supervisor, unless otherwise assigned by a member of the jail's command staff, is responsible to prepare the collection of, or make obtain copies of, and preserve, at a minimum, the following items:

      i. Jail jacket and booking information for the involved inmate(s).
      ii. All available medical records for the involved inmate(s), from both current and past incarcerations.
      iii. All related *Guard1™* records and logs, both for the entire housing unit involved, as well as the entire facility for that shift.
      iv. Copies of all Master Control logs for the involved shift.
      v. The involved inmate's property.
      vi. Preserve all relevant photo, video and audio records of the involved housing unit, and that are known to depict the inmate, for the preceding 24-hour period prior to their death, unless a greater timeframe is indicated through the investigation.
      vii. Housing unit rosters for the involved housing unit(s) on the day of the incident.
      viii. A list of all witness inmates who were in the housing unit(s) at the time of the incident.
      ix. Inmate movement and housing logs.
      x. Housing unit rosters, by date, which corresponds with the involved inmate's housing assignment(s) during their term of incarceration.
      xi. Any pass-on messages, records, emails, or documents, involving the deceased inmate.
      xii. All jail incident reports and worksheets involving the deceased inmate, whether related to their current incarceration or a past incarceration.
      xiii. Jail visitation logs related to the deceased inmate's current incarceration.

   b. The transmission and placement of these records and evidence will be coordinated with the assigned detective or a detective supervisor. Proper chain-of-custody must be maintained for all evidentiary items.

2. If an Automated External Defibrillator (AED) is used during the resuscitative efforts, the AED shall be collected as evidence by the investigating entity.

    a. For incidents in which the Boulder County Sheriff's Office is the agency investigating the in-custody death, the data interrogation of the device will be completed in accordance with the *Automated External Defibrillator* policy.

3. Cell phone recordings made by public bystanders shall be preserved in a manner that complies with the requirements of C.R.S. § 16-3-311 and §13-21-128.

D. Preparing the *Blue Book* litigation packet

1. The chief of the division primarily affected by the in-custody death is responsible to ensure the *Blue Book* litigation packet is prepared.

2. All documents placed in the *Blue Book* must also be placed into the case file.

3. The Operations Division detective commander is responsible to ensure all records, documents, and copies of evidence that are obtained during the investigative phase of the incident, are placed into the *Blue Book*, in addition to the case file.

E. Witness statements for incidents within the jail

1. Deputies assigned to the involved housing unit(s) within the jail should disseminate, and subsequently collect, voluntary statement forms to all inmates assigned to the housing unit on the date of the incident. Voluntary statement dissemination and collection should be considered a high-priority.

    a. Inmates who refuse to complete a written voluntary statement should be identified in a written report prepared by the deputy, which documents the dissemination and collection of voluntary statements. The deputy should include any statements made by the inmate as to why they would not, or could not, complete the statement, in addition to any other pertinent information provided; however, there is no expectation that the jail deputy will conduct an inmate interview.

    b. If necessary based upon jail work load or other factors, deputies from the Operations Division may be assigned to disseminate and/or collect the voluntary statements previously distributed, and/or assist in identifying and documenting the inmates who refused to complete the statement.

2. The assigned detective supervisor from the Operations Division will determine the appropriate scope of inmate interviews to be conducted, and by whom. This determination will be made based upon incident-specific circumstances.

F. When an in-custody death results from a subject's own actions, a psychological autopsy should be completed by a qualified mental health professional.

V. Post-Incident Considerations

A. Critical incident stress debriefings

1. Any critical incident stress debriefing(s) for employees and volunteers of the sheriff's office is to be done in accordance with the *Critical and Post Traumatic Incidents* policy.

2. If it is determined that a critical incident stress debriefing needs to be held for inmates as a result of an in-custody death or serious injury in the jail, it will be facilitated by a qualified mental health professional.

   a. A critical incident stress debriefing involving the inmate population is to only occur upon the approval of the detective supervisor overseeing the investigation in consultation with the jail division chief, or their designee.

B. Management of incident information in the jail

1. The division chief of the Jail Division, in consultation with the Operations Division detective commander, or their designee, should determine what information can be appropriately provided to the inmate population about the in-custody death, without complicating or contaminating any on-going investigation.

   a. The scope of the information jail deputies and staff can provide to the inmate population should be provided in writing and discussed in shift briefings. Deputies and staff shall not disclose any additional information beyond what is authorized.

C. Executive summary of the investigation

1. An executive summary of the investigation for public distribution will be prepared by the sheriff's public information officer and disseminated at the conclusion of the death investigation.

   a. The executive summary for public distribution may not be publically disseminated until approved by the sheriff, or his designee, in consultation with the legal advisor.

D. Administrative review

1. After the death investigation is completed, all information and findings are to be the subject of an administrative review. The administrative review is assigned as an internal affairs investigation, consistent with the *Internal Affairs* policy.

   a. The purpose of an administrative review is to determine if there were violations of policy and procedure, if any policy and procedure changes are necessary for improvement, to identify any training implications or needs, and/or identify factors related to risk management or mitigation to try and prevent future incidents.

b. The contents and findings of an administrative review are not available for public release as outlined in the *Internal Affairs* policy.

2. A presentation of investigative findings will be coordinated by the detective commander for Executive Staff and members of the impacted division's command staff.

E. Clinical mortality review

1. For incidents that involve patient care provided by any medical staff member of the sheriff's office under the supervision of a physician advisor, including nurses, paramedics, or emergency medical technicians, a clinical mortality review shall be conducted.

a. It is the responsibility of the administrative commander in the division in which participating medical staff are assigned to ensure that a clinical mortality review is completed and documented.

i. Copies of the clinical mortality review are placed into the internal affairs file and into the *Blue Book*.

F. After-action review

1. It is the responsibility of the impacted division's chief to facilitate, schedule, or conduct employee tactical or operational debriefings or after-action reviews of the incident, the response, and the investigative findings.

G. Training implications

1. Any training successes or needs identified in the administrative review or investigation will be provided to each division's training coordinator(s) for incorporation into future training.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle, Sheriff Date

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SUBJECT: Medical Policy **NUMBER:** 531

EFFECTIVE DATE: February 21, 2017 **SUPERSEDES:** [New Policy]

POLICY:

It is the policy of the Boulder County Sheriff's Office for deputies and other designated employees to be trained to provide a basic level of emergency medical care in the course of their duties. A physician advisor shall oversee medical training and treatment programs. Based on organizational need there may be one or more contracted physician advisors utilized at any given time.

DEFINITIONS:

Approved Medical Provider: An individual who has been designated and approved by the Sheriff's Office, and is licensed by the State of Colorado, to deliver professional medical treatment and patient care as a part of their job assignment (e.g. nursing staff; EMTs assigned to the SWAT team or the Fire Management Office, etc.).

Emergency Medical Dispatch (EMD): Reception and management of requests for emergency medical assistance in a pre-hospital care EMS system.

Emergency Medical Services Personnel: Any Sheriff's Office approved medical provider whose primary responsibility for delivery of medical care or patient treatment is in an emergency, pre-hospital setting (e.g. EMTs, EMD dispatchers, etc.). Delivery of routine medical care (i.e. correctional nursing staff) are not included in the definition of Emergency Medical Services Personnel, although they may, on occasions, deliver, or participate in the delivery of, emergency medical treatment and care.

Emergency Medical Technician: An individual licensed by the State of Colorado to deliver pre-hospital medical care. There are three levels of EMT certification: Emergency Medical Technician (EMT), Advanced Emergency Medical Technician (A-EMT), and Paramedic (EMT-P)

CorrecTek®: The electronic health record (EHR) system utilized by the Jail Medical Unit for patient care records.

Jail Medical: A unit within the Jail Division charged with providing medical care to in-custody inmates.

Medical Director: A physician licensed by the State of Colorado contracted by Boulder County and/or the Boulder County Sheriff's Office to oversee, advise, and provide guidance for medical training and treatment programs, and to review patient care delivered by a sheriff's employee. For purposes of organizational policy, training

programs, and lesson plans, the term 'physician advisor' is synonymous with medical director.

Naloxone: A medication used to block the effects of opioids, especially in overdose. *Narcan*® is the brand-name of Naloxone, an opiate antagonist. For purposes of this policy and internal departmental policies, procedures, training protocols and lesson plans, the two names are synonymous.

Naloxone Kit: A pre-made kit including a single dose of Naloxone that is intranasally administered, instructions for administration, one fentanyl rated mask, and one pair of gloves.

Tactical Casualty Care (TCC): A standardized medical training program that uses evidence based life-saving techniques and strategies (e.g. wound packing, application of tourniquets, etc.) for providing trauma care in an out-of-hospital environment by trained personnel who are not licensed medical providers.

RELATED POLICIES:
OP403 – Naloxone (Operations Division)
J20-D-02 – Naloxone (Jail Division)
5.30 – Emergency Medical Dispatch (Support Services Division)

PROCEDURE:

I. Medical Programs

A. Jail Medical Program

1. The Jail Medical program is overseen by a medical director contracted for inmate medical care. Additional policy and procedural guidance beyond the scope of this policy are held at the divisional level.

2. Patient care reports and medical records for medical treatment delivered by the Jail Medical Unit are held and managed in the *CorrecTek*® Electronic Health Records (EHR) system.

B. SWAT TEMS Program

1. The SWAT Team utilizes a Tactical Emergency Medical Support (TEMS) program to provide pre-hospital emergency medical care in high-risk tactical operation environments. The TEMS program is overseen by a contracted medical director. Additional policy and procedural guidance beyond the scope of this policy for the SWAT TEMS Program are held at the divisional level.

2. The SWAT Team is allocated two positions as approved medical providers.

    a. An approved medical provider will maintain, at a minimum, an Emergency Medical Technician (EMT) certification, in addition to completing a basic SWAT operator school.

3. Patient care reports for medical treatment delivered by a TEMS approved medical provider are completed on a *Patient Care Report*, which are retained in the corresponding case file after their review by a medical director.

C. Emergency Medical Dispatch (EMD) Program

1. The Sheriff's Office's EMD Program is overseen by a medical director who shall assist in the evaluation, review, and provide final approval of all EMD training and protocols related to the delivery of medical treatment. Additional policy and procedural guidance beyond the scope of this policy are held at the divisional level.

D. Fire Management Program (FMP)

1. The FMO Program maintains at least one in-unit approved medical provider to provide pre-hospital emergency medical care in the event of a medical or trauma emergency during fire operations. The FMO Medical Program is overseen by a contracted medical director. Additional policy and procedural guidance beyond the scope of this policy are held at the divisional level.

E. Deputy Medical Program

1. All sworn deputies are required to receive, and maintain, training in basic first aid, CPR, AEDs, and TCC, in order to render basic medical care until they are relieved by an approved medical provider or medical personnel licensed by the State of Colorado to provide pre-hospital medical treatment and patient care.

    a. All deputies commissioned through Colorado P.O.S.T. are required to maintain a current CPR certification as a requirement of their peace officer certification.

2. Sworn deputies may be trained, and equipped, with naloxone to provide emergency medical treatment in the case of opioid

overdose, either through intentional introduction or accidental exposure.

3. The Deputy Medical Program is overseen by a contracted medical director.

4. Additional policy and procedural guidance beyond the scope of this policy are held at the divisional level.

F. Program Oversight

1. The designated manager of each medical program, or their designee, is responsible to ensure compliance with this policy, their overseeing medical director's contract, and that all divisional medical policies, procedures, and training programs are reviewed and approved by a medical director prior to implementation.

2. The Jail Medical Program is managed by the jail's Health Services Administrator (HSA).

3. The Emergency Medical Dispatch (EMD) Program is managed by the Communications Director.

4. The SWAT TEMS and FMP Medical Programs are internally managed by the Operations Division commander assigned to oversee each unit.

5. The Deputy Medical Program is managed by the commander assigned over the Training Unit.

II. Medical Director

A. The Sheriff's Office contracts medical director services for the various medical programs maintained by the office. Although not expressly required, most often a medical director specializing in correctional medicine is contracted for inmate medical care and supervision, while a separate medical director is contracted for all other medical director services.

B. The medical director's responsibilities include, but are not limited to:

1. Providing comprehensive oversight, both direct and in-direct, for clinical services delivered by the Sheriff's approved medical providers and dispatch personnel.

2. Reviewing reports of medical care delivery to identify opportunities for improvement in patient care or system design. This includes review of patient care reports and medical records by an approved medical provider, and police reports detailing the delivery of significant medical treatment or care by a deputy or staff member who is not an approved medical provider (e.g. tourniquet application, wound packing, utilization of an AED, administration of CPR, administration of Naloxone, etc.).

3. Reviewing recorded medical command conversations, if available, to assure appropriate medical care and decision-making.

4. Reviewing and responding to requests to review high priority clinical cases within 24 hours of being notified of an incident or event.

5. Developing criteria for establishment and maintenance credentials for approved medical providers, including advisement of the Sheriff to summarily limit, suspend, or withdraw clinical credentials when/if necessary.

6. Directing, coordinating, and/or participating in the initial, on-going, and remedial education of emergency medical services personnel.

7. Assisting in, review, and/or approving the development of training lesson plan and protocols for deputies and detention specialists to deliver first aid or emergency medical care.

    a. There is no requirement that the medical director review and approve lesson plans or training curriculum from an established medical training program (e.g. CPR certification through the American Red Cross or American Heart Association, the TCC(C) Program through the Denver Health Medical Center, etc.).

8. Assisting in the design and development of protocols, guidelines, patient information forms, medical record forms, and consent forms for use by the Sheriff's Office medical programs.

9. Acting as a professional medical liaison on behalf of the Sheriff's Office, including, but not limited to, other physicians, healthcare systems, public health agencies, paramedic associations, governmental agencies, as needed.

10. Providing technical advice and assistance in the evaluation, acquisition, implementation, and utilization, of medical equipment, and medical programs.

11. Authorizing, supervising, and approving the purchase of medications for pre-hospital use in accordance with the full scope of practice.

    a. The medical director is the final authority for approving all local implementation plans, policies, and procedures, for the ordering, distribution and handling of controlled substances and medications.

12. Providing oversight of the office's AED Program in accordance with, and required by, 6 CCR 1015-3, Chapter 2, Section 4.

III. Medical Records

A. Approved medical providers are required to document their delivery of medical care and treatment through their divisionally-established medical documentation protocols and procedures.

B. Deputies and staff who are not approved medical providers are required to complete a narrative report detailing the medical care and treatment rendered.

C. All medical records will be maintained and protected in accordance with all applicable laws, including the Health Insurance Portability and Accountability Act of 1996 ("HIPAA").

    1. Medical records and reports may be shared, unrestricted, with a contracted medical director, or other approved medical providers with responsibility for any on-going patient care or treatment.

    2. The Records Section of the Support Services Division is responsible to process and respond to all other requests for copies of patient medical records.

IV. Naloxone

A. Staff members of the Sheriff's Office, whether or not they are approved medical providers, may be trained and equipped with a Naloxone kit to be utilized in the event of an emergency opioid overdose. Deputies and staff may be trained to administer Naloxone to

anyone suffering from a possible opioid exposure or overdose at the earliest possible time to minimize overdose-related health concerns.

1. Deputies/staff are not authorized to administer any expired Naloxone medication(s).

B. Only deputies and staff members having completed the prescribed training program are authorized to administer Naloxone.

C. Deputies and staff members are authorized to administer Naloxone, in accordance with their training, only on subjects who are unresponsive or are believed to be suffering from an opioid overdose. Deputies and staff will follow the indications for use of Naloxone in accordance with their training for its use.

1. Prior to administering Naloxone deputies/staff are required to perform a patient assessment, determine level of responsiveness, absence or decreased respiratory or pulse rates. Deputies/staff should make their best effort to employ universal precautions against pathogens prior to Naloxone administration.

2. Deputies/staff members shall call for emergency medical personnel as soon as possible when a suspect opioid overdose is identified and/or Naloxone is administered.

a. All subjects who are treated with Naloxone are required to be medically cleared by a physician.

3. C.R.S. § 18-1-712 allows for a person who is not a licensed health care provider or a health care facility, who acts in good faith, to administer an opiate antagonist to another person whom the person believes to be suffering an opiate-related drug overdose. The individual who administers Naloxone shall be immune from criminal prosecution for such an act.

D. It is the responsibility of each division to identify who is authorized to be trained and equipped with Naloxone, and to establish divisional policies and procedures, consistent with and as a supplement to this policy, for the management and oversight of a Naloxone Program.

1. Divisional policies and procedures shall include the identification of the position responsible to oversee the division's Naloxone Program; the process for inventory, inspection, assignment, security, and management of Naloxone medications; reporting of Naloxone medication administration and outcome(s) to the medical

director, the Public Health Department, and the State of Colorado, as required; and the training lesson plans, programs, and records, related to Naloxone.

By Order of the Sheriff,

_____ _____
Joseph K. Pelle Date

ATTACHMENTS & APPENDICIES:
SO531-A: Patient Medical Care Report Form

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Sex Offender Registration Program **NUMBER:** 532

EFFECTIVE DATE: February 21, 2017 **SUPERSEDES:** [New Policy]

POLICY:

It is the policy of the Boulder County Sheriff's Office to ensure all sex offenders residing in unincorporated Boulder County, or within a municipality where the Sheriff's Office is the primary law enforcement response agency, and in-custody inmates of the Boulder County Jail, are registered and monitored in accordance with state law.

DEFINITIONS:

Community Notification: Formal notification to the community of a sexually violent predator (SVP) that has registered with the Sheriff's Office. Community notification may include, but is not limited to, a media release, posting an informational bulletin or banner on the Sheriff's Office's public website, or hosting a community meeting advertised to the public.

Home Check: An in-person verification of a registrant's physical home address by a deputy.

Registration Law Enforcement Technician (RLET): The technician within the Records Section assigned to register sexual offenders and manage the related sex offender records.

Sex Offender Registration File: A file containing a registrant's registration and other required information and forms.

SOTAR: The Colorado Sex Offender Tracking and Registration (SOTAR) regional database managed by the Douglas County (Colo.) Sheriff's Office, used by numerous Colorado law enforcement agencies to register, track, and transfer offender registrations from one jurisdiction to another.

RELATED POLICIES:
OP206 – SVP Community Notification (Operations Division)
R410 – Sex Offender Registration Procedures (Support Services Division)

PROCEDURE:

I. Applicable Law

A. Title 16, Article 22, of the Colorado Revised Statutes is known as the *Colorado Sex Offender Registration Act.* The Sheriff's Office manages the sex offender registration program within the scope of this Article.

1. The Sheriff's Office adopts all statutory definitions in C.R.S. § 16-22-102, for purposes of this policy and for any other departmental purpose, communications, training, or directives related to the sex offender registration program.

II. Registration Requirements

A. The registrant is required to complete all forms prescribed and required by the Colorado Bureau of Investigation (CBI) pursuant to C.R.S. § 16-22-109. An offender registration is not complete unless all required forms are properly completed and signed.

1. Juvenile registrants shall have a parent or guardian present at the registration appointment. The parent/guardian is required to sign and date the CBI *'Colorado Sex Offender Registration'* and the *'Notice to Register as a Sex Offender'* forms.

B. Each registrant shall be fingerprinted and have their photograph taken during the registration or re-registration process.

1. The offender must re-register within five business days of their birthday (or the corresponding day of the month, if required to re-register quarterly), or upon a significant change of their appearance. The re-registration frequency is determined by the offender's conviction record(s).

C. The following queries and systems are to be checked, at a minimum, for each registrant, with a copy of the query returns being placed in the Sex Offender Registration File:

1. CCIC / NCIC systems for warrants, criminal history, vehicle registrations, and active protection orders.

2. Court case history for both in-state and out-of-state.

3. Probation or parole information, including the contact information of their supervising officer.

4. Department of Corrections (DOC) records.

D. The offender's registration information will be entered into CCIC, which will include the offender's personal identifying information, driver's license number, and vehicle information.

1. The following statement should be entered in the miscellaneous (MISC/) field: *"SOR to notify ORI of any official contact // [term] registration required // convicted of [offense(s)] // supervision contact is [name and phone number of parole/probation supervisor] // [any protection orders in place] // [incarceration location, if applicable]"*.

III. Registration Process

A. Out-of-custody offenders

1. A sexual offender required to register with the Sheriff's Office shall contact the RLET assigned to the sex offender registration program in the Records Section to schedule an appointment to register or re-register.

2. The sexual offender registration process will be completed within three days of their registration appointment, including all system entries.

   a. The registration of a sexually violent predator (SVP) shall be completed the same day they appear to register.

3. Sexual offenders are subject to the sex offender registration fee listed in the *Records Schedule of Fees*. Payment of all associated fees, unless waived for cause, is required before the registration is deemed to be complete.

   a. It is the responsibility of a Records Section supervisor or manager to determine if a registrant shall be deemed indigent and have registration fees waived.

B. In-custody offenders

1. Booking staff query all arrestees through CCIC/NCIC as part of the booking process. If a record is located requiring an inmate to register or re-register, an entry is made requesting the Jail Classifications Unit complete the registration within five days of incarceration, if the registrant remains in-custody.

2. If an offender has been arrested on a charge of failure to register as a sexual offender, or has been designated as a sexually violent predator (SVP), the attending Booking deputy shall complete the registration at the time of booking.

3. If an offender is in-custody, or is remanded into custody by the Courts, and receives a sentence requiring sex offender registration, the attending Transports Unit deputy is responsible to initiate the registration process.

4. The deputy or unit completing the sex offender registration process is responsible to ensure all registration records are sent to the RLET as soon as the registration is complete.

5. In-custody offenders sentenced to Work Release shall be considered out-of-custody for purposes of the sex offender registration process; however, they will not be charged the sex offender registration fee.

6. In-custody offenders shall not be charged any sex offender registration fees.

C. Failure to Comply

1. Failure to cooperate and complete in all elements of the registration process shall be deemed a failure to register and may subject the offender to additional criminal charges.

IV. RLET Responsibilities

A. The RLET is responsible for tracking compliance, maintaining, and managing all sex offender registrations for the Sheriff's Office, including sexual offender registration files, and the maintenance of the Sheriff's Office's electronic records placed in the SOTAR system.

1. All sex offender registrations will be filed and managed under a case report number for tracking in the Sheriff's Office report writing system.

B. The RLET is responsible to ensure that each Sex Offender Registration File contains all of the response records for each required search and that all appropriate systems entries have been made. If a required search or entry was not completed during the registration process, the RLET will ensure it is completed before the offender file is completed and filed.

C. The RLET is responsible for notifying the Operations Division supervisor(s) designated by the Operations Division Chief of offender address verification checks that need to be conducted.

1. Deputies shall, as soon as possible following the initial registration, verify the residential address the offender registered at, and periodically thereafter.

    a. Sexually violent predators (SVP) shall have their residential address verified at least quarterly, while all other offenders shall have their residential address verified at least annually, as required by C.R.S. § 16-22-109(3.5)(a).

D. The RLET is responsible to notify the Operations Division detective supervisors and the detective assigned to sex offender cases of any law violation they become aware of, including failure to register as required, so that a criminal investigation can be commenced. This notification should occur promptly once a violation is identified.

E. The RLET is responsible to notify the Operations Division detective supervisors of the registration of a sexually violent predator (SVP), or on the date when notification is received from the Colorado Department of Corrections (DOC) that an SVP is being released into the jurisdiction of the Sheriff's Office.

    1. The RLET is responsible to compile a community notification bulletin with SVP registration information that can be publically released.

        a. After the bulletin is approved by a detective supervisor or command-level officer, the RLET will coordinate with the Sheriff's Computer Support Group (SCS) and Public Information Unit to distribute and post the bulletin on the sheriff's website and public information listserv.

V. Community Notification

A. Upon notification of the registration, or pending release of a sexually violent predator (SVP) in the Sheriff's Office's jurisdiction, the Sheriff's Office will provide the statutorily-required community notification of the offender's registration.

    1. Community notification shall include:

        a. An alert bannered notice being placed on the sheriff's homepage of its public website indicating a SVP has been registered within the Sheriff's Office's jurisdiction with a link to the media release or public information document. The

notification banner will be placed on the website for a minimum of 14 days.

b. A media release or other public information document providing publically-releasable information about the offender's registration, residence, and a copy of their registration photograph.

2. Community notification may include:

a. Notification through the Sheriff's Office's social media platforms.

b. A community or public meeting.

1) It is the responsibility of the Operations Division Chief, or his designee, upon being notified of an SVP registration or impending release from DOC and registration, to determine whether a community meeting needs to be held or not based upon the specific circumstances and the offender's residence.

VI. De-registration

A. When an offender moves outside the jurisdiction of the Sheriff's Office and de-registers, the new jurisdiction to where the offender moves is notified by the RLET of the offender's move, their new address, and the effective date they were de-registered by the Sheriff's Office.

1. If the offender moves outside of the State of Colorado, the RLET is responsible to notify CBI of the registration cancellation due to an out-of-state move, and the CBI assumes responsible to notify the state to which the offender moves (C.R.S. § 16-22-108(4)(a)(II)).

B. Once an offender has moved outside the primary jurisdiction of the Sheriff's Office, is no longer required to register by law or court order, or is deceased, their corresponding Sex Offender Registration File is archived by the Records Section and is managed according to the related records retention schedule.

By Order of the Sheriff,

_____ _____
Joseph K. Pelle Date

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURE MANUAL

SUBJECT: Civil Disturbances and Public Demonstrations **NUMBER:** 533

EFFECTIVE: January 8, 2019 **SUPERSEDES:** [New]

POLICY: The Boulder County Sheriff's Office will strive to effectively manage crowds during demonstrations or civil disturbances to prevent loss of life, injury, or property damage, and minimize disruption to persons who are involved. Deputies encountering such incidents shall adhere to this policy to protect life, property, and the exercise of First Amendment rights. In rare circumstances involving emergencies, and in widespread highly volatile civil unrest with the potential for widespread violence, the Incident Commander (IC) may temporarily suspend any policy, provision, or guideline contained herein, when such action is determined to be the only reasonable alternative for the prevention of loss of life or major property damage.

RELATED POLICIES & PROCEDURES:
[N/A]

DEFINITIONS:

Civil Disturbance: A gathering that constitutes a breach of the peace or any assembly of persons where there is a threat of collective violence, destruction of property, or other unlawful acts. Such gathering may also be referred to as a riot or unlawful assembly.

Crowd Control: Techniques used to address civil disturbances, to include a show of force, crowd containment, dispersal equipment and tactics, and preparation for multiple arrests.

Demonstrations: A lawful assembly of people organized primarily to engage in First Amendment activity. These may be scheduled events that allow for law enforcement planning. They include, but are not limited to, marches, protests, and other assemblies intended to attract attention. Lawful demonstrations can devolve into civil disturbances that necessitate enforcement action.

Operational Support Unit (OSU): A secure area located away from the incident used for processing detainees, or to assist with remote processing of arrestees not being booked into the jail (e.g., summons and release, completion of field investigation (F.I.) cards, warrant check(s), evidence gathering, etc.).

PROCEDURE:

I. General Directives

A. The Incident Command System (ICS) will be used to plan and/or manage a civil disturbance or demonstration response. As such, an Incident Commander (IC) will be established for the event.

B. The Operations Division Chief or their designee is responsible for planning the response to a civil disturbance or demonstration, whether a pre-planned or spontaneous event.

C. Whenever possible, the Sheriff's Office will pre-plan a response to a civil disturbance or demonstration and develop an Incident Action Plan (IAP). The IAP should address the following elements:

- Command assignments and responsibilities
- Personnel, unit structure, and deployment
- Liaison with demonstration leaders
- Liaison with outside agencies
- Release of information to the news media
- Transportation, support, and relief personnel
- Staging areas
- Traffic management
- Extraction teams and equipment
- Medical stations, in coordination with EMS providers
- Prisoner transport
- An Operations Support Unit (OSU) work site for satellite processing of arrestees not being booked into the jail

II. Response to Demonstrations

A. Pre-Planned Demonstrations: A demonstration may be a pre-planned event where notice is provided to the Sheriff's Office and a response plan can be pre-formulated.

1. When the Sheriff's Office has been notified of a planned demonstration, the Office will attempt to work with the organizers to plan a safe event that minimizes, to the degree possible, any negative impact on the community.

2. Organizers will be encouraged to use sidewalks and multi-use paths for marches. If organizers intend to use the roadway legally for a march, the Office will assist with traffic control when possible, depending on staffing levels and call load.

B. Spontaneous Demonstrations: Spontaneous demonstrations occur when no prior knowledge, information, or warning was received that allows for pre-planning a response.

1. When a spontaneous demonstration is observed, deputies will immediately notify their supervisor and monitor the demonstration.

2. The on-duty Operations Division supervisor will respond and assess the situation to determine an appropriate response, if any.

3. The following factors should be considered when assessing the demonstration:

   - Size of the crowd and what issue they are demonstrating.

   - Where they are assembled and any indications that the group may move.

   - Is there any opposition to the event or counter protestors that could incite conflict?

   - Are there enough law enforcement resources available to effectively manage the event to ensure public safety?

C. General Demonstration Response Guidelines

1. One of the primary incident objectives for a civil disturbance or public demonstration response is to protect the Constitutional Rights of all people. To that end, deputies should only intervene in a demonstration when there is a life-safety issue, or to protect the private property of an uninvolved innocent owner from major criminal damage, unless further command-level direction has been given.

2. Deputies should be deployed to monitor crowd activity.

3. Deputies should be deployed in a manner to minimize contact with the assembly, yet still maintain security and safety of the event.

4. As much as possible, deputies should not engage in conversations or respond to negative comments from demonstrators. Deputies should maintain a courteous and neutral demeanor.

5. Persons who reside, are employed, or have emergency business within the area marked off by a police line, are not to be prevented from entering unless the deputy determines that their safety would be jeopardized or their entry would interfere with law enforcement operations.

D. Deactivation and Demobilization

1. When the disturbance has been brought under control, the IC is responsible to ensure that the following measures are taken:

   a. All personnel engaged in the incident are accounted for and an assessment and documentation is made of any injuries sustained.

   b. Witnesses, suspects, and victims are identified and interviewed.

   c. A debrief with all involved personnel occurs.

   d. All written reports are to be completed as soon as possible after the incident.

   e. Ensure comprehensive documentation of the incident, the Office's response to the incident, with a statement to include the costs or equipment, personnel and related items is to be completed by the IC.

III. Off-Site Detention and Processing

A. Planning for large civil disturbance or public demonstrations situations should include a planned OSU site, which can be used for conducting further investigation of detainees, processing arrestees who are being summonsed and not jailed, completing F.I.'s, etc. A minimum of one commissioned supervisor, from either the Jail or Operations Divisions, shall be assigned to an OSU site.

B. Arrestees ineligible for summons and release are to be transported to the jail to be booked and lodged and are not brought to the OSU site.

VI. Documentation Requirements

A. All arrests shall be made based upon probable cause, and all detentions shall be made based upon reasonable suspicion.

B. All normal reporting and documentation procedures are required for documenting investigations, arrests, and detentions.

VII. Planning Review

A. The Operations Division Chief is responsible for coordinating an annual review of the civil disturbances and mass arrest plan, and to issue tactical guidance and considerations, and adjust them as necessary. This written plan, including tactical guidance and considerations, is attached to this policy as Appendix A (#533-A).

1. Given the operational security and sensitivity of Appendix A, it is hereby restricted from public dissemination and shall be marked as law enforcement sensitive (U//LES).

By Order of the Sheriff,

Joseph K. Pelle — 1/16/2019
Date

ATTACHMENTS:
533-A Civil Disturbances & Public Demonstrations – Tactical Guidance & Response Considerations (U//LES)
533-B Dispersal Orders

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SUBJECT: Civil Disturbances and Public Demonstrations – **Dispersal Orders** **NUMBER:** 533-B

EFFECTIVE: January 8, 2019 **SUPERSEDES:** [New]

1st (English):

I am ___(Name)___ of the ____(Agency)____. All persons here are in violation of Colorado Revised Statute _____. In the name of the ___Boulder County Sheriff's Office and State of Colorado, you are hereby ordered to immediately and peacefully disperse. If you do not immediately and peacefully disperse, you will be subject to arrest and detention. If you fail to submit to arrest, reasonable force will be used. You have ___(Minutes)___ minutes to comply.

1st (Spanish):

Soy ___(Name)___ del ___(Agency)___. Todas las personas aqui Están en violación del Colorado Revised Statute _____. En el nombre de ___(Agency)___ y estado de Colorado, usted está ordenado a retirarse de inmediatamente en paz. Si usted no se retira, usted estará sujeto a estar arrestado o detenido. Si no se somete a arresto, fuerza razonable será usado contra usted. Tiene usted (Minutes)___ minutos para cumplir.

2nd (English):

In the name of ____(Agency)____ and State of Colorado you are hereby ordered to immediately and peacefully disperse. If you do not immediately and peacefully disperse you will be subject to arrest and detention. If you fail to submit to arrest reasonable force will be used including chemical agents.

2nd (Spanish):

En el nombre de ___(Agency)___, y estado de Colorado, usted está ordenado a retirarse de inmediatamente en paz. Si usted no se retira, usted estará sujeto a estar arrestado o detenido. Si no se somete a arresto, fuerza razonable será usado contra usted incluyendo usó de agentes químicos.

COMMONLY IMPLICATED C.R.S. STATUTES

18-4-506.3. Tampering with equipment associated with oil or gas gathering operations.

18-8-104. Obstructing a peace officer, firefighter, emergency medical service provider, rescue specialist, or volunteer.

18-9-102. Inciting a riot.

18-9-103. Arming rioters.

18-9-104. Engaging in a riot.

18-9-105. Disobedience of public safety orders under riot conditions.

18-9-106. Disorderly conduct.

18-9-107. Obstructing a highway or other passageway.

18-9-108. Disrupting a lawful assembly.

18-9-114. Hindering transportation.

18-9-117. Unlawful conduct on public property.

18-9-119. Failure or refusal to leave premises or property upon request of a peace officer.

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

SUBJECT: Honor Guard **NUMBER:** 601

EFFECTIVE: February 4, 2020 **SUPERSEDES:** [New]

POLICY: The Boulder County Sheriff's Office Honor Guard represents the Sheriff's Office and participating agencies as a ceremonial unit. The Honor Guard may represent the Sheriff's Office in any public ceremonies in accordance with this policy.

DEFINITIONS:

Active Duty: An active duty member is a current employee, commissioned or civilian, of the Boulder County Sheriff's Office who becomes deceased because of illness, accident, injury, or natural causes not related to any performance of duty or law enforcement action.

Participating Agencies: Boulder County law enforcement agencies who voluntarily assign an officer/officers to the honor guard by mutual agreement with the Sheriff, for participation and representation at special events.

Honor Guard Team: a group of individuals including members of the Boulder County Sheriff's Office and participating agencies who agree to perform Honor Guard duties voluntarily at appropriate events.

Line-of-Duty: A current member of the Boulder County Sheriff's Office who becomes deceased as the direct result of circumstances surrounding any action taken while in the performance of any law enforcement duty, or when any civilian employee becomes deceased through the direct action of another, while the employee is engaging in their assigned duties.

Retiree: A retiree is defined as a person who retired in good standing as a full-time deputy sheriff/officer from the Boulder County Sheriff's Office, or a participating agency, or a retired civilian employee of the Boulder County Sheriff's Office, or participating agencies.

PROCEDURE:

I. Function

A. The team may be called upon to perform honor guard duties at various events around the community. These events may include law enforcement funerals, parades, school events, and any other events approved by the Sheriff or their designee.

B. The Sheriff or their designee, typically the Honor Guard supervisor, will approve any request for the Honor Guard's participation at an event. The unit supervisor

is responsible for notifying the Sheriff of any Honor Guard deployment.

a. The Sheriff must approve any Honor Guard unit deployment outside the state of Colorado, or that would require overnight lodging.

C. The team conducts drill and ceremony training quarterly.

D. The Honor Guard uniform is only to be used in special ceremonies and events approved of by the Sheriff.

II. Structure and Responsibilities

A. The team consists of a minimum of ten (10) deputy/officer positions, with one sergeant who oversees the unit.

B. These positions are filled by employees of the Boulder County Sheriff's Office and participating agencies.

C. The Sheriff is responsible to designate a supervisor to oversee the Honor Guard.

D. Supervisor's responsibilities:

1. Selection and supervision of members and administration of the Honor Guard.

2. Maintaining a minimum team of 10 members for training and deployment to various events.

3. Scheduling quarterly drill and ceremony/event training.

4. Maintaining inventory of equipment and ordering supplies as needed, including a predesignated United States Honor Flag, to be utilized in the event of a line of duty death.

E. Deputy/Officer responsibilities:

1. Maintaining their personal Honor Guard uniform and equipment in a state of readiness.

2. Attending quarterly training.

3. Availability for as many events as possible and that their current assignment allows.

4. Maintaining inventory of equipment and order supplies as needed.

5. Maintaining personal appearance as mandated in BCSO Policy 523.

F. Uniform

1. All members of the Honor Guard will wear the same uniform at approved ceremonies/events. Officers from participating agencies will wear their agency's shoulder patch and badge on the approved Honor Guard uniform.

2. Gloves: white dress Honor Guard gloves;

3. Campaign Hat: with acorns, hat badge and black hat strap;

4. Shoes: high gloss patent leather Oxford;

5. Duty Belt: high gloss patent leather with:

   a. Holster (worn on strong hand side);
   b. Magazine carrier (on weak side front of belt);
   c. Single cuff case (on strong side front of belt);
   d. Shoulder strap worn from the left shoulder to right hip.

6. Name Tag: has "serving since" year as part of the name tag;

7. Collar Brass: Determined by type of event and worn at the direction of the unit supervisor.

8. Pins: The only pins allowed are the American Flag pin and the "Honor Guard" pin; no other longevity pins or awards are authorized for wear on the Honor Guard uniform.

III. Drill and Ceremony

A. Formations:

1. The Honor Guard will follow U.S. Military protocols when activated for a ceremony.

2. The Honor Guard will follow the U.S. Marine Corp marching style when activated for a ceremony.

a. The unit will march in a close formation, shoulder to shoulder.

b. Placement of Flags: The United States Flag is on the right and the Colorado State Flag is on the left. A third flag may be added during holidays such as Memorial Day, or Veteran's Day. A department flag may be carried for special events, as determined by the unit supervisor.

c. Rifle carry: Shall be determined by the unit supervisor based on the type of event and will either be shoulder-carry or port arms carry.

IV. Funeral Protocols

A. Active Duty Funeral

1. The required uniform is the Honor Guard Dress uniform with a mourning band on the badge.

2. Honor Guard: Two guards are posted on each side of the head of the casket and changed by an escort during viewing hours at the funeral home. The same protocol will take place at the site of the religious services for one hour prior and through the end of the services. The use of an Honor Guard is dependent upon family request.

3. National Colors display will be driven by family wishes and religious protocol. National colors are displayed adjacent to the head of the casket. A guard carries the Color to the grave site. If the flag is draped over the casket of the member by the funeral home, the flag is folded by the Honor Guard. The Honor Guard consists of a bearer and one or two escorts. The bearer presents the Color to the Sheriff/Chief, or their representative for presentation to the family.

4. The unit supervisor may choose between a four or five position Honor Guard posted and rendering Honors as the casket leaves the religious service and leading the funeral coach to the grave site from the entrance of the cemetery.

5. A three or five position firing party may fire three volleys of gunfire after the conclusion of the graveside service, if requested by the family. Alternatively, an Honor Bell may be used in lieu of gunfire if desired.

6. Taps are rendered after the rifle salute, just prior to the presentation of the folded National Colors by the Sheriff to the immediate family.

7. Current members of the Boulder County Sheriff's Office, or participating partner agencies, who become deceased as a result of suicide are eligible for Active Duty Honors under this section provided the employee is not currently under investigation, criminal charges, or convicted of a crime that would cause dismissal as an employee, or whose actions would bring scrutiny or embarrassment to the agency.

    a. The Sheriff determines if Active Duty Honors will be rendered to an eligible employee under this section.

B. Line of Duty Funeral (Full Honors)

1. When a member has been declared deceased as a result of a line of duty action, the supervisor of the Honor Guard is notified as soon as practicable by the Undersheriff.

    a. The unit supervisor obtains a pre-designated National Color from headquarters. This flag is deemed the members "Honor Flag" and the supervisor takes it to where the member is located.

    b. The "Honor Flag" is draped over the body of the deceased member and remains with the member until the day of internment or cremation.

2. In case of internment, the canton of blue containing the stars representing the states of the union are cut from the National Colors and handled in accordance with the wishes of the deceased member's family and secured by the Honor Guard unit supervisor. The remaining portion of the flag is then be buried with the remains of the member.

3. In the case of cremation, the internment process is followed, although the remaining portion of the flag stays with the member and is cremated as well.

4. Immediately following the declaration of death of a member, the deceased member is guarded by an Honor Watch continuously until the member is buried or cremated, unless their family requests otherwise. Because of the intensity of hours, it is likely the assistance of the Colorado Fallen Hero Foundation and the Colorado Honor Guard Association may be requested

to accomplish this protocol.

5. The Honor Guard Dress uniform with a Black Mourning Cord, and a mourning band on the badge shall be worn.

6. Four officers in two marked patrol vehicles provide an escort, with one vehicle in front and one behind the transporting coach. There are four typical escort segments:

   a. The first escort will take the deceased from the scene or medical facility to the Coroner's Office;

   b. The second escort will take the deceased from the Coroner's Office to the funeral home;

   c. The third escort will take the deceased from the funeral home to the location of the religious or memorial service;

   d. The fourth escort will take the deceased from the location of the religious or memorial service to the internment site, if applicable.

   e. Should any additional transportation of the deceased member be required, an escort consistent with this section shall be provided.

7. Two guards are provided as Honor Watch. If utilizing additional agencies, the guard representing the member's home agency is posted at the head of the casket.

8. The casket is draped with the United States Flag. At the appropriate time during the rendering of honors, the United States Flag is folded. A guard escorts the flag to the grave site where it is presented to the Sheriff/Chief.

9. A four or five position Honor Guard is posted and render honors as the casket enters and leaves the religious service. A Cordon can be placed during this casket movement.

10. The fourth escort consisting of eight officers, typically pall bearers, escort the funeral coach from the religious service to the grave site. This escort also serves as the Flag Fold Detail. A Flag Fold team of four to six Honor Guard members fold and present the flag to the Sheriff/Chief or their representative.

C. Retiree

1. When requested by the family of a sworn retiree who left in good standing, an Honor Guard may be provided for a memorial service within the Denver-metro or Front Range area.

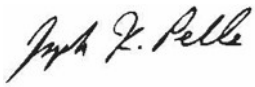
    a. A request for an Honor Guard member to attend a qualifying retiree's funeral or memorial service that is out of state or would require overnight lodging must be approved by the Sheriff.

2. The Honor Guard Dress uniform with a mourning band on the badge shall be worn.

3. One guard is posted at the head of the casket and changed by an escort. This protocol is provided at the Funeral home during viewing hours and at the site of the religious services for one hour prior and through the end of the services.

4. A folded National Color is displayed adjacent to the head of the casket. A guard carries the Colors to the grave site. The Honor Guard consists of a bearer and one or two escorts. The bearer presents the Colors to the Sheriff/Chief, or their representative, for presentation to the family.

By Order of the Sheriff,



Joseph K. Pelle	3/3/2020
	Date

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BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURE MANUAL

SUBJECT: Reserve Unit **NUMBER:** 602

EFFECTIVE: September 8, 2020 **SUPERSEDES:** June 15, 2017

POLICY: It is the policy of the Sheriff to maintain a unit of specially trained volunteers to supplement the full-time staff of the Sheriff's Office in providing public safety services to Boulder County.

The unit is comprised of individuals who have met the criteria for selection and have been appointed and commissioned as Reserve Deputy Sheriffs, consistent with the Sheriff's statutory authority to make such appointments.

RELATED POLICIES & PROCEDURES:
306—Recruitment and Selection
319 -- Disciplinary Action and Appeals Policy
523 -- Uniforms
OP303 – Operations Division Reserve Squad

DEFINITIONS:

On-Duty: A reserve deputy is on-duty when he/she is working a regularly scheduled shift, emergency call out, contract service, special event, or under those circumstances cited in Sheriff's Office Policy 202.III.D.1. All P.O.S.T certified deputies who are subject to exercising law enforcement authority during their regularly scheduled shift, are considered on-duty from the beginning of their workday until they are released from duty. This workday includes breaks and meal periods, except during the portion of the meal period when the deputy is released from duty and leaves the assigned duty post. Reserve Deputies shall be considered on-duty when driving Sheriff's Office vehicles.

Reserve Deputy: A member of the Reserve Unit, appointed and commissioned by the Sheriff to act as a deputy sheriff in an unpaid capacity, and who has completed all required training for their current duty assignment.

Reserve Deputy—Partner Level: A member of the Reserve Unit appointed and commissioned by the Sheriff as a Reserve Deputy, who has completed the prescribed training regimen necessary for designation as a Partner-level Reserve Deputy, in either a Jail or Operations capacity, including Court Security. A Partner-level Reserve Deputy may have full or reserve level P.O.S.T. certification, and work in tandem with a solo-qualified deputy, or may carry out certain tasks alone or with another Partner-level Reserve Deputy, as allowed by their assigned division's policies.

Reserve Deputy Recruit: A member of the Reserve Unit appointed and commissioned by the Sheriff as a Reserve Deputy, but who has not yet completed the prescribed training regimen

necessary for designation as a Partner-level or Solo-Qualified Reserve Deputy, in either a Jail or Operations capacity, (including Court Security).

Reserve Deputy—Solo Qualified: A member of the Reserve Unit appointed and commissioned by the Sheriff as a Reserve Deputy, who has completed the prescribed training regimen necessary for designation as a Solo-Qualified Reserve Deputy, in either a Jail or Operations capacity (including Court Security). Solo-Qualified Reserve Deputies must have received full P.O.S.T. certification and have completed a prescribed training regimen equivalent to that of paid, full time deputies in their assigned division. Solo-Qualified Reserve Deputies may carry out duties as allowed by their division's policies.

Reserve Squad Assistant Team Leader: A reserve deputy selected to assist the Squad Team Leader from their division (as deemed essential), with functions of the Squad. The Squad Team Leader appoints the Assistant Team Leader, with the approval of the Reserve Squad Commander, to a one-year term. The appointment is reviewed annually and may be extended at the discretion of the Reserve Squad Commander assigned to oversee their division's squad. During periods where long-term staffing is minimal, and no reserve deputy is suitable to fill the role, the Assistant Team Leader position may not be filled at the discretion of the Reserve Squad Commander. Assistant Team Leaders do not wear any indication of rank, and their authority resides within the Reserve Unit.

Reserve Squad Commander: A commander appointed as the overall supervisor of their division's respective Reserve Squad, by the Division Chief of that division.

Reserve Squad Sergeant: A sergeant, appointed by the division chief for their assigned division, to act as the principal contact between the Sheriff's Office and their assigned Reserve Squad.

Reserve Squad Staff: The Jail and Operations Division each maintain their own Reserve Squad Staff, which may consist of the Reserve Squad Commander, the Reserve Squad Sergeant, the Reserve Squad Team Leader, and the Reserve Squad Assistant Team Leader. The Reserve Squad Staff meets on a semi-regular basis to oversee and review the operations of their particular squad. Due to the nature of reserve deputy staffing at the Jail, the supervision of reserve deputies and the composition of the divisional Reserve Unit Staff may be adjusted as deemed necessary by the Jail Reserve Squad Commander and may not reflect the staffing listed above.

Reserve Squad Team Leader: Reserve deputies from the Jail and Operations Divisions, each selected (as deemed essential), by the assigned Reserve Squad Commanders, to track reserve deputy hours; coordinate Squad training for reserve deputies as approved by the Squad Commander or Squad Sergeant; attend Reserve Squad Staff board meetings; serve as a liaison between the Squad Commander and Squad Sergeant, and reserve deputies of their respective division. The Reserve Squad Team Leader is appointed to a one-year term by the Squad Commander. The appointment is reviewed annually and may be extended at the discretion of the Squad Commander. Reserve Squad Team Leaders do not wear any indication of rank, and

their authority resides within the Reserve Unit.

Reserve Unit: A group of volunteers, selected, organized and trained to provide support for the operational functions of the Sheriff's Office. The Unit is divided into two squads: Jail Reserves, and Operations Reserves, according to their specialized training and assignments. The Division Chiefs of each of those divisions has oversight of their respective squads.

Supervision: As used in this policy, pursuant to C.R.S. 16-2.5-110 (6)(a), (b):

> Direct Supervision means an assignment given by a fully P.O.S.T.-certified peace officer to a reserve deputy, which assignment is carried out in the personal presence of, or in direct radio or telephone contact with, and under the immediate control of, the fully P.O.S.T.-certified peace officer.
>
> Express Direction means a defined, task-specific assignment given by a fully P.O.S.T.-certified peace officer to a reserve deputy. The fully P.O.S.T.-certified peace officer need not be present while the reserve officer carries out the assignment.

PROCEDURE:

I. Reserve Unit Structure and Training Requirements

A. The Sheriff's Office Reserve Unit is composed of two squads: Jail Reserves and Operations Reserves.

1. Appointed Reserve Unit commanders oversee the operations of each squad.

2. Reserve Unit commanders are assisted by Reserve Unit sergeants and reserve deputies appointed as squad team leaders and assistant squad team leaders (as needed), in supervising the functions of their respective squads.

a. Due to the nature of reserve deputy staffing at the Jail, the supervision of reserve deputies and the composition of the divisional Reserve Unit Staff may be adjusted as deemed necessary by the Jail Reserve Squad Commander.

B. A Reserve Deputy applicant must meet all of the selection criteria required of a full-time deputy sheriff, to be considered for appointment.

1. Individuals with prior experience as a deputy with the Sheriff's Office may

be appointed at the discretion of the Sheriff and forego normal selection processes (as authorized), with an effective date selected by the Sheriff.

C. Reserve deputies are required to complete a basic Field Training Program and any specialized training programs, as required by their assigned division and/or unit.

D. Training and Proficiency

1. Reserve deputies must demonstrate continued proficiency and attend in-service training, as directed, in order to retain reserve deputy status.

a. The training may include normally scheduled divisional in-service trainings, or regularly scheduled Reserve Unit training.

b. Firearms qualified reserve deputies are required to attend all applicable Sheriff's Office firearms training and qualification shoots.

c. Reserve deputies may also attend outside agency training, with the approval of divisional command staff from their respective division.

E. Attendance at Scheduled Trainings and Meetings

1. Attendance at Reserve business meetings and departmental training classes is mandatory.

a. The Reserve Squad Sergeant or Commander of each division may authorize a reserve deputy assigned to their squad to miss a scheduled training class, prior to its start date/time. The missed class must be made-up at a later date. Failure to make-up mandatory, departmental training requires an excused-absence from a reserve deputy's Division Chief.

b. The Reserve Squad Sergeant or Commander may require any missed class to be made up by the individual, by attending a comparable training class.

II. Authorized Functions of Reserve Deputies

A. Level of P.O.S.T. Certification

1. Dependent on a reserve deputy's level of P.O.S.T. certification, assignment within the agency, and completion of position specific training (such as an

FTO Program), certain tasks and job functions may be carried out, as authorized.

a. Reserve deputies with full or reserve level P.O.S.T. certification may take law enforcement action while off duty, as described in *Policy #202—Authority and Jurisdiction*, as long as they have received prior agency authorization after completing all required agency or unit training.

b. Non-P.O.S.T. certified reserve deputies and all reserve security deputies (regardless of P.O.S.T. certification), are only authorized to carry out their duties while working in an on-duty capacity for the Sheriff's Office, and have no law enforcement authority outside of their assigned duties.

c. P.O.S.T. certified reserve deputies may perform duties both in and out of uniform as determined by the agency and/or a supervisor (sergeant or above).

d. Non-P.O.S.T. certified reserve deputies may only wear a BCSO uniform while performing non-enforcement functions including working in the Jail, Court Security, or attending official training and/or unit meetings, unless authorization to perform duties while not in uniform is first obtained from a supervisor (sergeant or above).

2. The job tasks and functions of reserve deputies are identified by each affected division through the policies or procedures of that division.

III. Chain of Command

A. Reserve Deputies Supervised by a Fully P.O.S.T. Certified Peace Officer

1. Reserve deputies report to and act at the direction of a fully P.O.S.T. certified peace officer whom is supervising them, or the on-duty shift supervisor(s).

2. For each division's Reserve Squad related business, scheduling of training, report review, and Personnel/Management Interviews (PMI), reserve deputies report to the Reserve Squad Commander, Reserve Squad Sergeant, Reserve Squad Team Leader, or Reserve Squad Assistant Team Leader, of their respective division, as designated by the Reserve Squad Commander.

3. Hours worked by reserve deputies assigned to each division, and other statistics deemed necessary to collect by the Squad Sergeant or Commander, are reported to the Reserve Squad Team Leader or designated squad supervisor of the affected division, by reserve deputies.

    a. The Reserve Squad Team Leader or designated squad supervisor reports the hours worked and other required statistics to the Squad Sergeant or Commander on a monthly and/or annual basis.

IV. Budget and Expenditures

A. Division Chief Approval

1. The Division Chiefs of the Operations and Jail Divisions approve all expenditures of funds from their respective budgets, related to the operation of their particular squad of the Reserve Unit, for equipment purchased by the agency. Both the Operations Division Chief and the Jail Division Chief approve of expenditures for uniforms and duty gear issued to the Reserve Deputies, within their respective divisions.

    a. The approval for uniforms or duty gear may be delegated to the Reserve Unit Commander or Sergeants, at the discretion of each affected division chief.

B. Reserve Unit Account

1. The Reserve Unit may raise funds and keep a separate account (maintained by the Sheriff's Office), to supplement Sheriff's Office expenditures or to cover Reserve Unit expenses not normally covered by the Sheriff's Office.

2. The division chief of the Operations Division or the Jail Division, approve all fundraisers, grants, and contributions to the Reserve Unit account, as they relate to their specific squads.

3. An appointed Reserve Unit Commander is responsible for oversight of any separate Reserve funds and accounts.

    a. This oversight can be designated to a Reserve Unit Sergeant. All expenditures of Reserve Unit funds require the approval of the appointed Reserve Unit Commander or Sergeant, and a Reserve Unit Team Leader (if one has been appointed).

4. Reserve monies from fundraisers, grants, or contributions are kept separate from other Boulder County or Boulder County Sheriff's Office funds.

    a. The Finance Section of the Sheriff's Office maintains these funds and provides accounting services in relation to the Reserve Unit account.

5. Expenditures from the account require the appropriate expenditure/purchasing process to be followed according to current Sheriff's Office or Boulder County accounting procedures, once approval for expenditure has been made by the appointed Reserve Unit Commander or Sergeant, and Reserve Unit Team Leader (if one has been appointed).

V. Property, Equipment, and Uniforms

A. An Operations Division and Jail Division designee (based upon division assignment of assigned reserve deputies), maintains records of all Sheriff's Office property assigned to the Reserve Unit, as well as maintaining records of all property purchased with Reserve Unit funds from the Reserve Unit account, which are held by the Unit as applicable.

B. The Sheriff's Office issues each Reserve Deputy equipment as determined by the Personnel and Training Unit, in accordance with Sheriff's Office policy 523.

    1. All equipment and uniforms are to be returned to the Sheriff's Office promptly upon a reserve deputy's separation from the unit.

C. Additional Equipment

    1. Reserve deputies may avail themselves of additional equipment owned by the Reserve Unit and/or Sheriff's Office such as flashlights, rifles, PBT's, MDC's, Tasers, and helmets (as available), while on duty, provided they have been trained and/or certified in the proper use of items such as PBT's, MDC's, Tasers, and rifles, etc.

    2. Individual reserve deputies are responsible for providing appropriate footwear, and firearm as prescribed by Sheriff's Office policy. Ammunition and ballistic vests are provided by the Sheriff's Office.

VI. Obligations, Leaves of Absence, and Removal from Program

A. Each reserve deputy is required to perform a minimum of 20 hours of voluntary service to the Sheriff's Office each month, which can include meetings and training time.

   1. Reserve Squad Staff may make exceptions to this requirement with approval of the Reserve Commander for the affected deputy's squad.

B. Reserves may apply to their respective Reserve Squad Staff for an administrative leave of absence for up to six months for medical or personal reasons.

   1. If the individual does not return to active status by the end of the maximum allowed absence, the individual will be administratively terminated from the Reserve Unit.

   2. Reserves are not required to attend monthly shoots or other training while on an administrative leave of absence.

C. Reserve deputies are required to conform to all applicable Sheriff's Office policies and procedures.

D. An individual serving the Sheriff's Office in the capacity of a reserve deputy does not have the same due process rights as a full-time employee, as delineated in the *Disciplinary Action and Appeals Policy (319)*, and is subject to removal from the position at the discretion of the Sheriff or the Sheriff's designee, when such removal is deemed necessary.

VII. Compensation

A. Reserve deputies are not eligible to receive any monetary compensation for service hours to the Sheriff's Office, except as described in C.R.S. § 16-2.5-110(II)(5).

B. Reserve Deputies who are injured during the course of their on-duty activities with the Sheriff's Office, are covered under the County's Workman's Compensation and long-term disability plans.

VIII. Carrying Concealed Weapons

A. Pursuant to C.R.S. § 16-2.5-101, all duly appointed P.O.S.T. certified reserve deputies (full or reserve certification), are deemed by the Sheriff to have the authority to carry firearms, concealed or otherwise, at all times in accordance with the Boulder County Sheriff's Office Firearms Policy.

1. Once a P.O.S.T. certified reserve deputy recruit has completed their FTO Program training, he or she may apply to their division chief for authorization to carry concealed weapons off-duty, and have their Sheriff's Office I.D. card marked accordingly, provided they have completed applicable departmental firearms training programs prior to being armed.

B. Nothing in this is section limits the right of an individual serving as a Sheriff's reserve deputy to apply for a Concealed Carry Weapons (CCW) permit as regulated by the State of Colorado.

By Order of the Sheriff,

Joseph K. Pelle, Sheriff — 9/1/2020 Date

ATTACHMENTS OR ADDENDUMS:
[None]

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SUBJECT: CHAPLAINCY PROGRAM **NUMBER:** 604

EFFECTIVE: June 29, 2004

POLICY:

It is the policy of the Boulder County Sheriff's Office to provide for the emotional support and psychological well being of its employees and volunteers. To that end, and in conjunction with other programs sponsored by the Sheriff's Office and Boulder County, the Sheriff has instituted a Chaplaincy program.

It is the purpose of the Chaplaincy program to provide emotional support, counseling, moral and ethical guidance, and a confidential "willing ear" to Sheriff's employees and volunteers. Further, the Chaplains are considered to be a resource in responding to major events, critical incidents, and other situations in which their skills as mediators, or status as respected members of the community may be of assistance to the Sheriff's Office.

DEFINITIONS:

Chaplain: An ecclesiastically certified minister, priest, or rabbi, who has volunteered his/her services to the Sheriff's Office, and who has been appointed to the position of "Sheriff's Chaplain" by the Sheriff.

PROCEDURE:

I. Structure:

A. The Chaplaincy program is a component of the Sheriff's Reserve and Volunteer Unit.

B. The Reserve Unit's liaison officer will serve as the primary point of contact between the Sheriff and the member Chaplains

C. The Sheriff may appoint members of the clergy, who meet the stated qualifications, to serve as a Chaplain for the Sheriff's Office. A Chaplain serves at the pleasure of the Sheriff as a volunteer and the term of an appointment coincides with the term of the Sheriff, to be renewed, as the Sheriff sees fit.

1. Chaplains are required to follow Sheriff's Office policies and procedures while acting in the capacity of a Chaplain for the Sheriff's Office

II. Duties and Responsibilities:

A. The primary function of the Chaplain(s) is to provide for the emotional support of Sheriff's employees and volunteers by serving as an available, trained counselor and willing, respectful confidant. Chaplains provide an outlet for employees and volunteers to vent frustrations, discuss personal issues, and obtain professional, qualified advice or direction.

1. Conversations with a Chaplain are considered privileged communication unless the employee or volunteer discloses information making a threat against the health and safety of any person.

B. Chaplains are to make professional referrals in cases where specialized help is needed or the scope of the problem exceeds the Chaplain's skills, training, or ability. Chaplains should make themselves familiar with Boulder County's medical, psychiatric, and other community resources.

C. In making themselves available to Sheriff's Office personnel, Chaplains may not actively proselytize or advocate the benefits of one religious belief or denomination over another, except in discussions of comparative religion or at the invitation of an employee or volunteer while engaged in a private discussion.

D. Chaplains may assist with the notification to next-of-kin of any Sheriff's employee or volunteer who has been injured or killed in the line-of-duty.

E. Chaplains may visit sick and injured employees and volunteers during the period of their recuperation.

F. Chaplains may be called upon to offer invocations at Sheriff's Office functions and, upon invitation, may attend and/or officiate at employee funerals and weddings.

G. Chaplains serve as a liaison between the Sheriff's Office and other clergy and other community leaders, and will assist in promoting positive public relations with the community

H. Chaplains may be called upon by the Victim Advocates to assist with crisis situations involving victims and witnesses.

I. Chaplains actively involve themselves in the operations of the Sheriff's Office by participating in ride-alongs, "sit-alongs" (in Communications and the Jail), briefings, training sessions, and staff meetings, building employee confidence

and making of themselves a recognized, trusted, and respected resource to Sheriff's personnel.

J. Chaplains will take no law enforcement action (unless as a citizen directed to do so by a deputy pursuant to statute) or represent themselves as a law enforcement officer.

III. Selection and Appointment:

A. A candidate for appointment as a Chaplain must be an ecclesiastically certified minister, priest, or rabbi, endorsed for law enforcement chaplaincy by a recognized religious denomination. The candidate must have a minimum of five years' experience in ministry, demonstrating a broad base of experience, emotional stability, and personal flexibility.

1. The candidate should be a respected member of the community, with strong ties to Boulder County. The candidate must demonstrate high spiritual and moral standards.

2. The candidate must demonstrate compassion, understanding, and love for others. The candidate should be able to relate well to people. The candidate must demonstrate good judgment, common sense, tact, and be able to maintain confidences.

3. The candidate must have a valid Colorado driver's license and provide his or her own transportation.

4. The candidate must be willing to respond to emergency call-outs when requested and available.

5. The candidate must submit a written volunteer application. The Sheriff's Personnel Section will review the application. Personal background, criminal history, and driving history investigations will be conducted. Felony convictions and/or any conviction for a crime of moral turpitude are a bar to appointment. Any arrests will be closely scrutinized.

6. A series of interviews may be conducted to determine the suitability of the applicant. These interviews may include: an integrity/character interview conducted by someone from the Sheriff's Personnel section; an interview by a panel selected or approved by the Sheriff; and/or, an interview by the Sheriff.

B. Following the completion of the application process and interview(s), a recommendation will be made to the Sheriff regarding the candidate's suitability for appointment. The Sheriff makes the final decision regarding

appointment.

IV. Training:

A. Following (or prior to) appointment, Chaplains should participate in a basic orientation program (eg. a Sheriff's Office Citizen's Academy or similarly structured program) so as to gain a rudimentary familiarity with the Sheriff's Office and its personnel.

B. Chaplains are encouraged to attend the monthly Reserve Unit business and training meeting and any other training meetings deemed appropriate and necessary by the members of the Chaplaincy program.

C. Chaplains are encouraged to attend Critical Incident Stress Management (CISM) training if they have not already done so through the course of their professional training.

D. The Sheriff's Office will enroll the Chaplain as a member of the Inter- national Conference of Police Chaplains (ICPC). Chaplains may choose to pursue basic certification as a law enforcement Chaplain through the ICPC.

V. Uniform and Equipment

A. Each appointed Chaplain will receive a Sheriff's Office identification card, magnetic access card(s), a pager, an embroidered shirt identifying them as a Chaplain assigned to the Reserve Unit, and a windbreaker jacket that will serve to identify them as a Sheriff's Office Chaplain.

B. Chaplains participating in ride-along with deputies are encouraged to wear a ballistic vest. The vests are not permanently assigned and may be obtained from the supply of surplus vests maintained by the Sheriff's Reserves and Cadets.

C. A limited number of cellular phones from the Reserve Unit are available for use on a "per shift" basis.

D. Chaplains riding along on the night shift should equip themselves with a reliable flashlight.

E. Chaplains may be equipped, at their request, with an approved pepper spray, so long as they have received the requisite training.

BOULDER COUNTY SHERIFF'S OFFICE
POLICY AND PROCEDURES MANUAL

By Order of the Sheriff

_____ _____

Joseph K. Pelle, Sheriff Date

SUBJECT: PEER SUPPORT TEAM **NUMBER:** 605

EFFECTIVE: June 19, 2017 **SUPERSEDES:** March 28, 2012

POLICY:

It is the policy of the Boulder County Sheriff's Office to provide Sheriff's personnel and their families support when experiencing personal and work related stress directly or indirectly generated by the role of law enforcement in today's society. Therefore, the Sheriff's Office maintains a team of employees trained in peer support and available to provide support through one-on-one or group interactions for affected employees and their immediate families.

Peer Support Team interactions fall under the supervision of a licensed mental health professional and are subject to the confidentiality guidelines as detailed in Colorado Revised Statutes 13-90-107(m) (2017) and this policy.

DEFINITIONS:

Peer Support Team (PST): Agency employees operating under the general direction of an agency approved psychologist/clinical Advisor.

Clinical Advisor: A licensed mental health professional approved by the Sheriff's Office. The Clinical Advisor is primarily responsible for overseeing the case work of PST members. The Advisor works with the Coordinator to insure that the members are appropriately trained and that their PST interactions are appropriate, effective and in compliance with applicable policies, guidance and training.

Team Coordinator: The Coordinator is responsible for the administration, supervision and oversight of the team. The coordinator's primary focus is on the team's structure, scheduling, acting as the liaison for the team with the Sheriff and Undersheriff and Clinical Advisor, insuring team members receive appropriate training and comply with applicable policies and guidelines in providing PST services.

Assistant Team Coordinator: The Assistant Team Coordinator performs the Team Coordinator's role and duties in his or her absence and other administrative tasks as delegated by the Team Coordinator.

PROCEDURE:

I. Organization and Administration

A. The Peer Support Team, herein referred to as PST, is comprised of Sheriff's Office employees and operates with the clinical consultation of the PST Clinical Advisor. The day-to-day administration and supervision of the team is the responsibility of the Team Coordinator and Assistant Team Coordinators.

1. When the Team Coordinator is unavailable to administer the team, one of the Assistant Team Coordinators assumes responsibility for team coordination.

2. In the event of the absence of both Assistant Team Coordinators, an acting coordinator is designated by the Team Coordinator.

II. Selection of the PST Overhead Structure

A. The Sheriff or designee(s) selects the PST Clinical Advisor.

B. The Sheriff or designee(s) selects the PST Coordinator.

C. The PST Coordinator designates the assistant PST Coordinators.

1. When solicited, employees submit a letter of application stating their interest and qualifications, to the Sheriff or Sheriff's designee, or to the PST Coordinator, depending on the position for which they are applying.

D. Applications to become a member of the PST are submitted in writing, through chain of command, to the PST Coordinator.

1. The PST Coordinator may consult with current PST members for input before an applicant is appointed to the team.

2. The PST Team Coordinator submits a list of qualified applicants to the Sheriff or designee and the Clinical Advisor for final approval and appointment to the PST.

E. The selection process for any of the above positions may involve a process that includes, but is not limited to, interviews by a panel as determined by the Sheriff, Sheriff's designee, or Coordinator.

F. Prior to acting as a PST member a new member must attend an approved Peer Support Training class and acknowledge the Peer Support Team

Code of Ethical Conduct (attached).

III. Confidentiality

A. Issues discussed during peer support interactions are confidential within the parameters specified by law, department policy, and professional supervision. Safeguarding acquired information is a primary obligation of team members.

B. Subject to the limitations of law, information received in confidence is not to be revealed without the express consent of the person involved. Express consent to reveal information constitutes a waiver of confidentiality. In cases where express consent is granted, only the information authorized to be released will be provided, and only to those specifically authorized to receive the information.

1. Express consent is not recognized until the employee signs a Waiver of Confidentiality form detailing the type of information to be released and naming the individuals or group(s), i.e. PST, etc., who are to receive the information. (Attachment, Waiver of Confidentiality).

2. All conversations, written or electronic communications, or any other information exchange that takes place between the PST member and the employee, as a direct result of the member providing PST services to this employee, are confidential and are known only by the PST member and PST Clinical Advisor unless the employee waives this level of confidentiality, or the circumstances fall under one of the exceptions described under III – G.

3. The original signed waiver form is mailed to the Clinical Advisor as soon as practical. A copy of the signed form is given to the employee.

C. The identity of an employee receiving PST service is to be known only to the PST Clinical Advisor and the PST member providing the service, unless the employee waives this level of confidentiality, or the circumstances fall under one of the exceptions described in III – G.

D. Sheriff's Office Staff are not to request or direct a PST member to identify an employee who is receiving, or has received, PST services, or specific information related to the delivery of PST services to any employee, past or present, unless authorized by the Sheriff or Undersheriff.

E. The peer support team member testimony confidentiality privilege is specified in CRS 13-90-107(m), (2017).

F. Team members must advise all persons with whom they interact in a peer support role of the limitations of peer support team member confidentiality an acknowledgement of their understanding of the limitations of confidentiality. (Attachment, Limitations of Confidentiality).

G. There are several other circumstances wherein information obtained by PST members is not confidential. Information received by or provided to a PST member is not confidential when:

1. A PST member was a witness or a party to an incident which prompted the delivery of peer support services;

2. Information received by PST member is indicative of actual or suspected child abuse or neglect (C.R.S. 19-3-304 C.R.S.13-90-107), or crimes against at-risk persons (C.R.S. 18-6.5-103, C.R.S. 18-6.5-108);

3. The person receiving peer support is a clear and immediate danger to themselves or others due to alcohol or other substance intoxication or abuse (C.R.S. 27-81-111, C.R.S. 27-82-107);

4. There is reasonable cause to believe that the person receiving peer support has a mental illness and, due to the mental illness, is an imminent threat to themselves or others or is gravely disabled (C.R.S. 27-65-105); or

5. There is information indicative of any criminal conduct (C.R.S. 13-90-107(m)).

6. PST members are subject to all other disclosures mandated by law.

7. Information communicated in PST interactions is not subject to disclosure in an administrative investigation.

H. Peace Officer members of the PST are required to take action, including arrest, when in the course of providing PST services they receive information that an incidence of domestic violence has occurred and where there is probable cause to believe that a crime has been committed (C.R.S. 18-6-803.6).

I. Recipients of group peer support (a peer support interaction that is comprised of at least one PST member and more than one recipient of peer support at the same time) none of the recipients could be compelled to testify without their consent, provided the PST members are functioning in their official PST capacity and within this policy.

J. Participants in group peer support interactions are not held to the confidentiality standard of persons that engage in group therapy. Group interactions are subject to voluntary disclosure by any recipient of group peer support without the consent of any other person in the group.

K. Violation of this confidentiality policy may result in the initiation of disciplinary action in accordance with the Sheriff's Office disciplinary policy, or removal from the team.

IV. Accessing PST

A. The PST is available on a 24-hour call-out basis. Members are accessible by pager. Team members respond to incidents where assistance may be needed under guidelines established by the Team Coordinator and Clinical Advisor.

1. PST members are to contact the Team Coordinator prior to responding unless the callout was initiated by the Coordinator. If this is not possible, responding PST members are to notify the Team Coordinator as soon as practical.

B. PST members may respond to any traumatic incident, significant event, or as requested by any Advisor or any employee.

1. The PST collaborates with Sheriff's Office Chaplains, Victim Advocates, the Employee Assistance Program or other approved crisis intervention/counseling agency when appropriate.

2. On-scene Advisors ensure that responding team members are not used to assist with the incident investigation.

3. In the event that an employee involved in a traumatic incident requests a particular PST member, the requested PST member's Advisor makes every effort to release the PST member from assignment so that he or she is available to provide support to the requesting employee.

C. The Advisor of a PST member who is assigned to a support role that is on-going or projected to require a significant time commitment by the PST member ensures that the member's normal work load is sufficiently reduced to accommodate the PST assignment.

D. PST support is available to an employee who is subject of an Internal Affairs investigation, or a Advisory inquiry, and who wishes assistance in dealing with emotions related to the inquiry/investigation. However, the

PST member working with the employee is conscientious about insuring that the affected employee does not delve into specifics about his or her conduct that is the focus of the investigation/inquiry.

V. PST Meetings

A. The Peer Support Team meets at least monthly for clinical advisement, on-going training, and team-building and more frequently, if needed, as determined by a consensus of the Coordinators and Clinical Advisor. Peer Support Team members are required to attend at least eight (8) monthly meetings each year, or two-thirds of all meetings held. If a team member is unable to attend a scheduled meeting, he or she must:

1. Notify the Team Coordinator or an Assistant Team Coordinator in advance of the meeting, or contact the Team Coordinator or an Assistant Team coordinator as soon as practical after the scheduled meeting, and

2. Obtain a copy of any training materials presented at the meeting, and,

3. Contact the Clinical Advisor as soon possible to provide information regarding any new PST interactions the member was involved with since the member's last contact with the Advisor.

B. The Team Coordinator is responsible for addressing excessive absences individually with the affected PST member.

C. Periodic meetings between the Coordinator, Assistant Coordinator(s) and/or Clinical Advisor are held at least quarterly, or as frequently as needed at the discretion of the Coordinator.

VI. Compensation

A. Peer Support Team members do not maintain a paid "on-call" status and are not eligible for on-call compensation. Peer Support Team members who are called out or otherwise function in their PST capacity during off-duty hours are compensated as specified in Sheriff's Office Policy 302.

By Order of the Sheriff,

_____ _____

Joseph K. Pelle Date

Peer Support Team Code of Ethical Conduct

As a member of the Boulder County Sheriff's Office Peer Support team I am committed to the highest standards of peer support. I knowingly accept the responsibility associated with being a PST member. As a member of the team I will:

1. engage in peer support within the parameters of my peer support training;
2. specify when functioning in my peer support role, and if uncertain whether an interaction is peer support, I will inquire to clarify;
3. keep current in all matters of peer support confidentiality;
4. disclose peer support information only with appropriate consent, except in cases where allowed or mandated by law; and if uncertain whether disclosure is appropriate, consult with the team clinical Advisor prior to disclosure;
5. clearly specify the limits of peer support confidentiality prior to engaging in peer support;
6. remain aware of potential role conflicts and be especially vigilant to avoid role conflict if in a Advisory position;
7. make a reasonable effort to attend scheduled team meetings and training;
8. make referrals to other peer support team members, consult our Clinical Advisor, and others when appropriate;
9. be careful providing peer support for persons with whom I have a troubled history. If the history cannot be overcome, I will provide appropriate referrals;
10. comply with peer support team statutes, policies, and operational guidelines;
11. not utilize peer support role for personal gain or advantage;
12. not engage in inappropriate behaviors with those for whom I am providing peer support;
13. avoid interacting in person with individuals who are intoxicated;
14. contact our clinical Advisor immediately with any perceived role conflict, ethical issue, or possible conflict of interest arising out of a peer support contact;
15. seek immediate clinical consultation in any circumstance that reasonably exceeds the assessment and parameters of peer support;
16. reach out to others I know or suspect may benefit from peer support;
17. make reasonable effort to respond to individual requests for peer support and to respond to critical incidents as needed;
18. seek support from other peer support team members, the clinical Advisor, or other personnel when stressed or otherwise in need of support;
19. be committed to helping other peer support persons to become better skilled, by readily sharing knowledge and experience when it does not conflict with the standards of peer support confidentiality;
20. endeavor to maintain a positive relationship with our clinical Advisor and other peer support team members, and make an effort to resolve any issues of conflict that may arise in these relationships;
21. understand that I am perceived as a role model and my actions reflect upon the entire team;
22. utilize self-enhancement peer support concepts in my personal life.

Signature _____Date:_____.

Boulder County Sheriff's Office

P.S.T.

Peer Support Team

Peer Support Team
Limits of Confidentiality

PST confidentiality applies individual and group interactions. C.R.S. 13-90-107(m) 2017

Information is not confidential when:

- A PST member is witness or party to an incident which prompted the delivery of peer support services. C.R.S. 13-90-107(m)
- Information received by Peer Support indicates actual or suspected child abuse or actual or suspected child neglect. C.R.S. 19-3-304 (Duty to Report)
- Information received by Peer Support indicates actual or suspected mistreatment of an at-risk elder or an at-risk adult with IDD C.R.S. 18-6.5-108
- Due to drug or alcohol intoxication or abuse the person is a clear and immediate danger to self or others. C.R.S. 25-1-310 and C.R.S. 25-1-1106
- There is reason to believe that the person has a mental illness, and due to the mental illness, is an imminent threat to self or others; or is gravely disabled. C.R.S. 27-10-102
- There is information indicative of any criminal conduct. C.R.S. 13-90-107 (m)
- Peace officer PST members are required to take action, including arrest, in domestic violence cases where probable cause exists that a crime has been committed.