

AURORA POLICE DEPARTMENT

DIRECTIVES MANUAL

06.01 ARREST PROCEDURE

Approved By:	Todd Chamberlain, Chief of Police
Effective:	Sep-01-1998
Revised:	Feb-10-2025
Associated Policy:	DM 06.03, 06.05, 06.08, 06.09, 08.10, 08.20, 08.52 and 11.02
References:	C.R.S. § 16-3-102, 16-3-405, 18-8-405, 19-2-508 Forms: 073, 196, 197; City Code 2-234(b)
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

6.1.01 PURPOSE

The purpose of this directive is to clearly outline the limitations of authority, acceptable conduct, and practices expected from sworn members of the Aurora Police Department (APD) during the process of making arrests. The outlined procedures are designed to ensure the safety of sworn members and the public, protect the constitutional rights of individuals, and promote consistency, professionalism, and accountability in instances of arrests. This directive aims to enhance public trust in law enforcement by providing comprehensive guidelines while facilitating the lawful and efficient apprehension of individuals suspected of criminal activity.

6.1.02 SCOPE

This directive applies to all sworn members of APD.

6.1.03 DEFINITIONS

Body Cavity Search: Any visual or manual inspection of a person's mouth, nose, ear canal, anus, genital region, and in rare instances, organs such as the stomach, with or without physical contact with, or intrusion, into a body cavity.

Court of Competent Jurisdiction: A court with the legal authority to hear and decide a particular case.

Custodial Arrest: Seizure of a person for the purpose of taking them to a detention facility for booking procedures and the subsequent filing of criminal charges.

Levels of Proof:

Reasonable Suspicion: Articulable facts and circumstances known to the sworn member at the time of a contact when taken as a whole, that would lead a reasonable officer to reasonably suspect that a particular person has committed, is committing, or is about to commit a specific crime(s). Reasonable suspicion is more than a hunch; however less than probable cause. The person is not free to leave during a detention based on reasonable suspicion.

Probable Cause: Facts and circumstances taken as a whole that would lead a reasonable officer to believe that a particular person has committed or is committing a crime.

Non-custodial Arrest: Seizure of a person for the purpose of issuing them a summons to court to face criminal charges. For the purposes of effecting an arrest, sworn members who conduct a non-custodial arrest have the same legal authority as when they conduct a custodial arrest.

Status Offense: Offenses that would not be a crime if committed by an adult (e.g., runaway, truancy, beyond parental control, minor in possession of alcohol, and curfew violations).

Strip Search: Consistent with CRS 16-3-405(2), “strip search” means having an arrested person remove or arrange some or all of their clothing so as to permit a visual inspection of the genitals, buttocks, anus, or female breasts of such a person.

6.1.04 POLICY

It is the policy of the Aurora Police Department to conduct arrests in accordance with the rights protected by the U.S. Constitution and laws of the United States and the State of Colorado. This policy establishes guidelines for APD members to follow when arresting persons with or without a warrant based on probable cause. The principles underlying this policy and the directives contained within apply to all arrests, regardless of the age or status of the arrestee. Members should consider the issuance of a citation or summons in lieu of a custodial arrest, taking into account factors such as the nature of the crime, the arrestee's criminal history, past instances of failing to appear in court, the positive identification of the individual, and other relevant factors. (see [DM 08.52 – Constitutional Policing](#) for further information).

6.1.05 CORE PRINCIPLES

The core principles detailed in [DM 8.52 - Constitutional Policing](#) are applied to this directive and are the expectations of APD members when in contact with a member of the public.

6.1.06 ARRESTS WITHOUT A WARRANT

Members will notify a supervisor as soon as practical whenever a custodial arrest without a warrant is made. This notification may be made by phone, radio, or electronic message. All affidavits for arrest without a warrant must be approved before returning to service. The member's District Watch Commander should approve warrantless arrest affidavits. If the member's District Watch Commander is unavailable, another supervisor may approve the affidavit with notification to the District Watch Commander. Affidavits prepared by detectives will be approved by their immediate supervisor or Lieutenant when available. Otherwise, detectives may get approval from a District Watch Commander.

6.1.07 RELEASE OF ADULTS ARRESTED WITHOUT A WARRANT

When an adult is arrested without a warrant, the individual should be released as soon as practical if one of the following circumstances exists:

1. The sworn member no longer believes probable cause exists to support the allegation against the individual. A Watch Commander must promptly review the facts of the case and determine whether probable cause no longer exists. If so, the Watch Commander should approve the arrestee's immediate release. The Watch Commander will ensure that a supervisor prepares a supplemental report, thoroughly documenting the circumstances and reasons that led to the determination that probable cause no longer existed and the date and time of the release from custody.
2. The offense for which the person was arrested is a misdemeanor or petty offense that allows incarceration, and the sworn member is reasonably satisfied that the person arrested will obey a summons commanding their appearance in court at a later date. The individual may be processed through the Aurora Detention Center to obtain current identification information before the issuance of a summons. Upon issuance of a summons to appear, the individual may be released. The sworn member will issue the summons to the arrestee and advise the individual of the court date and location to appear.

3. If one of the above circumstances is not present and there is an arrest for a crime with the following statutory designations requiring the issuance of a mandatory protection order [C.R.S. § 18-1-1001(5)], the arrestee will be taken to a detention center and held on the appropriate bond.
 - a. Domestic violence, as defined in C.R.S. § 18-6-800.3(1);
 - b. Stalking pursuant to C.R.S. § 18-3-602; and
 - c. Unlawful sexual behavior pursuant to C.R.S. § 16-22-102(9).

If the arrestee is admitted to a hospital at the time of arrest, a Duty Chief may request a [Virtual Court Appearance](#) from the appropriate prosecutor's office.

If a virtual court appearance is granted, a sworn member or an APD-contracted security guard will be required to remain with the arrestee unless one of the following circumstances happens:

- d. A court releases the arrestee on a personal recognizance bond and the court serves a mandatory protection order to the arrestee.
- e. A court determines that probable cause does not exist to hold the arrestee for the charged violations.

If the arrestee is given a bond, a sworn member or an APD-contracted security guard shall remain with the arrestee after the virtual court appearance. When the arrestee is released from the hospital, a sworn member shall transport the arrestee to a detention center.

If a virtual court appearance is not available upon request, a sworn member or an APD-contracted security guard will be assigned to watch the arrestee until they are discharged.

In all other cases, adults arrested without a warrant will be held for bond in accordance with the established bond schedule.

Virtual court appearances may be considered for other criminal offenses in addition to the statutory designations outlined in subsection 3 of this section. With the approval of the Duty Chief, any supervisor can initiate discussions with a prosecutor's office about a virtual court appearance for a specific arrestee.

Service of protection orders for virtual court appearances requested in accordance with this section is not the responsibility of sworn members.

6.1.08 RECORD CORRECTIONS

When it is determined that probable cause for the arrest cannot be substantiated and the arrestee has already been processed through the Aurora Detention Center, an immediate request to correct the arrestee's record will be submitted to a Records Unit Supervisor as soon as possible. Records will complete a formal request to CBI to have the official criminal justice record corrected.

6.1.09 SUPERVISOR REVIEW AND DOCUMENTATION

Whenever a person is arrested and then released because probable cause dissipated or could not be substantiated, the reviewing Watch Commander will ensure that a supplemental report is completed that accurately describes the details leading to the release. If probable cause dissipates during an arrest, the Duty Executive must be notified.

In addition, the Watch Commander will commence an initial inquiry into the incident. When the Watch Commander determines that probable cause was not present at the time of arrest, the Watch Commander shall enter a complaint into the administrative management system and track it to the Internal Affairs Unit for review.

6.1.10 ARREST WARRANTS

Sworn members will advise the Records Section of all warrant arrests as soon as possible so warrants may be confirmed when required.

Three categories of warrants are entered into the Colorado Crime Information Center (CCIC).

1. Colorado Integrated Criminal Justice Information System (CICJIS): Warrants that are entered into CCIC electronically by the county and district courts and do not require confirmation. CICJIS warrants are issued for felony, misdemeanor, and traffic charges and may or may not be extraditable. Sworn members shall confirm the extradition.
2. Non-CICJIS warrants: Warrants that are entered into CCIC electronically or manually by municipalities and counties and may or may not require confirmation as indicated on the warrant. Non-CICJIS warrants are issued for felony, misdemeanor, and traffic charges and may or may not be extraditable. Sworn members shall confirm the validity and extradition of the warrant.
3. Municipal Probable Cause Warrants: Warrants that are issued by the municipal court for city ordinance violations. Sworn members shall confirm the validity of these warrants.

Warrants entered into NCIC require confirmations from Aurora when they are extraditable. NCIC warrants are issued for felony, misdemeanor, and traffic charges and may or may not be extraditable.

Requirements and extradition limits should be explained in the Headers, Miscellaneous (MIS) fields, and Extradition Limitation (EXL) fields of CCIC and NCIC warrants. Sworn members needing confirmation for a warrant(s) must contact the Records Unit. Members of the Records Unit are the only APD members with authorization and permission to complete this task. If a warrant is confirmed, but circumstances lead to the arrestee being released without posting a bond (i.e., admitted to the hospital), then the sworn member shall contact the Records Unit and have them reenter the warrant into NCIC/CCIC.

6.1.11 WARRANTS INITIATED BY OTHER JURISDICTIONS

Persons arrested by an APD member for warrants initiated by another jurisdiction may be incarcerated in the Aurora Detention Center. The arresting/transporting sworn member will complete a General Offense Report detailing the reason for the contact and the warrant confirmation information (not necessary for CICJIS warrants).

If the arrestee is transferred to another agency, the sworn member shall document the transfer in a general offense report and will include the name and employee identification number or badge number of the receiving jurisdiction's member.

6.1.12 SUMMONSES, FORMS, AND PAPERWORK

In the event of a warrantless arrest, the involved sworn members shall thoroughly and accurately document the incident in the Records Management System (RMS), adhering to [DM 08.10 - Reports](#). Any involved sworn member shall submit all related reports before the end of watch.

Any summons(es), associated forms, and/or paperwork stemming from an in-custody arrest or a next-day court arraignment shall promptly be submitted to the Records Unit. Submission should occur after the transfer of custody to Aurora Detention Center personnel and before the member leaves either the Aurora Detention Center or Police Headquarters.

If supervisor approval is needed for any summons(es), forms, or paperwork, these items should be presented to a supervisor as soon as practical for approval. Subsequently, the approved items will be forwarded to the Records Unit.

In instances where immediate submission of summons(es), associated forms, and/or paperwork to the Records Unit is unfeasible after the transfer of custody to Detention Center personnel, the sworn member shall notify and request approval from a Watch Commander. A Watch Commander will communicate the delay to the Records Unit and specify the anticipated submission timeframe for the summons(es), forms, and/or paperwork.

In cases where arrest processing takes place offsite, any summons(es), forms, and/or paperwork must be promptly delivered to the Records Unit at Police Headquarters.

6.1.13 RELEASE OF HANDCUFFED PERSONS FOLLOWING INVESTIGATORY STOP

When it is determined that the threat to the safety of the investigating sworn member(s) is over and/or the handcuffed person should be released without charges or pending further investigation, the detaining sworn member(s) shall un-handcuff and release the person without delay. The sworn member shall notify a supervisor as soon as practical and document the Tier Zero (0) physical force in a Contact Data Collection (CDC) Form in accordance with [DM 8.50- Contact Data Collection](#).

[DM 08.52 - Constitutional Policing](#), section [8.52.06 Guidelines Related to Person Contacts](#), provides further information regarding when a sworn member applies handcuffs or directs a person to stand, sit, or position themselves in a manner not of their choosing.

6.1.14 CIVIL ARREST WARRANTS

The Aurora Police Department makes civil arrests only for warrants issued by a court of competent jurisdiction for civil contempt or for violation of valid restraining orders. Sworn members shall confirm the validity of and the extradition of civil arrest warrants before transporting an arrestee to a detention facility.

6.1.15 INCIDENTS INVOLVING A BAIL BONDSMAN

The Aurora Police Department shall not assist nor be dispatched to requests for assistance from bail bondsmen, bounty hunters, or other private parties to arrest a subject involved in a private contract between both parties unless there is an allegation a crime has occurred.

If there is criminal activity, sworn members will notify a supervisor and take appropriate action.

If there is no criminal activity, sworn members will only assist in determining whether there is a valid warrant for the arrest of the suspect and that extradition is authorized. If a legitimate warrant does exist, the sworn members will dismiss the private parties from the area and follow normal protocols and procedures to enforce a legitimate warrant for the suspect's arrest.

6.1.16 SEARCH INCIDENT TO ARREST

When an individual is placed under custodial arrest by a sworn member, a sworn member shall search the arrestee's person. A search may be performed of any items in the arrestee's immediate possession at the time of arrest, and, if appropriate, of the area immediately around the arrestee at the time they were arrested. The search of the area around the arrestee will be performed immediately after formal arrest while the arrestee is still present and should not extend beyond the area within the arrestee's immediate control at the time of arrest.

Members may also rely on consent to conduct a search of a person or vehicle at any time prior to or post-arrest but must ensure the party providing consent has apparent authority to do so.

Any sworn member who transports an arrestee shall search that arrestee before accepting custody.

[DM 08.52 - Constitutional Policing](#), section [DM 8.52.14 - Searches](#), provides further information regarding searches of persons, places, vehicles, or things that are only permissible under certain circumstances governed by the Fourth Amendment.

6.1.17 VEHICLE SEARCHES

Members are permitted to search a vehicle incident to arrest only when the officer has a reasonable belief that evidence of the arresting crime may be found during the search. The search must be tied to the nature of the crime for which the arrest is made. The nature of the crime will determine the scope of the search. For example, a search of a vehicle will likely not be reasonable if the arresting crime is only a traffic stop.

Members may also impound a vehicle incident to arrest and pursuant to legitimate community caretaking considerations so long as the inventory is carried out pursuant to [DM 08.16 - Towing and Release of Vehicles and Property](#).

6.1.18 STRIP AND BODY CAVITY SEARCHES

Strip searches and body cavity searches will be conducted according to *C.R.S. § 16-3-405 Strip Searches - When Authorized or Prohibited*. This statute covers searches with or without a warrant.

Strip Searches:

Strip searches will only be performed in a detention facility or medical facility. Sworn members will obtain approval from the Duty Executive before performing a strip search. The Duty Executive shall select the sworn member to perform the search, taking into consideration the gender identity of the person to be searched. Sworn members of a unit that has a standard operating procedure for performing a voluntary strip search and who follow that procedure will be in compliance with this section of this directive.

Any strip search of an adult or juvenile will require the completion of [APD Form 196 - DM 06.01 - Strip Search Authorization Form](#) and documentation in a written report as required under [DM 08.10 - Reports](#). The form will be filled out completely, and an authorizing command officer's signature will be obtained before the search.

If the strip search is of a juvenile, the juvenile's parent or legal guardian will be notified and present at the location of the search before the search is performed, if possible.

All strip searches must be performed in an area where the search can only be observed by the sworn member who is physically searching and one witness sworn member.

Any additional sworn member(s) serving as a cover officer conducting the strip search will position themselves outside of the strip search room, ready for immediate entry should problems arise. Should member or arrestee safety concerns arise, additional members are permitted to enter the search room, regardless of gender, until the threat is deemed negated.

After the search, sworn members are responsible for ensuring the arrestee is fully clothed and prepared for movement before leaving the search area.

Body Cavity Searches:

All body cavity searches of an adult or juvenile, other than searches of the oral cavity (mouth), nose, and ear canal, shall require the prior issuance of a search warrant and will only be performed by a licensed physician or nurse.

A body cavity search of any area other than the oral cavity (mouth), nose, and ear canal shall also require the completion of [APD Form 197 - DM 06.01 - Body Cavity Search Authorization Form](#) and documentation in a written report as required under [DM 08.10 - Reports](#). The form will be filled out completely, and an authorizing command officer's signature will be obtained before the search.

Should emergency medical treatment be required, sworn members will request Aurora Fire Rescue (AFR). If the medical emergency should result in the removal of evidence from a body cavity to protect the life or safety of the arrestee, that evidence should be secured, preserved intact at the point of removal, and not further examined or tested until a warrant is obtained. Removal of evidence should not cause further harm to the arrestee or delay access to medical personnel or access to medical treatment. A sworn member shall remain present during medical treatment, if possible, to take possession of any removed evidence.

A body cavity search of any area other than the oral cavity (mouth), nose, and ear canal will be performed under sanitary conditions in an area where the search cannot be observed by a person not physically searching.

If the body cavity search is of a juvenile, the juvenile's parent or legal guardian will be notified and present at the location of the search before the search is performed, if possible.

A sworn member must constantly observe the arrestee before the body cavity search is performed.

Any sworn member(s) serving as backup during a body cavity search will position themselves outside of the room, ready for immediate entry should problems arise unless the physician or nurse requests the sworn member's presence.

In the event an arrestee becomes combative during the search, the sworn member(s) will enter the room to control the arrestee. Once the arrestee is controlled, the sworn member(s) will return to the position outside the room unless the safety of the physician or nurse requires the sworn member(s) to stay in the room to control the arrestee.

Sworn members shall document the identity of any medical staff who handled evidence resulting from the body cavity search.

If the arrestee is taken into police custody and transported, sworn members are responsible for ensuring the arrestee is fully clothed and prepared for movement before leaving the search area.

Sworn members must be aware that any sworn member or employee of a police department who knowingly and intentionally fails to comply with any provision of *C.R.S. § 16-3-405* commits second-degree official misconduct, as defined in *C.R.S. § 18-8-405*.

6.1.19 DISTRICT HOLDING CELL AND PROCESSING ROOM PROCEDURES

APD holding cells and processing rooms are intended for the short-term placement of detainees. Processing rooms will be equipped with a phone, chairs, and desks for the members and a secure holding area for detainees. The rooms are constructed with walls between holding cell rooms to allow the separation of adults and juveniles and separation by gender.

A sworn member shall position themselves where visual and audio observation of the detainee can be maintained pending the detainee's transfer or until released.

The following procedures will be adhered to when utilizing the holding cells/processing rooms to prevent escape by the detainee and for the safety of members and detainees:

1. Members may retain their firearm secured in their holster while placing a detainee in or taking the detainee out of the holding cell if the detainee is handcuffed and the member has a level one or greater security holster for their firearm.
2. When handcuffing or unhandcuffing a detainee, there shall be two sworn members present.
3. Members who need to enter a holding cell with a detainee for a significant time (more than just placing in or taking out) will secure their firearm in the provided lock boxes. At least two members should be present in these instances.
4. Members may secure their firearm in the lock boxes at their discretion whenever they feel it is required.
5. Members will search detainees and visually inspect the area for contraband items or potential weapons before placing a detainee in the cell/room. Members will visually inspect the area for contraband items and potential weapons following the removal of a detainee.
6. Holding cells and processing rooms are not equipped with duress alarms. Members requiring assistance will notify communications via verbal or digital radio communication or telephone.
7. Detainees requesting access to a restroom/water will be escorted to the nearest facility as soon as practical and when it will not interfere with processing and the collection of evidence.
8. Detainees will not be supplied with meals.
9. Members may remove handcuffs from detainees who are secured in holding cells.
10. Detainees will not be secured in any fashion to any stationary object.
11. Members will not place detainees of different genders or an adult and a juvenile in the same holding cell. Members will not have an adult and a juvenile together in the same processing room.
12. Only those members directly involved with the incident related to the detainee(s) should be allowed in the area. Visitors of the detainee will not be allowed in the holding cell area.
13. Members will complete the Holding Cell Log, APD Form 073, for all persons detained in a holding cell,

regardless of the duration or the purpose of the detention.