


# Fort Collins Police Services

## Policy Manual

 <b>FORT COLLINS POLICE</b>	<b>POLICY</b>	<b>107</b>
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### 107.1 DEFINITIONS OF TERMS USED IN THIS MANUAL

**Abandoned motor vehicle** – A motor vehicle is abandoned if:

- a) It is on public property and (CRS 42-4-1802(1)):
  - 1) Left unattended on a highway right-of-way outside the limits of a town or city for a period of 48 hours or longer.
  - 2) Left unattended on a highway right-of-way within the limits of a town or city longer than allowed by any local ordinance.
  - 3) Stored in an impound lot at the request of a law enforcement agency and not removed within 72 hours after notification to the owner that the vehicle is available for release.
  - 4) Fitted with an immobilization device and deemed to be abandoned.
  - 5) Left unattended at a regional transportation district parking facility.
- b) It is on private property and (CRS § 42-4-2102(1)):
  - 1) Left unattended without consent for at least 24 hours or as established by a local ordinance.
  - 2) Not removed from an impound lot according to an agreement with the owner.
  - 3) Towed at the request of a property owner and not removed from the impound lot by the vehicle owner within 48 hours.
  - 4) Fitted with an immobilization device and deemed to be abandoned.
- c) Pursuant to Section 20-91 of the Municipal Code an inoperable motor vehicle shall mean any motor vehicle that does not have a current license plate and validating sticker lawfully affixed thereto or that is in a condition of being junked, wrecked, wholly or partially dismantled, discarded, abandoned or unable to perform the functions or purpose for which it was originally constructed.

**Abducted child** – A child (CRS § 24-33.5-415.7(2)):

- a) Whose whereabouts are unknown.
- b) Domiciled in Colorado or credible information exists that the child is traveling in or to Colorado.
- c) Whose disappearance poses a credible threat to the safety or health of the child.

**Abuse** – Any act or omission in which a child (CRS § 19-1-103(1)(a)):

- a) Exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling or death and any of the following exist:
  - 1) The physical evidence is not justifiably explained.
  - 2) The history given concerning the condition is not consistent with the degree or type of condition or death.
  - 3) The circumstances indicate the condition may not be accidental.

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- b) Is subjected to unlawful sexual behavior.
- c) Is in need of services because the child's parents, legal guardian or custodian failed to provide adequate food, clothing, shelter, medical care or supervision.
- d) Is subjected to emotional abuse including impairment or risk of impairment of the child's intellectual or psychological functioning or development.
- e) Is neglected because of abandonment, mistreatment, lack of proper parental care or the environment is injurious to his/her welfare.
- f) Is in the presence or on the premises where a controlled substance is manufactured or attempted to be manufactured.
- g) Tests positive at birth for a controlled substance as a result of the mother's unlawful intake of such a substance.
- h) Is subjected to human trafficking of a minor for involuntary or sexual servitude.

**Administrative investigations file** – Any file which contains complaints of employee misconduct, and all materials relating to the investigation into such allegations, regardless of disposition.

**Adult** – Any person 18 years of age or older, except for any person 18 years of age or older who is under the continuing jurisdiction of the juvenile court or who is before the court an alleged delinquent act committed prior to the person's eighteenth birthday. (CRS § 19-1-103(10)).

**Agency** – Fort Collins Police Services (FCPS).

**Agency file** – Any file which is maintained in the Office of the Chief of Police or the authorized designee or by Human Resources as a permanent record of an employee's employment with this Agency.

**Agency-approved training** – Training provided to officers by an instructor from within the Agency, if the Fort Collins Police Personnel and Training Unit has approved the instructor's curriculum. The term shall also apply to training provided by an instructor from outside the Agency if the outside instructor's curriculum has been approved by the Agency.

**Agency-issued firearm** – A firearm that is owned by the Agency and issued to an individual officer for use in an official capacity as a police officer.

**Agency-issued rifle** – A semi-automatic, box magazine fed, carbine rifle that is issued by the Agency and that meets the requirements set forth in this policy.

**Allowed amount of medical marijuana** – No more marijuana than is medically necessary to address a debilitating medical condition. The following amounts qualify as an allowed amount for an individual (Colorado Const. Art 18, § 14(4)(a)):

- a) Two ounces or less of a usable form of marijuana; and
- b) Six marijuana plants or less, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

**IMPORTANT NOTES:** There are exceptions where a physician may expressly approve greater amounts (Colorado Const. Art 18, § 14 (4)(b), CRS 12-43.3-901(4)(e)), and the Colorado

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Department of Public Health and Environment (CDPHE) may allow for a waiver of the five patient limit.

**Allowed amount of retail marijuana** – The following amounts qualify as a legal amount for an individual 21 years of age or older (Colorado Const. Art. 18, § 16(3)):

- a) One ounce or less of a usable form of marijuana; and
- b) Six marijuana plants or less, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

**Asset Forfeiture Specialist** – The Northern Colorado Drug Task Force (NCDTF) is responsible for the initiation, filing and tracking of all civil forfeiture actions undertaken by FCPS. The NCDTF Commander shall designate an Asset forfeiture Specialist who shall be responsible for the forfeiture program.

**At-risk adult/elder** – An individual 70 years of age or older and any person 18 years of age or older who is susceptible to mistreatment, self-neglect, or exploitation because the individual is unable to perform or obtain services necessary for the individual's health, safety, or welfare, or lacks sufficient understanding or capacity to make or communicate responsible decisions concerning the individual's person or affairs.

**At risk** – Includes persons who either have a developmental disability or who are 60 years of age or older and have a verified impaired mental condition, whose whereabouts are unknown and whose disappearance poses a credible threat to the safety and health of the person. (CRS § 24-33.5-415.8). This term also includes persons who:

- a) Are 13 years of age or younger.
- b) Regardless of age, are believed or determined to be experiencing one or more of the following circumstances:
  - 1) Out of the zone of safety and his/her chronological age and developmental stage.
  - 2) Mentally or behaviorally disabled.
  - 3) Drug dependent, including prescribed medication and/or illegal substances, and the dependency is potentially life-threatening.
  - 4) Absent from home for more than 24 hours before being reported to law enforcement as missing.
  - 5) In a life-threatening situation.
  - 6) In the company of others who could endanger his/her welfare.
  - 7) Absent in a way that is inconsistent with established patterns of behavior and cannot be readily explained. Most children have an established and reasonably predictable routine.
  - 8) Involved in a situation that would cause a reasonably person to conclude the person should be considered at risk.

**Authorized emergency vehicle** – a police motor vehicle which is publicly owned and operated by or for a governmental agency to protect and preserve life and property in accordance with State laws regulating emergency vehicles (CRS 42-1-102(6)).

**Authorized firearm** – A firearm that has been approved by the Agency to be carried and used in an official capacity as a police officer.

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**Authorized interpreter** – A person who has been screened and authorized by the Agency to act as an interpreter and/or translator for others.

**Authorized volunteer** – A person who performs an act for the benefit of the Agency at the request of and subjected to the control of the Agency without an expectation of compensation.

**Auxiliary aids and services** – These are used to communicate with people who are deaf, hard of hearing or have impaired speech. They include, but are not limited to, qualified interpreters on-site or through video remote interpreting (VRI) services; note-takers; computer-aided real-time transcription services (CART); written materials; the use of gestures or visual aids to supplement oral communication; use of a notepad and pen or pencil to exchange written notes; use of a computer or typewriter; use of an assistive listening system, telephone handset amplifier, telephones compatible with hearing aids, or other device to amplify sound; use of a teletypewriter (TTY), videophones (video relay service or VRS); open and closed captioning including real-time captioning; videotext displays; accessible electronic and information technology; and other effective methods of making aurally delivered information available to individuals who are deaf or hard of hearing.

**Back-up handgun** – A handgun either personally owned or issued by the Agency that meets the requirements set forth in this policy manual to be carried concealed in an official capacity as a police officer and the purpose of which is to provide the officer with a weapon which can be used in life-threatening situations when the officer's uniform or plain-clothes handgun is inoperable or unavailable.

**Barricade situation** – An incident where a person maintains a position of cover or concealment and ignores or resists law enforcement personnel, and it is reasonable to believe the subject is armed with a dangerous or deadly weapon.

**Bias-motivated crime** – A person commits a bias-motivated crime if, with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation, he/she (CRS § 18-9-121(2)):

- a) Knowingly causes bodily injury to another person.
- b) By words or conduct, knowingly places another person in fear of imminent lawless action directed at that person or that person's property, and such words or conduct are likely to produce bodily injury to that person or damage to that person's property.
- c) Knowingly causes damage to or destruction of the property of another person.

**Bilingual** – The ability to communicate in two languages fluently, including the ability to communicate technical and law enforcement terminology.

- a) Bilingual includes a variety of skill levels.
- b) Some bilingual individuals may be fluent enough to engage in direct communication in a non-English language, but insufficiently fluent to interpret or translate from one language into another.
- c) A bilingual individual, depending on skill level, could be utilized to communicate fluently in a non-English language but not to interpret between two languages if he/she does not possess the necessary specialized skills.

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**Biohazard or blood-borne pathogen** – Pathogenic microorganisms that are present in human blood and can cause disease in humans (29 CFR 1910.1030(b)). These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

**Bodily injury** – Physical pain, illness or any impairment of physical or mental condition (CRS § 18-1-901(3)(c)).

**Body cavity search** – An inspection of any body cavity, including the stomach, anal or vaginal cavity, of a person that is conducted visually, manually or in any other manner. For purposes of this policy, a body cavity search does not include a search of a person's mouth (CRS § 16-3-405(5)).

**Booking search** – A search of an arrested person and the arrested person's personal property, shoes and clothing, including pockets, cuffs and folds on the clothing, to remove all weapons, dangerous items and contraband.

**Brady material** – Information known or possessed by FCPS that is both favorable and material to the current prosecution or defense of a criminal defendant.

**Business relationship** – Serving as an employee, independent contractor, compensated consultant, owner, board member, shareholder or investor in an outside business company, partnership, corporation, venture or other transaction where the employee's annual interest, compensation, investment or obligation is greater than \$250.

**Certified officer** – Those employees, regardless of rank, who are POST-certified employees of FCPS.

**Chemical munitions** – Control devices, other than OC spray, which expel chemical agents used to minimize the potential for injury to officers, offender and other persons.

**Chief** – The person duly appointed as Chief of Police of FCPS or the employee duly authorized and designated by the Chief of Police to act on the Chief of Police's behalf in connection with the duties and responsibilities of the Chief of Police under this policy.

**Child** – A person who is under 18 years of age (CRS § 19-1-103(21)).

**Child abuse** – Any offense or attempted offense involving violence or neglect with a child victim when committed by a person responsible for the child's care or any other act that would mandate notification to a social service agency or law enforcement (CRS § 19-3-304; CRS § 19-1-103).

**Child Restraint System** – A specially designed seating system that is designated to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system that meets Federal Motor Vehicle Safety Standards and Regulations set forth in 49 CFR 571 (CRS § 42-4-236).

**City** – The Municipal Government of the City of Fort Collins, Colorado.

**Civil disturbance** – Any large-scale disturbance or public gathering that has the potential for unrest that could have an impact on public safety and a secure environment for the community.

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Civil disturbances include, but are not limited to incidents such as riots, large scale acts of violence or major property damage, labor disputes, unlawful assemblages, and other public disorders.

**Civilian** – Employees and volunteers who are not certified law enforcement officers.

**CoG (Colorado Gang Database)** – A database developed and maintained by the Colorado Bureau of Investigations for the purpose of organizing gang intelligence information submitted by law enforcement agencies to enhance law enforcement access to useful and current gang information.

**Command Post (CP)** – A field location from which the organizational command of the emergency operation is conducted.

**Communicable disease** – An illness caused by an agent or its toxic products that arises through the transmission of that agent or its products to a susceptible host, either directly or indirectly.

**Community Service Officer** – A non-sworn civilian position with a limited commission designed to deliver efficient service to the community.

**Complaint** – An allegation of misconduct, a concern, or a question about a service provided by the Agency.

**Computer system** – Includes all computers (on-site and portable), tablets and iPads, hardware, software and resources owned, leased, rented or licensed by FCPS that are provided for use by Agency employees.

**Confidential Informant (CI)** – A person who has entered into a written agreement with a law enforcement agency regarding the disposition of criminal charges; or is compensated for providing information, whether it is a one-time occurrence or as part of an on-going relationship.

**Conflict of interest** – Any actual, perceived or potential conflict of interest in which it reasonably appears that an employee's action, inaction or decisions are or may be influenced by the employee's personal or business relationship.

**Consensual encounter** – Occurs when an officer contacts an individual but does not create a detention through words, actions or other means. In other words, a reasonably individual would believe that his/her contact with the officer is voluntary.

**Consensual search** – A search performed by an officer following the voluntary consent of the person being searched, or the person having control of the place or item being searched.

**Consent to Released Seized Property** – A signed waiver of civil liability from the pawnbroker or secondhand dealer allowing FCPS to take, use and dispose of the seized property as it deems appropriate including the immediate return of the property to the lawful owner as determined by FCPS or by a court.

**Contraband article** – Includes any controlled substance, any imitation controlled substance, any drug paraphernalia or the possession of any drug prohibited by the laws of Colorado.

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**Controlling officer** – The officer assigned to the direct oversight of a confidential informant.

**Contribution (political)** – Any gift, subscription, loan, advance, deposit of money, allotment of money, or anything of value given or transferred by one person to another, including cash, check, draft, payroll deduction or allotment plan, pledge, or promise, whether or not enforceable or otherwise.

**Control device** – A police baton, OC spray, handcuff, nylon restraint, spit hood, chemical munitions or less-lethal weapons system. (The Patrol Assistant Chief may approve additional control devices at the request of the SWAT commander.)

**Corrective action** – Remedial measures that may be required of an Agency employee. In order to rehabilitate or retrain an employee, involved in improper conduct, and in addition to the imposition of any discipline if applicable, the following actions may be required:

- a) Psychological counseling
- b) Psychiatric treatment
- c) Additional training
- d) Written apologies, medical, psychiatric, or psychological evaluations
- e) Compliance with an individualized work-plan

**Court Standby** – When an employee receives a subpoena or court notice of a type that allows him/her to not appear in court but to remain available by telephone or pager so that the employee may be directed to appear in court within a reasonable amount of time.

**Crime** – Includes acts of violations as defined by the statutes of the State of Colorado, whether committed by an adult or a juvenile as listed in CRS § 24-4.1-302.

**Criminal History Records Information (CHRI)** – Information collected by Colorado criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments or other formal criminal charges, and any dispositions, including acquittal, sentencing, correctional supervision or release.

**Criminal Intelligence Information** – Data which has been evaluated to determine that it is relevant to the identification of, and the criminal activity engaged in by an individual who or organization, which is reasonably suspected of involvement in criminal activity or enterprise and meets federal and state's submission criteria.

**Criminal Justice Record** – Are 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 sections 16-11-102.4 and 16-23-104, CRS.

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**Criminal Street Gang** – Any ongoing organization, association, or group of three or more persons, whether formal or informal:

- a) Which has one of its primary objectives or activities the commission of one or more predicate criminal acts, and
- b) Whose members individually collectively engage in or have engaged in a pattern of criminal gang activity (CRS § 18-23-101(1)).

**Criminal incident** – A situation in which a police agency employee is involved as an actor, victim or custodial officer and where fatal injury or serious bodily injury occurs.

**Custodian** – A person who has been providing shelter, food, clothing and other care for a child in the same fashion as a parent would, whether or not by the order of a court (CRS § 19-1-103(50)).

**Deadly Force** – Force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death (CRS § 18-1-901(3)(d)).

**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 (CRS § 13-90-202(6)), or a person who has a substantial limitation in the major life activity of hearing with or without the use of hearing aids, cochlear implant technology, or other forms of mitigation; who has a record of having such a limitation; or who is regarded as having such an impairment.

**Degaussing** – Electronic cleansing by overwriting, erasing and/or destruction of and digital recording media. This returns the media to its original state so it is ready for the imprinting of new images.

**Delinquent Act** – Violation of any statute, ordinance or court order facilitated by a juvenile (CRS § 19-1-103(52)).

**Department/Agency/FCPS** – Fort Collins Police Services.

**Detention** –

- a) Occurs when an officer intentionally, through words, actions or physical force causes an individual to reasonably believe he/she is being required to restrict his/her movement. Detentions also occur when an officer actually restrains a person's freedom of movement, or
- b) The temporary care of a child (person) who requires secure custody in physically restricting facilities pending court disposition or an execution of a court order for placement or commitment (CRS § 19-1-103(55)).

**Discrimination** – Discrimination is any unlawful act or omission of an act which would create a hostile work environment or exclude any person from employment or promotional opportunities because of race, color, national origin, ancestry, creed, religion, sex, sexual orientation (including perceived sexual orientation), gender, gender identity or gender expression, disability (physical or mental), age 40 years or older, pregnancy or related condition, military, veteran status or uniformed service member status, genetic information, marital status, or any other characteristic protected by law. Discrimination may include, but is not limited to, derogatory



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comments, slurs or jokes, pictures, cartoons or posters and actions that result in an employee being offended or insulted because of a protected classification status enumerated above.

- 1) Discrimination and harassment do not include actions that are in accordance with established rules, principles or standards, such as bona fide requests or demands by a supervisor that the employee improve his/her work quality or output, that the employee report to the job site on time, that the employee comply with City or Agency rules or regulations, or any other appropriate work-related communication between supervisor and employee.

**Disposed of-** Destroyed, thrown away, or returned to an owner or his/her designee.

**Division File** – Any file that is separately maintained internally by an employee's supervisor within an assigned division for the purpose of completing timely performance evaluations.

**Division(s)** – Any, or all, of the five operational sections of FCPS: Administration, Information Services, Criminal Investigations, Community and Special Services, and Patrol.

**DNA evidence** – Means all evidence collected in a criminal investigation, which evidence may be reasonably believed to contain DNA that is relevant to a disputed issue in the investigation and prosecution of the case.

**DNA profile** – Means an identifier obtained as a result of a specific DNA analysis.

**Domestic Violence** – An act or threatened act of violence upon a person with whom the actor is or has been involved in an intimate relationship. Domestic violence includes any other crime against a person or against property, including an animal, or any municipal ordinance violation against a person or against property, including an animal, when used as a method of coercion, control, punishment, intimidation or revenge directed against a person with whom the actor is or has been involved in an intimate relationship.

**Duty ammunition** – Ammunition issued or prescribed by the Agency for use by all sworn officers in Agency authorized firearms and which conforms to specifications set forth by the Firearms Personnel and Training Unit and approved by the Chief of Police.

**Early Intervention System (EIS)** – The electronic tracking program used to initiate, investigate, track and store information pertaining to complaints received by supervisors not assigned to Internal Affairs.

**EIS Alert** – Notification that a threshold has been met.

**EIS Coordinator** – Person who oversees operation and maintenance of the EIS, and who coordinates activities for the EIS.

**EIS Intervention** – A course of action designed to improve employee performance.

**EIS Performance Indicator** – An identifiable event where there is an increased risk to the employee, department and/or public.

**EIS Post-Intervention Assessment** – A process to determine if an intervention strategy corrected the concern that prompted an initial intervention.

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**EIS Supervisor Assessment** – The immediate supervisor’s review of events associated with an alert, to develop a clear and balanced understanding of employee performance.

**Election** – Any primary, special or general election.

**Employee** - Any person employed by the Agency.

**Evidence** – Includes items taken or recovered in the course of an investigation that may be used in the prosecution of a case.

**Exploitation** – An act or omission that:

- a) Uses deception, harassment, intimidation or undue influence to permanently or temporarily deprive an at-risk adult of the use, benefit or possession of his/her money, assets or property.
- b) Employs the services of a third party without authority and for the profit or advantage of the person or another person to the detriment of the at-risk adult.
- c) Forces, compels, coerces or entices an at-risk adult to perform services for the profit or advance of the person or another person against the will of the at-risk adult.
- d) Misuses the property of an at-risk adult in a manner that adversely affects the at-risk adult’s ability to receive health care or health care benefits or to pay bills for basic needs or obligations.

**Exposure incident** – A specific eye, mouth, other mucous membrane, non-intact skin, or potential contact with blood or other potentially infectious materials that results from the performance of an employee’s duties (29 CFR § 1910.1030(b)).

**Extended Duty Assignment** – An assignment for up to the seven-year’s duration.

- a) There are a limited number of job assignments within the Agency which are so technical and/or job knowledge specific that it would not be practical to rotate personnel after seven years. For these positions, the assignment will be for up to fifteen years duration. While these assignments may change due to Agency need and/or advances in technology, the current positions designated for extended rotations are the intelligence officer, Forensic Services Unit detectives and computer forensic detectives.
- b) Examples of extended duty assignments are:
  - 1) Drug Task Force
  - 2) All criminal investigations units
  - 3) School Resource Officers
  - 4) Traffic Unit (DUI position excluded)
  - 5) District One officers
  - 6) Personnel and Training Unit

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## 7) Neighborhood Engagement Team

**Eyewitness identification process** – Any field identification, live lineup or photographic identification.

**Family Support Advisor** – The police psychologist or a member of the Peer Support Team assigned to support and guide the family from notification through funeral follow up.

**Field Commander** – A supervisor, preferably a Mobile Field Force trained sergeant or lieutenant deployed in the field with the Mobile Field Force, responsible for decisions related to tactics. The field commander reports to the incident commander. When practical, the mobile field force commander serves as the field commander.

**Field identification** – A live presentation of a single individual to a witness following the commission of a criminal offense for the purpose of identifying or eliminating the person as the suspect.

**Field Interview (FI)** – The brief detainment of an individual, whether on foot or in a vehicle, based on reasonable suspicion for the purpose of determining the individual's identity and resolving the officer's suspicions.

**Field photographs** – Posed photographs taken of a person during contact, detention, or arrest in the field. Undercover surveillance photographs of an individual and recordings captured by the normal operation of a Mobile Video Recorder (MAV) system when persons are not posed for the purpose of photographing are not considered field photographs.

**Financial exploitation** – The illegal and improper use of an at-risk adult's financial resources for another person's profit or advantage.

**Findings** – At the conclusion of a level one or level two investigation, one of the following classifications shall be used:

- a) "Not involved": The employee was not involved in the incident.
- b) "Unfounded": The allegation was false or not factual.
- c) "Exonerated": The incident occurred, but the employee's behavior did not violate any City or Agency rule, regulation, Policy, procedure or Training Directive.
- d) "Not sustained": There is insufficient evidence to prove or disprove the allegation.
- e) "Sustained": The allegation is supported by sufficient evidence establishing that the employee violated one or more City or Agency rule, regulation, Policy, Procedure or Training Directive.
- f) "Duplicate": An allegation that garnered prior documented supervisory intervention or action

**Force** – The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

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**Force Review Board** – An investigatory board appointed by the Chief for the purpose of review and evaluation of a specific incident involving the use of force by one or more Agency employees.

**Foreign national** – Anyone who is not a citizen of the United States. A person with dual U.S. and foreign citizenship is not a foreign national.

**Found property** – Includes property found by an employee or citizen where the owner cannot be readily identified or contacted and has no apparent evidentiary value.

**Funeral Liaison** – Acts as a facilitator between the decedent officer/employee's family and FCPS during the visitation and funeral. This is not a decision-making position but works at the direction of the Survivor Assistance Officer. The funeral liaison needs not be a command officer, but the assignment is of critical importance. This person should be close enough to the deceased officer/employee to be aware of the family dynamics (if possible) but not so emotionally involved as to be ineffective.

**Gang** – A group of three or more individuals with a common interest bond and whose activity is characterized by criminal or delinquent conduct.

**Gang Motivated Crime** – An act which would be criminal or delinquent under federal, state, or local law and which is committed for the benefit of, at the direction of, or in association with any gang to promote further or assist the gang or gang member.

**Gang Related Criminal Information** – Reported criminal activity engaged in by an individual or organization which is reasonably suspected in gang activity and meets the criteria established to determine a group or individual's gang affiliation.

**Guardian** – A person, association, or corporation that is granted authority by the state to exercise parental rights over a child (CRS § 19-1-103(75)).

**Computer hardware** – Includes, but is not limited to, computers, computer terminals, network equipment, modems or any other tangible computer device generally understood to comprise hardware.

**Holding facility** – An Agency detention facility used for the confinement of persons for less than 48 hours pending release, transfer to another facility, or appearance in court (6 CCR 1010-13:2:8). A holding facility includes any area designated for the temporary detention of persons in civil protective custody.

**Hospital Liaison** – An employee who is designated to immediately oversee and coordinate liaison between FCPS and its personnel, the receiving hospital, and the family if an injured FCPS employee is transported to a hospital.

**Hostage situation** – An incident where it is reasonable to believe a person is unlawfully held by a hostage-taker as security so that specified terms or conditions will be met.

**Imminent threat** – When used in this Policy Manual, the term "imminent threat" shall mean that the suspect's actions are so dangerous that they present a clear and immediate threat of serious bodily injury or death to persons other than themselves. Such circumstances shall not include the mere act of fleeing. Factors to consider in assessing the immediate threat to others

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include, but are not limited to, specific threats made while committing a violent felony or violent actions against a victim that the officer can infer the suspect will repeat, such as armed carjacking, robbery with a deadly weapon, or shooting at arriving police officers or citizens while the suspect is fleeing. The mere existence of an arrest warrant for a violent felony does not automatically infer an immediate threat to others and one or more of the factors outlined above must also be present in order to establish that an immediate threat exists.

**Immunity** – Refers to various protections and privileges extended to the employees of foreign governments who are present in the U.S. as official representatives of their home governments. These privileges are embodied in international law and are intended to ensure the efficient and effective performance of their official missions (i.e. embassies and consulates) in foreign countries. Proper respect for the immunity to which an individual is entitled is necessary to ensure that U.S. diplomatic relations are not jeopardized and to maintain reciprocal treatment of U.S. personnel abroad.

- a) Although immunity may preclude U.S. courts from exercising jurisdiction, it's not intended to excuse unlawful activity. It is the policy of the DOS Office of Foreign Missions (OFM) that illegal acts by foreign service personnel should always be pursued through proper channels. The host country's right to protect its citizens supersedes immunity privileges. Peace officers may intervene to the extent necessary to prevent the endangerment of public safety or the commission of a serious crime, regardless of immunity claims.

**In-car camera system and Mobile Video Recorder (MAV)** – Synonymous terms which refer to any system that captures audio and video signals, that is capable of installation in a vehicle, and that includes at minimum, a camera, microphone, recorder and monitor.

**Incident Commander (IC)** – A supervisory, generally a lieutenant or higher-ranking officer, or his/her designee, who has overall responsibility for the management of a critical incident.

**Internal Affairs Case Management System (IACMS)** – An electronic tracking program used to initiate, investigate, track, and store all records pertaining to complaints of employee misconduct.

**Interpret or interpretation** – A person who has been screened and authorized by the Agency to act as an interpreter and/or translator for others.

**Intersex** – A person whose sexual or reproductive anatomy or chromosomal pattern does not seem to fit typical definitions of male or female. Intersex medication conditions are sometimes referred to as disorders of sex development (28 CFR 115.5).

**Intimate relationship** – A relationship between spouses, former spouses, past or present unmarried couples, past or present civil union partners, or persons who are both parents of the same child, regardless of whether their persons have been married or have lived together at any time.

**Investigator** – Any supervisor, police officer in the Professional Standards Unit, or any other person authorized by the Chief to conduct an administrative or criminal investigation.

**Involved officer** – An employee, whether on or off duty, who is involved in a critical incident as an actor, victim, or custodial officer. When circumstances warrant, a witness officer may be

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deemed an involved officer for purposes of this policy (e.g. shooting where one officer fires and the other does not).

**Juvenile** – Any person under the age of 18 years.

**Juvenile delinquent** – A juvenile who has been found guilty of a delinquent act (CRS § 19-2.5-102(31)).

**Juvenile offender** – A juvenile under 18 years of age who is alleged to have committed an offense that would subject an adult to arrest (a non-status offense). Juvenile offenders include juveniles taken into custody for possession of a handgun under CRS § 18-12-108.5 (28 CFR 31.303).

**Juvenile non-offender** – An abused, neglected, dependent or alien juvenile who may be legally held for his/her own safety or welfare. Juvenile non-offenders include a juvenile taken into protective custody for being intoxicated or incapacitated by alcohol and clearly dangerous to the health and safety of him/herself under CRS § 27-81-111, and any runaway taken into temporary custody under CRS § 19-3-401. This also includes any juvenile who may have initially been contacted for an offense that would not subject an adult to arrest (e.g. fine-only offense) but was taken into custody for his/her protection or for purposes of reuniting the juvenile with a parent, guardian or other responsible person.

**Kinetic Energy Delivery System** – A delivery system intended to launch less-lethal projectile munitions.

**Legal amount of marijuana** – Anything at or below the following amount qualifies as a legal amount for an individual 21 years of age or older (Colorado Const. Art. 18, § 16(3)):

- a) No more than two ounces of a usable form of marijuana.
- b) No more than six marijuana plants, with three or fewer being mature, flowering plants that are producing a usable form of marijuana.

**Legal custody** – The right to the care, custody, and control of a child and the duty to provide food, clothing, shelter, ordinary medical care, education and discipline for a child and, in an emergency, to authorize surgery or other extraordinary care (CRS § 19-1-103(94)(a)).

**Less-lethal weapon systems/munitions** – Any type of weapon or ammunition designed and intended primarily for use to temporarily incapacitate a person without causing death or serious injury to such a person.

**Limited English Proficient (LEP)** – Any individual whose primary language is not English and who has a limited ability to read, write, speak or understand English. These individuals may be competent in certain types of communication (e.g. speaking or understand) but still be LEP for other purposes (e.g. reading or writing). Similarly, LEP designations are context-specific; an individuals may possess sufficient English language skills to function in one setting but these skills may be insufficient in other situations.

**Line-of-Duty Death** – Any action, felonious or accidental, which claims the life of a Fort Collins Police employee who is performing work related functions while either on or off-duty.

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**Manual or Policy Manual** – The Fort Collins Police Services Policy Manual.

**Mandatory appearance** – Subpoenas and court notices require an employee's physical appearance in the specified court at the specified time unless advised by the notice or issuing attorney otherwise. Failure to appear either intentionally or by negligence may result in disciplinary action.

**Marked police vehicle** – When used in this policy, the term "marked police vehicle" means an authorized emergency vehicle with standard patrol vehicle markings including, but not limited to: police emblems and decals including the agency's name and emergency telephone number, reflective materials on the side and rear, an overhead light bar mounted on top of the vehicle with red and/or blue and/or white lights, a siren, and a mobile radio transceiver. A marked police vehicle should also be equipped with a public address speaker, exterior spotlights, and alley lights. Police motorcycle and vehicles with "undercover lights," modified or no police markings and/or any combination thereof will not be considered marked patrol vehicles for purposes of this policy.

**May** – Indicates a permissive, discretionary or conditional action.

**Media** – As used in this policy, the term "media" or "news media" means television, radio, magazines and newspapers, collectively that are published or broadcasted to the general public as part of its regular course of and conduct of business, together with the people involved in their production and dissemination. "Media" or "news media" does not include internet-based blogs, listservs, or newsgroups.

**Medical file** – That file which is maintained separately that are exclusively contains material relating to an employee's medical history.

**Medical marijuana patient** – A person who has a debilitating medical condition (Colorado Const. Art. 18, § 14).

**Medical use** – the acquisition, possession, production, use or transportation of marijuana or paraphernalia relating to the administration of such marijuana to address the symptoms or effects of a patient's debilitating medical condition, which may be authorized only after a diagnosis of the patients' debilitating medical condition by a physician (Colorado Const. Art. 18, § 14).

**Member** – Any person employed or appointed by Fort Collins Police Services, including certified officers, reserve officers, civilian employees, and volunteers.

**MFF Commander** – A lieutenant whose responsibility is to coordinate the overall function of the unit including department training, budget, and equipment.

**MFF Training Staff** – Supervisors and officers who have received instructor level MFF training. They will be responsible for yearly, and recruit training.

**Missing person** – Any person who is reported missing to law enforcement when that person's location is unknown. This includes persons whose safety and welfare is the subject of concern (CRS § 16-2.7-101(2)).

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**Missing person networks** – Databases or computer networks that are available to law enforcement and are suitable for obtaining information related to missing person investigations. This includes the National Crime Information Center (NCIC), the Colorado Crime Information Center (CCIC) and the Colorado Bureau of Investigation (CBI).

**Missing person with developmental disabilities** – A person with a verified developmental disability domiciled in Colorado, whose whereabouts are unknown and whose disappearance poses a credible threat to the safety and health of the person.

**Missing senior citizen** – An individual 60 years or older with a verified mental impairment resulting in a credible threat to their health and safety whose whereabouts are unknown.

**Mistreatment** – An act or omission that threatens the health, safety, or welfare of an at-risk adult or exposes the adult to an imminent risk of death, serious bodily injury, or bodily injury to the adult. Mistreatment includes, but is not limited to:

- a) Abuse which occurs where there is infliction of physical pain or injury, unreasonable confinement or restraint, or subjection to criminal non-consensual sexual conduct.
- b) Caretaker neglect, such as inadequate food, clothing, shelter, psychological care, physical care, medical care or supervision for the at-risk adult.

**Mobile Field Force (MFF)** – A group of sworn Agency personnel deployed to address civil disturbances, critical incidents, or other events where MFF organization or tactics would assist in the resolution of the event. On rare occasions, the MFF might include sworn members from other agencies who are assisting our Agency.

**Mobile Field Force Commander** – A lieutenant, appointed by the Patrol Division Assistant Chief, typically the SWAT Commander, whose responsibility is to coordinate and manage the overall administrative functions of the unit to include training, budget, and equipment. When practical, the Mobile Field Force Commander may assume the role of the field commander during deployments of the MFF.

**MFF Team Leader** – A sergeant or senior officer responsible for a team of MFF officers. Works under the direct supervision of the field commander.

**MFF Training Staff** – Sworn employees, who have received instructor level MFF training, responsible for providing recruit and yearly refresher training.

**Modified duty** – A temporary limited-term assignment not requiring performance of the full range of duties associated with the regular job classification. Modified-duty also may be termed as light-duty assignments.

**Need-to-Know Information** – The necessity to obtain or receive criminal intelligence information in the performance of the official duties as a law enforcement or criminal justice authority.

**Neglect** – A child is neglected if the child (CRS § 19-3-102(1)):

- a) Has been abandoned or been subjected to mistreatment or abuse.
- b) Lacks proper prenatal care.



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- c) Is in an environment that is injurious to his/her welfare.
- d) Is homeless, without proper care, or not domiciled with a parent, guardian, or legal custodian.
- e) Has run away from home or is otherwise beyond the control of a parent, guardian, or legal custodian.
- f) Tests positive at birth for a controlled substance as a result of the mother's unlawful intake of such a substance.
- g) Resides in an environment in which another child has been adjudicated, neglected, or dependent after having been subjected to an identifiable pattern of habitual abuse that poses a current threat to the child (CRS § 19-3-102(2)).

**Negligent discharge** – Handling a firearm in a manner which causes an unintentional or accidental firing of the weapon.

**Non-Criminal Identifying Information** – The names of individuals, locations, organizations, groups, or businesses that are not suspected of criminal involvement, but provide relevant, descriptive, identifying information regarding a gang member.

**Non-secure interview rooms** – These are interview rooms in which an individual may exit the room and building without having the need for a key or fob assistance. Two interview rooms are located in the Agency lobby and each contains a table and several chairs. The interview room located in the Victim Services section is considered a “soft” interview room and contains a variety of home furnishings. Two interview rooms in the training office used for CVSA's are non-secure as long as the lock on the door is disengaged

**OC spray (or individual protection device)** – An Agency-issued canister containing non-flammable, aerosol-propelled oleoresin capsicum (OC).

**Occupational disease** – Any disease resulting directly from employment or work conditions which is a natural incident of the work and a result of the exposure occasioned, and which can be fairly traced to the employment as a proximate cause and not from a hazard to which the worker would have been equally exposed outside of his/her employment.

**Officer involved incident** – (Also referred to herein as critical incident) An incident occurring in Larimer County involving two or more people, in which a police agency employee is involved as an actor, victim, or custodial officer and where fatal injury (see definition) or serious bodily injury (see definition) occurs.

**On-call** – When an employee has appeared in court or is on-duty and has been told by a member of the court that the employee is free to leave the court or return to duty, subject to being available by a personal communication device.

**On-duty** – An employee, intern, or volunteer working in an official capacity during the period when he/she is actually engaged in the performance of his/her assigned duties, including regularly scheduled hours, overtime hours, and outside police work.

**Order** – A written or verbal instruction issued by a superior.

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**Outside non-police employment** – Any duties or services not involving police authority which is performed for a third party outside organization, affiliate organization, company or individual during non-working hours, including but not limited to a second job, engaging in outside consulting work, and becoming self-employed in an outside business activity. Serving as a volunteer for a non-profit entity is not considered outside non-police employment. Outside non-police employment is not considered time worked under the FLSA or City Policy.

**Outside police employment** – Any duties, services, or volunteer work involving the use of police authority which is performed for a third party outside organization, affiliate organization, company or individual. Outside police employment, when performed for a third party, is not considered time worked under the FLSA or City Policy.

**Patient** – A person who has a debilitating medical condition (Colorado Const. Art. 18, § 14).

**Patrol use vehicle** – Includes, but is not limited to, any marked or unmarked police car, transport, truck, plow, ATV, snowmobile, boat, hovercraft, rescue craft, jet-ski, dive vehicle, SERT vehicle, mobile crime lab, undercover or unmarked vehicle, or deployment trailers provided by the Agency for the purposes of performing job duties as required by public safety or emergency response duties or essential job functions.

**Pattern of criminal activity** – The commission, attempt, conspiracy, or solicitation of two or more predicate criminal acts which are committed on separate occasions or by two or more persons (CRS § 18-23-101(2)).

**Pawnbroker** – Shall have the same definition as set forth in City Code Section 15-261 and include all owners, managers, or employees of a pawnbroker.

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

**Person disabled in communication** – A person who cannot fully understand legal proceedings or charges involving him/her because of difficulty in speaking or comprehending the English language.

**Personal Communication Devices (PCD)** – Includes all cellular telephones, mobile telephones, tablets, iPads, and other such wireless two-way communications and/or portable internet access devices.

**Personal injury accident** – Any unforeseen event occurring without the will or design of the person whose mere act causes it. An accident or injury includes disability or death resulting from accident or occupational disease.

**Personal property** – Items or equipment owned by, provided by, or purchased totally at the expense of the employee. This definition includes optional equipment items identified in Policy 1046 – Police Uniform Regulations.

**Personal relationship** – Includes marriage, civil union, cohabitation, dating, or any other intimate relationship beyond mere friendship.

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**Personnel file** – Any file, including an Agency, division, supervisor, training, administrative investigations or medical file, of an employee containing information about the employee maintained because of the employer-employee relationship (CRS § 24-72-202 (4.5)).

**Personnel Management Plan** – A written personnel allocation plan for individual units within the Agency. Personnel management plans shall include:

- a) Historical and planned rotation dates.
- b) Assessment of Agency demand for certain job assignments through the examination of department survey information, conducted in January of every year.
- c) Review and assessment of a unit's personnel succession plans.
- d) Review and assessment on the level of specialized skills, continuity and knowledge required.
- e) Training needs for personnel within specialized units.

**Photographic lineup** – Presentation of photographs to witness for the purpose of identifying or eliminating an individual as the suspect.

**Physical force** – Force, the intended, natural, and probable consequences of which is not to produce death or serious bodily injury and the use of which does not typically result in death or serious bodily injury.

**Plain-clothes handgun** – A handgun either personally owned or issued by the Agency that meets the requirements set forth in this Policy Manual to be carried in an official capacity as a police officer while on-duty in plain clothes or off-duty.

**Police baton (or expandable baton)** – An Agency-issued or Agency-approved cylindrical staff of less than 30 inches made of metal, wood and/or plastic which may collapse and expand.

**Police employee** – A person compensated by a particular law enforcement agency or authorized volunteer of that law enforcement agency who performs an act for the benefit of and subject to the control of that agency. However, an officer acting pursuant to authority under a special commission is not considered an employee of the agency granting the special commission.

**Policy Manual or Manual** – The Fort Collins Police Services Policy Manual.

**Political activity** – Any act or statement supporting or opposing any candidate, legislation, constitutional amendment, amendment to the City Code or City Charter, or any petition addressed to any government agency or official, or the circulation of any such petition. A political activity does not include:

- a) Registering to vote or voting in any election.
- b) Any act or statement supporting or opposing any legislation, constitutional amendment, amendment to the City Code or City Charter, or any petition addressed to any government agency or official, when such act is done or statement is made by a management employee authorized by the City Manager to express the City's official position.

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- c) Any statement which recommends supporting or opposing any legislation, constitutional amendment, amendment to the City Code or City Charter, or any petition addressed to any government agency or official, which such statement is made by an employee in the course of the employee's employment to aid City management in formulating an official City position.

**Primary caregiver** – A person, other than the patient and the patient's physical, who is 18 years of age or older and has significant responsibility for managing the well-being of a patient who has a debilitating medical condition (Colorado Const. Art. 18, § 14).

**Proceeds traceable (or traceable proceeds)** – Includes all real and personal property, which is proceeds attributable to, derived from, or realized through any unlawful act involving a contraband article.

**Property Hold Order** – A written order issued to a pawnbroker or secondhand dealer to hold any tangible personal property deposited with or in custody of any pawnbroker or secondhand dealer for the purpose of further investigation and/or as evidence of any crime when an officer has reasonable suspicion that the property may be stolen, otherwise illegally obtained, or otherwise subject to seizure.

**Property Seizure Agreement** – An agreement signed by a pawnbroker or secondhand dealer allowing Fort Collins Police Services to seize property subject to seizure from a pawnbroker or secondhand dealer without a search warrant.

**Property Subject to Seizure** – Personal property held by a pawnbroker or secondhand dealer that a police officer has probable cause to believe is illegally obtained, stolen, or otherwise subject to seizure.

**Prosecution** – Includes the prosecutor and all investigative agencies involved in the criminal prosecution of a defendant, including this Agency.

**Pursuit/Vehicular Pursuit** – When used in this policy, "pursuit" and "vehicular pursuit" mean an active attempt by a police officer, in an authorized emergency vehicle, to apprehend an actual or suspected violator of the law who is attempting to avoid apprehension through evasive tactics or by ignoring the officer's attempt to stop him/her. However, "pursuit" and "vehicular pursuit" shall not mean following a suspect a few blocks to obtain verification of or evidence of the guilt of a suspected violator of State or Municipal traffic laws.

**Qualified bilingual member** – A member of Fort Collins Police Services, designated by the Agency, who has the ability to communicate fluently, directly and accurately in both English and another language. Bilingual members may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language to another.

**Qualified interpreter** – A person who, via a VRI service or an on-site appearance, is able to interpret effectively, accurately and impartially, both receptively and expressively, using any necessary specialized vocabulary. In some circumstances, Colorado requires interpreters to have a valid certification of competency accepted by the Commission for the Deaf and Hard of Hearing, so it is the policy of this Agency to only obtain certified interpreters (CRS § 13-90-

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202(8)). Qualified interpreters include oral interpreters, translator, sign language interpreters and intermediary interpreters. Not all interpreters are qualified for all situations. For example, an interpreter who is qualified to interpret using American Sign Language (ASL) is not necessarily qualified to interpret orally. Also, someone who has only a rudimentary familiarity with sign language or finger spelling is not a “qualified sign language interpreter.” Likewise, someone who is fluent in sign language but who does not possess the ability to process spoken communication into the proper signs or to observe someone signing and translate their signed or finger-spelled communication into spoken word is not a qualified sign language interpreter (28 CFR § 35.104). A qualified interpreter for a person who is deaf=blind would need to be able to use tactile sign language.

**Racial or bias-based profiling** – An inappropriate reliance on factors such as race, ethnicity, national origin, religion, sex, sexual orientation, economic status, age, cultural group, disability or affiliation with any other similar identifiable group as a factor in deciding whether to take law enforcement action or to provide service.

**Rank** – The title of the classification held by an officer.

**Reasonable** – An objective standard view from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight and within the limitations of the totality of the circumstances presented at the time of the incident.

- a) Any interpretation of reasonableness about the amount of force that appears to be necessary in a particular situation must allow for the fact that police officers are often forced to make split-second decisions with limited information in circumstances that are tense, uncertain, and rapidly evolving.

**Reasonable suspicion** – The presence of information which establishes facts to give trained law enforcement or criminal investigative agencies basis to believe there is a reasonable possibility an individual or organization is involved in a definable criminal activity or enterprise.

**Reasonable/Reasonably** – When used in this manual, the terms “reasonable” and “reasonably” refer to an objective standard of what a prudent police officer exercising sound judgement would do in like circumstances.

**Recorded media** – Audio-video signals recorded on any of several storage devices, including, but not limited to, analog tape (VHS, SVHS, Hi 8mm), digital tape (DV), or other portable digital storage devices (CD, DVD, hard drive, flash card).

**Records Custodian or Custodian** – Is the official custodian or any authorized person having personal custody and control of the criminal justice records in question (CRS § 24-72-302(5)).

**Register/registration** – Includes initial registration, registration, confirmation of registration and re-registration as required by law.

**Registrant** – Means a person who is required to register in accordance with Colorado law.

**Registry Identification Card (RIC)** – That document, issued by the Colorado Department of Public Health and Environment, which identifies a patient authorized to engage in the medical

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use of marijuana and such patient's primary caregiver, if one has been designated (Colorado Const. Art. 18, § 14).

**Relative** – For purposes of this policy, the terms “relative” and “family member” mean spouse, civil union partner, parent, child, sibling, sibling's children, aunt/uncle, cousin, grandparent and grandchild, including in-law, step and foster relationships. The terms also include any person claimed by the employee as a dependent for income tax purposes or any person residing in and sharing with the employee the expenses of the household.

**Release of Property Hold Order** – Written order releasing a “Hold Order.”

**Reportable Use of Force** – A use of force in which:

- a) The application caused a visible injury, or
- b) The application would lead a reasonable officer to conclude the individual may have experienced more than momentary discomfort, or
- c) The individual subjected to the force expressed a complaint of pain or injury.
- d) An officer applied a control device, or
- e) An officer applied handcuffs or leg restraints, or
- f) The individual subjected to the force was rendered unconscious, or
- g) An individual was struck or kicked in any manner, or
- h) An individual alleges any of the above has occurred.

**Representative** – An attorney or any other individual chosen by an employee or a complainant to be present with the employee or the complainant during any administrative interview of the employee or the complainant under this policy.

**Residence** – Means a place or dwelling that is used, intended to be used, or usually used for habitation by a person who is required to register. “Residence” may include, but is not limited to, a temporary shelter or institution, if the owner of the shelter or institution consents to the person utilizing the shelter or institution as his/her registered address.

- a) A person may establish multiple residences by residing in more than one place or dwelling.

**Right to Know** – The legal authority to obtain or receive criminal intelligence information pursuant to court order, statute, or decision of law.

**Rotation** – A transfer in assignment based upon time in a given assignment.

**Safekeeping** – Includes the following types of property:

- a) Property obtained by the Agency for safekeeping, such as a firearm.
- b) Personal property of an arrestee not taken as evidence.
- c) Property taken for safekeeping under authority of a law.

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**Safety Belt System** – A system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, and that conforms to Federal Motor Vehicle Safety Standards and Regulations (CRS § 42-4-237 (1)(b)).

**Search Incident to Arrest** – A thorough visual and manual examination of an arrested person and the area immediately around that person for weapons, contraband, or evidence that might be destroyed. A Search does not require the removal or arrangement of some or all of the person's undergarments or clothing directly covering the person's genitalia, buttocks, anus or female breasts.

**Secondhand Dealer** – Shall have the same definition as set forth in City Code Section 15-316 and includes all owners, managers, or employees of a secondhand dealership.

**Secure interview rooms** – These are interview rooms in which an individual may NOT exit the room and/or building without having the need for a key or fob assistance. These interview rooms are located in the hallway directly east of the main Temporary Detention Area (TDA) and the Criminal Investigations Division west and east end. These rooms all have visual and voice recording capabilities and include an assortment of desks and chairs.

**Seizure** – The physical taking of tangible personal property from the premises of the pawnbroker or secondhand dealer that a police officer has probable cause to believe is stolen, otherwise illegally obtained, or is evidence of a crime.

**Self-neglect** – An act or failure to act, whereby an at-risk adult substantially endangers his/her health, safety, welfare or life by not seeking or obtaining services necessary to meet his/her essential human needs.

**Serious Bodily Injury (Non-traffic)** – Bodily injury which either at the time of the actual injury or at a later time, involves a substantial risk of death, serious permanent disfigurement, protracted loss or impairment of any part or organ of the body, or breaks, fractures or burns of the 2<sup>nd</sup> or 3<sup>rd</sup> degree (CRS § 18-1-901(3)(p)).

**Serious Bodily Injury (Traffic)** – Injury which involves a substantial risk of death, a substantial risk of serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body (CRS § 42-4-1601).

**Sex Offender Registry** – Means the Colorado Sex Offender Registry created and maintained by the Colorado Bureau of Investigation.

**Sexual Harassment** – Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors or other verbal, visual, or physical conduct of a sexual nature when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition for an employee's employment;
- b) Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
- c) Conduct that has the purpose or effect of interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

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**Shall (or will)** – Indicates a mandatory action.

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

**Sight and sound separation** – Located or arranged to prevent physical, visual, or auditory contact.

**Software** – Includes, but is not limited to, all computer programs and applications, including shareware (Software available for trial use). This does not include files created by the individual user.

**Source of information (SOI)** – A person or organization, not under the direction of a specific law enforcement officer, who provides information without becoming a party to the investigation itself (e.g. a business firm furnishing information from its records, an employee of an organization who provides information of value, or a concerned citizen who witnesses an event or has information of value to law enforcement).

**Special Duty Assignment** – A collateral assignment that an officer assumes in addition to his/her full-time primary assignment and may be for a specific or indefinite period of time. Additions and deletions to the following list are possible as the organization grows and changes. The following are Special Duty Assignments:

- a) Field Training Officer Team
- b) SWAT Team
- c) K-9 Team
- d) Bicycle Patrol Unit
- e) CRASH Team
- f) Peer Support Team
- g) Drug Recognition Expert
- h) Northern Colorado Bomb Squad
- i) Crime Scene Investigators
- j) Firearms Training Unit
- k) Interdiction Team
- l) Physical Fitness Team

**Status offender** – A juvenile suspected of committing a criminal violation of the law that would not be a criminal violation but for the age of the offender. Examples may include running away, underage possession of tobacco, curfew violations or truancy. A juvenile in custody on a court order or warrant based upon a status offense is also a status offender.



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**Strip search** – A search that requires a person to remove or arrange some or all of his/her clothing to permit a visual inspection of the genitals, buttocks, anus, or female breasts of such person (CRS § 16-3-405(2)).

**Subordinate** – An employee who is subject to the temporary or ongoing direct or indirect authority of a supervisor.

**Substantial Risk** – Any discharge of a firearm entails some risk of an unintended outcome. A substantial risk exists when a law enforcement officer disregards a foreseeable likelihood that innocent persons will be endangered.

**Supervisor** – Any employee who has temporary or ongoing direct or indirect authority over the actions, decisions, evaluation and/or performance of a subordinate employee.

**Supervisor log entries** – Any written comment, excluding actual performance evaluations, made by a supervisor concerning the conduct of an employee of this Agency.

**Survivor Assistance Officer** – That officer/manager designated by the Officer in Charge to oversee implementation and execution of any or all of the provisions of the Line-of-Duty Death SOP and serves as a facilitator between the family and FCPS.

**Tactical Vehicle Intervention (TVI)**- A low-speed maneuver intended to terminate the pursuit by causing the violator's vehicle to spin out and come to a stop.

**Technical Accident Investigation** – The application of advanced investigative techniques for the determination of speed, cause analysis, vehicular dynamics, criminal elements, occupant injury, occupant identification, vehicular defects, contributory factors, etc., as they relate to traffic accidents.

**Temporary Detention Area (TDA)** – An area in which an individual may not exit without a key or fob assistance. FCPS has a main Temporary Detention Area on the first floor of the building consisting of a sally port, temporary detention cells, two booking areas, a DRE (Drug Recognition Expert) testing room, an intoxilyzer room and a room used for taking photographs and fingerprints. All interview rooms in the building in which an individual may not exit out of the room and/or building without a key or fob assistance is considered a Temporary Detention Area, also known as a secure interview room.

**Temporary Duty Assignment (TDA)** – A full-time duty assignment for up to a three-year time period.

**Temporary file, permanent file, or file** – Includes any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to, spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, or messages.

**Traffic Accident** – An incident in which the movement of a vehicle or its load results in injury or damage to any person or property, including the vehicle itself, regardless of the amount of monetary damage.

**Training file** – A file maintained by the Professional Standards Unit which documents the training records of an employee.

<b>POLICY</b>	<b>107</b>
<b>TITLE</b>	Definitions

**Translate or translation** – The replacement of written text from one language (source language) into an equivalent written text (target language).

**Transgender** – A person whose gender identity (i.e. internal sense of feeling male or female) is different from a person’s assigned sex at birth (28 CFR 115.5).

**Usable form of marijuana** – The seeds, leaves, buds and flowers of the plant (genus) cannabis, and the resin, compound and any mixture or preparation thereof.

**Validated** – Information on a subject which is collected and determined to meet the criteria set forth for entry into the CoG database.

**Vehicle** – Any device which is capable of moving itself or of being moved from place to place upon wheels or endless tracks. This does not include any farm tractor, or any implement of husbandry designed primarily or exclusively for use and used in agricultural operations or any device moved by muscular power or moved exclusively over stationary rails or tracks or designed to move primarily through the air (CRS § 42-1-102(112)).

**Victim** – Includes any person identified as a victim of crime as detailed and applicable in CRS § 24-4.1-302(5), and any person identified as suffering losses due to crime, as identified and as applicable in CRS § 24-4.1-102.

**Victim’s immediate family** – The spouse, civil union partner, any child by birth or adoption, any stepchild, parent, stepparent, sibling, legal guardian, significant other or a lawful representative of the victim (CRS § 24-4.1-302(6)).

**Violent Felony** – When used in this manual, the term “violent felony” shall mean a crime in which a perpetrator used aggressive physical force, which may cause serious bodily injury or death. Some examples include, without limitation: homicide, kidnapping, assault in the first or second degree, aggravated robbery, felony sexual assault, arson in the first degree, and hit and run accident involving death or serious bodily injury.

**Volunteer** – An individual who performs a service for the Agency without promise, expectation or receipt of compensation for services rendered, including chaplains, Victim Service’s Team members, unpaid officers, interns, persons providing administrative support, and youth involved in a law enforcement Explorer Post.