REPORT AND OPINIONS OF ALAN YOUNGS
POLICE CONSULTANT AND TRAINER
ACTIONS BY RETIRED CHIEF OF POLICE DAVID MONTGOMERY
FIRESTONE POLICE DEPARTMENT

Submitted to Firestone Mayor and Board of Trustees

September 2, 2021
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Introduction

This is my report concerning the above-referenced matter, and reflects my opinions, as well as the bases for my opinions in this case. Recognizing that additional discovery may occur over time, I reserve the right to prepare supplemental and/or rebuttal reports, if requested to do so.

Retention, Methodology and Role

I was retained by the Firestone Town Board and its attorney, William Hayashi concerning this particular matter, as well as the actions of the Safety Services Director, Mark Campbell. I was asked to review the materials forwarded to me concerning this case, and render my opinions as to the actions of Retired Chief David Montgomery and the Safety Services Director, Mark Campbell.

My methodology involves a review of those materials (listed below), and a focus on whether or not the actions of Retired Chief David Montgomery and the Safety Services Director, Mark Campbell, are in concert with well-established and modern law enforcement practices, and consistent with what reasonably-trained and prudent police officers would likely have done given the same or similar circumstances.

My role in this case is to assist the trier of fact in understanding the dynamics that come into play during law enforcement encounters with citizens, as well as well-established and modern law enforcement practices.

This Consultant delivered a report to the public and the board about his findings, policies and recommendations. He interviewed 96% of the Firestone Police Department staff, and 92.3% of that staff wanted change. A majority of employees felt that Chief Montgomery was very personable, but they did not want him to return as Chief of Police. It is also my opinion that Chief Montgomery had lost credibility with the majority of his employees and should have retired from the Firestone Police Department. It is also my opinion that Safety Services Director, Mark Campbell, has done an excellent job of leading the Firestone Police Department in 2021. Those employees who were interviewed stated that he had made positive changes for the Firestone Police Department and that they appreciated his efforts and professionalism.
The basis for the below-listed opinions comes from a review of all the materials submitted to me by the Town Attorney, William Hayashi and the Safety Services Director, Mark Campbell, which are listed in this report, as well as the education, training and experience I have gained from over 50 years of involvement in the law enforcement field. These opinions are rendered to a reasonable and prudent degree of certainty in the field of law enforcement, training, supervision, and booking of evidence into property.
Introduction of Alan C. Youngs

Chief Alan C. Youngs retired after 33 years with the Lakewood Colorado Police Department, a suburb of Denver. He held command positions within every division of the department. He is also a graduate of the FBI National Academy, 166th Session. He has earned a bachelor’s degree in Political Science, a master’s degree in Public Administration and a Law degree.

Chief Youngs is a practicing attorney, defending police officers, municipalities and counties, and is a law enforcement expert witness in police policies, procedures, use of force, training and police academies. He has reviewed case files and has in the past testified in numerous cases. He is a licensed member of the Washington D.C. Bar, the Nebraska and Colorado United States District Courts, International Trade Court, Court of Appeals for the District and U.S. Supreme Court. He is a member of the American Bar Association Rule of Law Committee, the Colorado Bar Association, the American Immigration Lawyers Association, Federal Litigation Committee and is Vice President of the Americans for Effective Law Enforcement (AELE), certified Litigation Specialist and Vice President of AELE. He is also a graduate of the Police Executive Research Forum Senior Management Institute for Police. He has completed a Colorado Bar-approved, 40-hour training course on Arbitration and Mediation. Mr. Youngs was recently named an International Certified Instructor by the International Association of Directors of Law Enforcement Standards and Training (IADLEST). He recently attended a Train the Trainer course for Blue Courage.

Mr. Youngs has been a Police Advisor to the U.S. Department of Justice, U.S.A.I.D. and U.S. State Department. He has worked as a Police Advisor to the Program Director in El Salvador, the Dominican Republic, Honduras, Paraguay, Peru, Jamaica and St. Kitts. He has provided technical assistance with the development of curriculum, training courses, procedural manuals, anti-corruption training and best practices consistent with democratic principles of policing.

For the past 18 years, Mr. Youngs has been a police practice consultant providing court-appointed expertise in police agency Federal District Court Consent Decrees. Expert in applying Constitutional Standards, State Law, policy and practice to police incidents. He instructs courses on police use of force, internal affairs and discipline. He frequently performs police management assessments on staffing, operations, policy, auditing, investigations, supervision and training. His experience includes deposition and trial testimony. He is an expert witness and has appeared for both the Plaintiff and Defense Bar. Areas of police practice expertise include:

- Police officer-involved shootings
- Use of force
- Excessive use of force
- Internal Affairs
- Supervision
- Effective police training, failure to train, inadequate training and other police training issues
- Police practice and policy
- Discipline
- Mental Health
- Auditing
Employment

United States Federal District Court—Appointed Monitor

- Appointed to the Federal U.S. District Court Consent Decree Monitoring Team of Puerto Rico.
- Work with a team of court-appointed professionals in assessing compliance with Consent
  Decree requirements.
- Specific duties of monitoring team are a police practices expert with focus on police use of
  force, police complaints, shootings, training, supervision, recruitment, police academy
  auditing and other standards of Constitutional Policing practices and procedures.

Police Practice Consultant

- Police practice and policy consultant, expert witness and speaker on oversight of police
  practices.
- Specialized focus on assessment of police use of force, officer-involved shootings, conducting
  investigations of police misconduct, policy review, analysis of data, audits of internal affairs
  and police agency management, review of police reports.
- Training on reporting, investigating and review of police use of force. Provide organizational
  management assessment for police departments relating to operational staffing analysis, 911
  Centers, data management, investigations and support services.
- Mr. Youngs has been a consultant for Dyn-Corp International. He conducted audits,
  inspections and due diligence in Israel, Jordan and Palestine. His assignment included
  recommendations regarding the security and base operations for the Jordan International Police
  Training Center (JIPTC), located in Muwaqqar, Jordan. JIPTC trained the national police
  forces of Iraq, Jordan and Palestine.
- Mr. Youngs has helped conduct management audits of 58 law enforcement agencies in the
  United States, the Middle East, the Caribbean, South and Central America as a consultant. He
  was a contract employee at Fort Leavenworth, where he was an instructor, facilitator and role
  player involved in the democratic police training of Human Terrain Teams, which were
  deployed to Iraq and Afghanistan.
- Mr. Youngs has lectured for the International Association of Chiefs of Police (IACP), the
  Dallas Crime Commission, The Institute for Law Enforcement Administration, the FBI
  Academy, the World Future Society, the Colorado, Connecticut, Illinois, Michigan and
  Northern California Chiefs of Police Associations, the Dallas, Tulsa, Pennsylvania State Police
  and Mexico City Police Academies.
- He is a Colorado Peace Officer Standards and Training (POST) Instructor. He is an Adjunct
  Professor of Criminal Justice at Rio Salado College and at Red Rocks Community College. He
  was the former Director of the Red Rock Police Officers Standards and Training (POST),
  Certified Police Academy. In the past, he has been a facilitator for Enlightened Leadership
  International, as well as an Adjunct Professor at the University of Colorado, Ottawa University,
  Remington College, Metropolitan State College, the University of Phoenix and Penn State
University. He has also reviewed class materials for the University of Notre Dame, pertaining to the future of law enforcement.

- He is an associate with KRW, LLC, which conducts executive searches and management studies throughout the United States. He is also a co-owner of The Law Enforcement Personality, LLC; and a partner with Crime Center Software.

- Mr. Youngs is a member of the International Association of Chiefs of Police (IACP) Investigative Operations Committee and the IACP Professional Standards Committee. He is a certified instructor for the recognition of Excited Delirium and Agitated Chaotic episodes, by the Institute for the Prevention of In-Custody Deaths, Inc. He is also certified in Fraud Prevention.

**Publications**

- Mr. Youngs is a published author of 15 articles on law enforcement. These topics include: *The Future of Public/Private Partnerships; Trust and Transparency; Teamwork, an Innovative Approach; The Lakewood Police Department Cross Cultural Training Program; and The Use of Process Mapping in the Investigation of Domestic Violence.*

**Awards and Achievements**

- United States Department of Justice International Criminal Investigation Training Assistance Program Outstanding Commitment and Service Award.

- United States Department of Justice International Criminal Investigation Training Assistance Program Instructors Award.

- United States Department of Justice Commendation for an Internal Affairs Class in Paraguay.

- Project Manager for the Public/Private Partnership program that won the Colorado Association of Chiefs of Police Pioneer Policing Award.

- Mayor’s Award for Special Achievement in Promoting Cultural Diversity within the Community of Lakewood.

- Project Manager of the Process Mapping project that won the Colorado Association of Chiefs of Police Pioneer Policing Award. This same team won the Mayor’s Innovative Program and also the Denver Regional Council of Governments Innovations Award.

- Commendation from Mayor and Lakewood City Council for Dedicated Service.

- Commendation from Jefferson County Community Corrections Board for Dedicated Service.

- Commendation from Police Athletic League (PAL) for Dedicated Service.

- Inducted into the Denver Post Hall of Fame.
• Inducted into the Lakewood Police Hall of Fame.
• Officer of the Month by the Green Mountain Kiwanis Club.
• Recipient of the Optimist International Law Enforcement Award.
• Awarded Colorado’s Top 20 Police Pistol Shooter status by Governor Richard Lamm.
• Chairman of the Board for the West Metro Drug Task Force.
• Past President of the Police Futurists International.
• Past President of the Metropolitan Law Enforcement Association.
• Past President of the Penn State Polex Class for Police Executives.
• Appointed to Leadership Denver Board of Directors.
• Coordinator of the Senior Management Institute for Police sponsored by Harvard, Kennedy School of Government.
• U.S. International Police Association representative to the Country of Argentina.
• Chosen by IACP to attend instructor training for Leadership in Police Organizations held at the Maryland State Police Academy.
• Chair of the American Society of Industrial Security (ASIS) Interpol Committee.
• Selected to be a Member of the FBI Task Force concerning Gangs, Terrorism and Weapons of Mass Destruction (WMD).
• Assisted in the making of two training films on Juvenile Violence and Gangs by the California and Arizona Police Officers Standards and Training (POST) Commissions.
• Attended and awaiting certification on the Use of the SPIT Mask sponsored by IPICD (The Institute for the Prevention of In-Custody Deaths).
Materials Reviewed

1. Firestone Police Department Violent Crimes and Property Crimes 2019
2. Firestone Police Department Violent Crimes and Property Crimes 2020
3. Memos from Mark Campbell, Safety Services Director to A.J. Krieger, Town Manager
4. Firestone Police Department Evidence Audit, conducted by Police Evidence Audits, LLC
5. Firestone Police Department Recent Property Audit; August 9, 2021
6. Firestone Police Department Job Description
7. Firestone Police Department *Firestone Tribune* Article, involving Retired Chief Montgomery, March 25, 2021
8. Lexipol Policy Manual Table of Contents
9. Firestone Police Department Event Activity Analysis by Time
10. Firestone Police Department Arrest Reports
11. Firestone Police Department Bulletin Reports
12. Firestone Police Department Citation Reports
13. Firestone Police Department Crime Hot Sheet
15. Firestone Police Department Incident Activity Reports
16. Firestone Police Department Event Activity Analysis by Day
17. Firestone Police Department Response Time Analysis
18. Investigation of Former Firestone Police Department Officer Nate Morton’s Complaint (Confidential)
19. Review Harmer Report (Confidential)
20. Firestone Police Department Safety Services Director’s Reports March 2021
21. Firestone Police Department Safety Services Director’s Reports April 2021
22. Firestone Police Department Safety Services Director’s Reports May 2021

23. Firestone Police Department Safety Services Director’s Reports June 2021

24. Reviewed email string reference Daisy Medrano-Perez, where Body Worn Camera evidence was lost

25. Reviewed and agreed with recommendation by Firestone Police Department Command Staff of adding a new Commander

- Investigations
- Professional Standards (NEW)
- Admin Sgt.
- Civilian Evidence Tech (NEW)
- CSO’s
- SRO’s

26. Recommendations made by this consultant

The above-listed materials were reviewed and are detailed and readily available. I will not attempt to summarize all the facts and circumstances of this case file. To do so in a complete and thorough fashion, would simply be reiterating the information already archived, and in some fashion summarized by the investigative process.

My opinion of Retired Chief Montgomery considers his policies and actions relating to hiring, supervision, vehicle pursuits, use of force, training on vehicle stops, including high risk vehicle stops, use of cover, concealment, chain of command, unity of command, and promotional policies. These opinions have been rendered from relevant policies, training, internal reviews and conclusions, and interviews of employees with the Firestone Police Department, both sworn and non-sworn.
Opinions

Were the actions of Retired Chief Montgomery consistent with good police practices?

According to those employees who were interviewed, Retired Chief Montgomery’s policies and actions varied depending upon the individual with whom he was dealing and many times violated the policies and procedures consistently of the Firestone Police Department. This was affirmed by answers to the following seven interview questions:

1. Describe the current strengths of the Firestone Police Department.

Common Responses:

- “Since our “problem” employees left, attitudes seem to be better.”
- “Community relations is stressed in the Firestone Police Department and we have time to interact with the community, which seems to be supportive of the Police Department.”
- “Our supervisors sometimes present a unified front; they are mostly dedicated, strong, and have our back, however, many times the supervisors are not on the same page and have conflicting advice. This was further complicated by Chief who meddled in the day-to-day decision-making of supervisors. Chain of command and unity of command were not followed and many times, Chief would override the decisions of his supervisors.”
- “Safety Services Director, Mark Campbell is doing a good job and many of us now realize there is a new and different world in law enforcement. He is bringing good ideas and has an open-door policy to listen to our concerns.”
- “Training is excellent and the Department has helped many of us develop our skill level.”
- “Our vehicles are in good condition, however, when one needs repair, it takes too long and the Town should contract with an outside automotive vendor to assist.”
“Lexipol is a good system for policy and procedure. The Chief did not push through new policies and procedures, since they weren’t his idea.”

“We have a team atmosphere that believes just about anything can be handled.”

“Good equipment to work with.”

2. Describe any current weaknesses or areas in need of improvement within the Firestone Police Department.

Common Responses:

“We need to hire at least 2 to 4 additional people. This will help ensure officer safety and allow for vacations, emergencies and needed time off.”

“We need more qualified individuals to apply for the vacant positions, but many times none of them are acceptable to be police officers in Firestone.”

“We have to learn a completely new reporting system.”

“There are sometimes not enough people to handle calls or have backup available.”

“We are going to have to learn about Axon body cams, where is the time available to do that?”

“Our municipal judge does not appear to be strong and sometimes coddles defendants.”

“The new pay plan needs to be evaluated once a year with other metropolitan police departments. The Town of Frederick pays more than Firestone.”

“We need more crime scene technicians, which could be civilians with proper training.”

“Many times, we do not we get off on time, due to call load.”

“Frederick Police Department sometimes has more officers than Firestone on the street.”

“Many times, we are handling numerous calls.”
3. What do you value most about the work you do for the Firestone Police Department?

Common Responses:

- “Really enjoy and trust the people I work with.”
- “Love this job.”
- “I have confidence in all my fellow workers.”
- “Firestone Police officers will always step up to help one another.”
- “Our resources are good.”
- “Training is excellent, our input under the present command staff, without Chief Montgomery, is accepted.”
- “The FTO program did a good job of preparing me for working the street.”
- “Command staff allows us to learn new skill sets.”
- “All individuals of the Firestone Police Department respond and cover each other.”
- “Enjoy and value helping people from the Firestone community.”
- “The citizens of Firestone appreciate what we do and constantly thank us for our efforts.”

4. What, if any, are the major resource issues currently facing the Firestone Police Department? In the next 1 to 2 years?

Common Responses:

- Most responses indicated lack of police personnel.
- “Everyone will need to learn the new records management system, which is going to be utilized throughout Weld County.”
- “The north part of our Town will continue to expand and there is projected growth of new homes.”
- “As the Town grows, possibly doubling in size, the crime rate will certainly increase.”
“Traffic flow will increase, which will certainly cause additional traffic accidents throughout Firestone and on I-25.”

5. Based on your experience within the Firestone Police Department, what is most needed to prepare for the next 1 to 2 years? Be specific, staffing, resources, equipment, facilities, etc.?

Common Responses:

- “Our facility is top notch, but additional security cameras should be installed around the building.”
- “Our equipment is excellent.”
- “We need to immediately hire 2 to 4 more police officers.”
- “We need to arrange to have all officers have take-home vehicles, which is also a good recruiting tool.”
- “Some of us are not interested in take-home vehicles. Perhaps, more unmarked vehicles could be purchased to protect anonymity.”

6. If you could make one change within the Firestone Police Department, what would that change be?

Common Responses:

- “Hiring a new Chief who is very knowledgeable about law enforcement, listens to our concerns and displays fair and equitable leadership.”
- “Hire more people to handle calls for service.”
- “Allow Chief Montgomery to retire with dignity.”
- “Rotate members of the Investigation Division back to patrol and replace them with new personnel. There is no need for a sergeant in the Investigation Division at this time. Their case load is minimal and many times, it is difficult for them to help patrol.”
7. Do you support Chief Montgomery returning to the Firestone Police Department as Chief of Police? Do you think he could adapt to the changes that have been made?

Common Responses:

- “Absolutely not, he will never come back unless he is in charge. That would be a big mistake.”
- “Unless it is his idea, he will not buy into it.”
- “The train has left the station and the Chief is not on it.”
- “The Chief always opposed ideas that he was not responsible for developing.”
- “The Chief has altered fundamental fairness on promotions and, therefore, should not come back to the Firestone Police Department. Some people were promoted without a test, others were forced to take a test. He also awarded ‘Chief’s points’ to those individuals who had failed the corporal promotional exam.”
- “The Firestone Police Department needs a new leader with good ideas, human relations skills and the ability to get along with other members of the Town government.”
- “Those people who worked directly for the Chief were constantly rewarded, while some of us worked just as hard as they did, but were never acknowledged by him.”
- “Taking him to lunch went a long way in going to special schools or trainings, which had been denied by the individual supervisor.”
- “There were constantly people outside his door lobbying him for a school, since their own supervisor had turned them down.”
- “The Chief did not play well in the sandbox with other members of Town government. They were openly critical of his leadership style in private conversations. These same individuals reported dishonesty in many of his responses to them. As an example, he reported that 100% of the Firestone Police Department had been inoculated against Covid. When, in fact, the figure was somewhere around 40%.”
Overview

The following were complaints identified by members of the Firestone Police Department involving Retired Chief Montgomery:

- There was a delay in implementing Lexipol policy due to policies needing the chief’s approval not getting approved.

- Review of past internal affairs complaints show policy was not followed consistently. The chief signed all the performance review (IA) memos.

- Discrimination in the promotion process.

- Chief Montgomery’s failure to supervise led to two internal investigations, which were conducted by the Town.

- Chief Montgomery did not report officer untruthfulness to Colorado POST in compliance with the law. Chief Montgomery also did not report officer untruthfulness to the Weld County District Attorney in compliance with Rule 16 (Brady Rule).

- Chief Montgomery had no formal Internal Affairs (IA) Policy and Procedure and no IA tracking system.

- Chief Montgomery did not follow Policies and Procedures for submitting sexual assault (SANE) kits to CBI in compliance with Colorado law.

- The following is an example of complaints against Chief Montgomery 13 years ago as to problem areas an individual observed. It is apparent from the interviews conducted with members of the Firestone Police Department that retired Chief Montgomery’s bad behavior and misconduct had taken place over a long period of time, but people were afraid to come forward due to the possible loss of their job.
1. Employee produced a document written in 2008 that details most of the same concerns that employees have today, including inconsistent promotional processes, policies, policy followed inconsistently, inconsistent discipline, retaliatory actions against employees who express their opinions.

2. The hiring process seems to be inconsistent. Some applicants are made to complete the entire process, while others apparently skip portions, I believe all officers should be made to take all steps in hiring process no matter their level of experience.

3. The promotion process also seems to be unclear. Sometimes people are simply appointed a new position, and other times there is an extensive testing process. Once again, there is not consistency in a very important process.

4. The policies and procedures are unclear at times. There are often references to our department’s “unwritten” policies. The enforcement of these policies and procedures also seem to be enforced somewhat inconsistently.

5. Treatment of officers is also varied. Some officers receive what is perceived as preferential treatment. Some are openly admonished by command staff, while others receive no repercussions for repeated poor decision-making. This is also somewhat gender-based with female officers being treated differently.

6. Communication is not very good, or open as purported. There is often a subtle retaliation or ramification for expressing concerns, opinions, etc. Command staff is good at telling people what they want to hear. Many times, one person is told one thing, and another person is being told something else on the same issue.

**Today in law enforcement:**
- Accountability
- Transparency
- Pattern and Practice
- Chain of Command
- Unity of Command

**Changes Implemented**

The following changes were implemented by Safety Services Director, Mark Campbell, internally at the Firestone Police Department. This has helped resolve the problems created by Retired Chief Montgomery.

- Formal Internal Affairs Policy and Procedure implemented along with an IA tracking system.
- Use of Force review and tracking procedure implemented.
- Supervisors trained in proper IA procedures.
- External audit of the evidence and property section which resulted in:
  - Establishing Policies and Procedures for submitting sexual assault (SANE) kits to CBI in compliance with Colorado law.
  - Establishing firearms release Policies and Procedures in compliance with the law.
  - Implemented a video evidence retention schedule in compliance with municipal records retention schedule.
- Reported officer untruthfulness issue to POST in compliance with the law. Reported officer untruthfulness to the Weld County District Attorney in compliance with Rule 16 (Brady Rule).
- POIIIs required to take and pass the Stanard front line supervisors test prior to being allowed to supervise.
- “Chief points” removed from POIII/Corporal promotion process.
- Corporal positions eliminated.
- Lexipol Policy and Procedure adopted in its entirety.
- Monthly supervisor training through PoliceOne virtual academy implemented.
- Identified supervisors with no documented formal supervisor training. All have been enrolled in one week leadership/supervisor school.
- Commander enrolled in 10-week command school.
- Problem Oriented Policing (POP) program started.
Other issues which have been corrected by Safety Services Director Campbell include:

**Firearms**

Instacheck “RERC” Return Evidence Request Check Query

Agency personnel had not been utilizing Instacheck managed by the Colorado Bureau of Investigations to determine if a gun owner is eligible to own or possess weapons. This determination is required prior to releasing firearms. The prior process as described to me was that records personnel were tasked with making that determination. The evidence auditor spoke with records personnel and they advised that they had been tasked to conduct this research but were never trained on how to research this process and were unaware of Instacheck.

This is overly concerning as it creates a possibility that firearms have been returned to persons that may have been ineligible at the time of the return.

When a query is entered into the Instacheck database, the response will come back as either the person is “eligible” or “ineligible” to own or possess weapons.

This eliminates Firestone employees making a mistake and returning a firearm to an ineligible person.

Per C.R.S. 18-12-112, the evidence auditor advises that all firearm returns be facilitated by a Federal Firearms Licensed Dealer. The firearms owner makes arrangements for the Federal Firearms Licensed Dealer to retrieve the firearm from the police department.

The Federal Firearms Licensed Dealer will release the firearm to the eligible owner, or if the owner is ineligible, the owner can designate another person of eligibility. This transaction is captured by the Federal Firearms Licensed Dealer program.

**SANE Kit Compliance with C.R.S. 24-33.5-113 (HB13-1010).**

The law requires a sexual assault evidence kit be submitted to a forensic lab within 21 days of receipt from a medical facility according to the rules. The rules require all kits be submitted unless:

- The victim does not consent of the kit. [See consent form also posted on the CBI-FS website.]
• The law enforcement agency is able to provide corroborated evidence of a false report within the 21 days before the required submission.

All other kits must be submitted to an accredited forensic laboratory.

The rules committee made these rules effective March 1, 2013.

The mandate for submitting sex assault kits has proven beneficial. From the suspect DNA profiles that the lab obtains from testing the sex assault kits, serial rapists have been identified, some who hover on the “he said, she said” type of assault. Submitting sex assault kits to CBI makes communities safer by identifying through the suspect’s DNA profile who could have been violating citizens in Firestone.

Additionally, perpetrators who were “unknown” assailants in Firestone could have been identified through the DNA profile. The DNA profile is obtained from the crime lab during the SANE kit analysis. The perpetrator may have other sex offenses in other jurisdictions where their DNA profile could have been linked to their identity.

The Firestone Police Department was not in compliance. An audit of sex assault kits was conducted and there were 14 sex assault kits that were never sent to CBI for processing. These cases were researched for compliance to this statute and those kits that are eligible were submitted to CBI for processing.

**Seized firearms not entered into CCIC**

Firearms had not been entered as in custody in the “CCIC” Colorado Crime Information Center database. Firearms should have been entered into CCIC whenever firearms were seized by the police department.

Other law enforcement agencies will make firearm queries in CCIC; for example, when a firearm is stolen or lost. If the firearm is entered into CCIC, the agency would be alerted if the firearm they are querying is in custody at the Firestone Police Department.
**National Integrated Ballistic Information Network “NIBINS”**

When a gun is made, the manufacturing equipment etches microscopic markings—somewhat like fingerprints—onto gun metal parts. These markings, called tool marks, are transferred to a bullet or cartridge when the gun is fired.

The Firestone Police Department had not been participating in this process. They should have been participating. There has been a loss in firearm data due to the lack of participation for every firearm that was released prior to a NIBINS entry.

**Third Party Firearms, C.R.S. 18-12-112**

All third-party firearms transfers must go through a federally licensed firearms dealer. The evidence auditor was shown firearm release records where third-party firearms transfers had occurred by the Police Officer.

**Drugs**

The evidence audit on March 26, 2021, included inventorying all drugs in custody. There were only a few items in the Drug Locker. The evidence auditor asked the previous evidence custodian if there were other locations where drugs were stored. He stated that the drugs in the locker were all the drugs in custody.

An inventory of general evidence from 2004–2014 was conducted on March 25, 2021. Numerous drugs were intermingled with general evidence.

This directly contradicts the previous evidence custodian’s statement. The previous custodian also advised that a 100% inventory of all items was completed annually. If these inventories were being done, he would have known that there were drugs in general evidence.

The following were monthly Memorandums written by Safety Services Director Campbell to Town Manager, A.J. Krieger, explaining some of the problems that he had been made aware of in the Firestone Police Department.
This is the first report regarding strategic planning and development for the Firestone Police Department (PD). I spent the last month learning about the administrative practices and processes as well as the basic operations of the PD. I found several key issues that needed immediate attention. They include:

1- New policy manual implementation. There has been significant progress with the release of the new Lexipol policies. All the high risk polices have been issued and acknowledged by PD staff. Currently 134 policies have been issued. Numerous policies were awaiting chief approval. Those have been released and acknowledged by staff. Deputy Chief Borders has put significant effort into this process. Many of the policies are marked “modified” so a review of all the policies should be done. This will be time consuming but obtainable.

2- Past practice of promoting employees without a job posting or promotional process. This now conflicts with SB19-085 which mandates an internal posting for all promotions. This law went into effect in January. I have verified with human resources that there have been no internal promotions since the law went into effect so, we are not in violation. Command staff has been advised of this issue. However, it has been the Chief of Police not the command staff that has used this practice. He is currently not available and has not been advised. It should be noted that SB19-085 was developed specifically to prevent unfair promotional practices like the ones previously used in the PD. He will need to be made aware of this upon his return to work.

3- There has never been an external independent audit of the property and evidence room. All audits have been internal audits which are not best practice. There should be an external independent audit anytime evidence and property are moved (for example the move to the new police station) or anytime there is a change in personnel who have access to the property and evidence room (for example when the CSO was allowed access and then again when terminating her employment). An external audit of the property and evidence room has been scheduled to begin March 2, 2021.

4- Lieutenant Yoder discovered that state mandated training reference eye witness identification was required in 2016 and never completed. There is policy in place now that covers that part of the mandate. The training is scheduled for March in service training.

5- There has never been any formalized training that I can find regarding SB20-217 (enhanced law enforcement integrity). That training has been scheduled for March in service training through the town attorney’s office.

6- Two corporals claim they were promised an automatic promotion to sergeant upon completion of two years in their current assignment. They will have two years in their current assignments this year. This alleged previous promise by the Chief of Police is now unlawful per SB19-085. The new law should negate any claim that the PD must promote them due to the alleged two-year-old commitment by the Chief of Police.

7- Four corporals have not passed the Stanard National Front Line Supervisors Test (NFLST) which is required by the PD. Allegedly they were given “chief points” after the fact and given corporal rank. This is a bad and unfair practice. With the elimination of the corporal rank the issue of them supervising has been resolved. Only pre-approved POIII officers will be allowed to supervise in the absence of a sergeant.
Command staff has been ordered not to allow these four to supervise under the new POIII designation unless they retake the NFLST and receive a passing score.

8- No standardized internal affairs procedures and no standardized internal affairs forms. The new Lexipol policies regarding conduct and personnel complaints have been issued and signed off by staff. We are in the process of developing the basic procedures needed to conduct an internal affairs investigation that follows the new Lexipol policy. We have an independent investigator starting work March 1, 2021 to walk through a current internal affairs investigation with PD supervisors to teach them the proper procedure. I have developed and implemented all the appropriate internal affairs forms. I had IT create a professional standards folder with command staff only access on the G drive. All future internal affairs investigations will be located in individual employee sub folders within the professional standards folder. All investigations from this point will have an individual IA number.

This concludes the current report. Please contact me with any questions or concerns.
TO: A.J. Krieger, Town Manager  
FROM: Mark Campbell, Safety Services Director  
SUBJECT: March Police Department Strategic Planning and Development Update  
Date: April 01, 2021

This is the March 2021 Strategic Planning and Development Update. The support from the Firestone Police staff is commendable. In general the staff has been candid and open to changes and improvements. We have discovered numerous issues in March that need to be addressed and rectified. Some of the more significant issues of concern that have been discovered and rectified include:

1- **2020 Officer involved shooting. Policy not followed regarding an internal review. Potential liability exposure per the town attorney.** On February 13, 2020 there was an officer involved shooting of an armed felony suspect. The officer’s actions most likely saved the life of a Weld County deputy sheriff. The Weld County Critical Incident Response Team investigated the incident and presented their results to the Weld County District Attorney. The Weld County District Attorney determined that the shooting was justified and authorized. However, per command staff, no formal internal use of force review or internal investigation was initiated. Under best practice this should have been done. There was policy in place at that time, but it was not followed. If an internal review and internal investigation was completed this would have shown that our officer acted within Firestone Police Policy as it relates to the use of force. A subsequent memo should have been provided to the officer stating the use of force was justified and within Firestone Police Policy. This would confirm that the officer had followed Firestone Police Policy and would be beneficial in any possible civil litigation brought against the town and the officer. Concerns with the way this situation was handled include:

   a. **No use of force report completed as required by Firestone Police Policy.** The policy in place at that time stated “Incidents that require members to complete a use of force report and submit through the chain of command are as follows: 1. Where a death or injury occur; 2. Where there is an intentional or unintentional discharge of a firearm during the use of force;” The use of force report if completed should have triggered an internal review process.

   b. **No “PSU” (Professional Standards Unit) investigation initiated as required per Firestone Police Policy.** (It should also be noted there is no established professional standards unit even though it is mentioned in policy and referred to as PSU.) The use of force policy at the time stated “It is also the responsibility of the member’s supervisor to initiate a PSU investigation when required or warranted”. A reasonable person would believe that this would apply to an officer involved shooting where a suspect was shot. This would have been the internal administrative investigation that would determine whether the officer was in compliance with existing policy. This could be a potential liability issue for the town in the event of any litigation by the injured suspect.

   c. **No internal clearance memo issued to the officer involved (best practice).**

2- **CIRSA apparently not notified of potential claim (best practice).** This relates to the same officer involved shooting. There is no record that our insurance carrier was notified that we had an officer involved shooting where the suspect was shot. It is best practice and our town attorney’s recommendation to notify our carrier and make them aware of situations that could result in civil litigation.

With approval of the town attorney, we completed the following actions relating to this situation to rectify these concerns:
a. Our lead firearms instructor who is a member of command staff conducted an internal review and investigation. He determined that the officer was in compliance with all applicable Firestone Police Policies in place at the time of the shooting. His report was forwarded to the Deputy Chief.

b. The Deputy Chief issued an internal memorandum to the officer involved stating that he was in compliance with Firestone Police Policy.

c. I completed a memo to file explaining reason for the one year delay in the internal processes.

d. All internal reports have been electronically uploaded into the professional standards file.

e. The CIRSA contact for the town of Firestone has been advised that we have no record of CIRSA being notified. She will follow up with CIRSA.

3- Sexual assault test kits not submitted for DNA testing contrary to CRS 24-33.5-113. The evidence audit has uncovered fourteen untested sexual assault test kits dating back years. According to staff, none of these kits have been reviewed for submission and testing at the Colorado Bureau of Investigation (CBI) as required by statute. The rules and regulations promulgated by CBI in relation to the statute state: “Beginning on March 1 2014 all forensic medical evidence received by a law enforcement entity must be submitted to the Colorado Bureau of Investigation within 21 days of receipt of such evidence except under the following circumstances: 1) The victim has not consented or has withdrawn consent to have the forensic analysis conducted; 2) A law enforcement investigation has corroborating evidence that the alleged sexual assault never occurred; or 3) The law enforcement entity is not the investigating agency and must forward the forensic medical evidence to the appropriate agency of jurisdiction for submission as soon as possible.” The evidence auditor found several other kits that were previously submitted, so it appears at some point the PD was following or at least was aware of the statute and CBI rules. It is unknown at this time when or why this stopped being done. In order to rectify this situation each case is being reviewed by the detective supervisor. As of this date five of the fourteen kits have been determined to meet the criteria for submission. They will be submitted to CBI for testing and uploading into the Combined DNA Index System (CODIS) controlled by the Federal Bureau of Investigation (FBI). We have tentatively scheduled submissions to CBI for April 8, 2021. Staff is now aware of the twenty one day rule and they will implement procedures to ensure that we comply with the statute in the future. Please refer to the evidence audit report for further information.

4- Police initiated impounded abandoned vehicles are not being entered into CCIC/NCIC. Additionally notifications were not being made per C.R.S. 42-4-1801. Records staff brought this to our attention. If someone made an inquiry to another agency there would be no record that we impounded the abandoned vehicle. This has now been rectified where records will enter all abandoned impounded vehicles into CCIC/NCIC. They will also make all the mandatory notifications as required per C.R.S. 42-4-1801.

5- Seized firearms have not been entered into CCIC/NCIC. We have over thirty firearms in evidence that have not been entered into the state and national database. Records personnel are in the process of entering all of those firearms. Please refer to the separate evidence audit report for further information.

Please contact me with any questions or concerns.
TO: A.J. Krieger, Town Manager  
FROM: Mark Campbell, Safety Services Director  
SUBJECT April Police Department Strategic Planning and Development Update  
Date: May 01, 2021

We are continuing to review high risk and high liability functions and bringing them up to current best practice standards as well as insure policy compliance. The complete Lexipol policy manual has been issued. The manual has been forward to the town manager and the town clerk as required by the municipal code. Now the goal is to make sure that the policies are being followed and the procedures that parallel those policies are in place. This will provide the foundation needed to move forward with a strategic plan.

In April we reviewed the organizational chart, current front line supervisor training records, case load management and continued work on evidence and property reconciliation. Additionally, we increased our focus on employee health and wellness as a result of recent local and national events. An overview of those efforts are listed below.

1- **Update Sexual Assault Procedure regarding SANE kits to align with new Lexipol policy and state statute:** The new Lexipol policy defines when SANE kits are to be submitted to CBI. This policy was updated on 04/06/2021. We have also initiated a procedure to detail how that submission is to occur and insure that the submission occurs in compliance with state statute. This procedure was implemented on 04/13/2021.

2- **Evidence and property room update:** The staff continues to work on the inventory and reconciliation of all the evidence and property. This continues to be a slow tedious process. The evidence audit brought to light the need for a full time person to manage the evidence and property room. The town established a new position called Police Evidence and Property Technician to manage evidence and property. This replaces the previous part time technician who resigned in March. The new position will also manage all in car and body worn camera video data to maintain compliance with Senate Bill 20-217.

The new evidence and property technician discovered that the PD body worn and in car camera video retention schedule is not in compliance with the Colorado Municipal Records Retention Schedule. He realized this when a discovery request from the district attorney’s office could not be fulfilled because the video had been deleted.

The video in question is associated with a careless driving resulting in death case that went to trial this month (CR#20-5908). The defendant was found not guilty as a result of the missing video.

We have become aware of at least two other criminal cases where missing video evidence has become an issue. **I cannot stress enough how serious a concern this is.** Staff has been directed to correct this immediately. Unfortunately this will take some time as there are a variety or individual retention parameters that must be adjusted.

The evidence and property technician attended the International Association for Property and Evidence (IAPE) “Best Practices for Evidence and Property Room Management” course on April 12-13, 2021. This is the first step required to become an IAPE “Certified Evidence Specialist”. To become certified you must take the two day course, serve in the evidence section for one year, and pass the national exam. Our goal is to have him certified as soon as he meets the requirements. The commander that will be in charge of the evidence and property section attended the one day IAPE “Evidence Management for Supervisors” course on April 14, 2021. We are also continuing to use Police Evidence Audits, LLC to provide additional training and oversight of the evidence and property section.

3- **Peer Support Program policy and procedure Implemented:** Staff implemented the new policy and procedure on 04/13/2021. We have designated a certified mental health professional to oversee the program.
as required by law. We also have designated an in-house coordinator and an advisor. They both attended the forty hour peer support academy on February 1-5, 2021.

4- The police department is partnering with the CIRSA to implement a mobile wellness app for Firestone Police Officers and their families: CIRSA is funding the cost of the CORDICO Shield wellness app for law enforcement. This mobile app has a host of wellness solutions that are available to officers and their families on demand. It features sixty behavioral health topics all designed for first responders. In today’s challenging and stressful environment this will be a welcome addition. For more information please visit their website at www.cordico.com

5- Supervisor training review for policy compliance: The new Lexipol policy mandates that all newly appointed supervisors attend a one week basic supervisor school. As a result of this new policy the training coordinator reviewed all the front line supervisor training files at my request. He determined that at least two of the front line supervisors have never attended a basic supervisor’s course. We have scheduled them to attend the “Leadership Institute for Front Line and New Supervisors” course through the Police Agency Training Council in Firestone October 25-29, 2021.

6- Detective case load management review: An independent review of the detective unit is in progress with a focus on utilizing case management and solvability factors to improve efficiencies and reduce workload redundancies. We are utilizing an experienced investigations commander to collaborate with our detective staff on this review.

7- Restructuring of the organizational chart: We have been working on restructuring the organizational chart with two primary goals in mind. First we want to look at reducing all the direct reports to the chief. This will enable the chief to focus on long term goals and objectives as well as executive tasks. Second we want to look at balancing the workload equally among command staff. The command staff has developed several viable options for the chief and the town manager to consider. Each option has a cost associated with it that will need approval prior to implementation.

8- Alzheimer’s disease Training: There was a serious situation in another jurisdiction involving the arrest of an elderly person suffering from Alzheimer’s disease recently. We have scheduled all officers to complete a three module training curriculum through the Police One Academy online training program. This will ensure that they have a basic understanding of how to compassionately interact with people who may be suffering from Alzheimer’s.

Please contact me with any questions or concerns.
TO: A.J. Krieger, Town Manager  
FROM: Mark Campbell, Safety Services Director  
SUBJECT: May 2021 Police Department Strategic Planning and Development Update  
Date: June 1, 2021

We have been working on numerous projects this month. A significant amount of time has been focused on developing several budget proposals to be presented to the town board in June. These include:

**Proposal for replacement and upgrade of the entire police department video evidence system.** This includes new in car cameras, body worn cameras, and interview room cameras. This is all in anticipation of the mandatory implementation of cameras in accordance with HB 20-217 which is effective in 2023. This should also correct the retention schedule issues.

**Proposal to transfer police rated patrol vehicles into the patrol fleet from investigations.** This includes replacing the two detective vehicles with less expensive more fuel efficient vehicles. This will move two heavy duty police package patrol vehicles into the patrol fleet.

**Replace existing property and evidence tracking system.** The evidence auditor recommending replacing the existing system with a new system called File on Q/Evidence on Q. This incorporates a new bar code scanning system.

Additionally we have been operational issues and training gaps which include:

**Crime Analysis Update.** As mentioned in a previous report, the Firestone Police Department does not have any type of crime analysis function. A department this size cannot justify a full time employee (FTE) devoted to this function. However, under best practice there should be some type of crime analysis function in place.

For example, auto thefts increased from 17 auto thefts in 2019 to 51 auto thefts in 2020. Through May of this year there have been 21 auto thefts. These are significant increases. There is no plan in place on how to focus on this type of issue. At a minimum the Firestone Police Department should assign someone to review crime statistics through E-Force (our current records management system) in order to spot these crime trends. Problem Oriented Policing (POP) plans should be developed to focus resources on crime trends. Another alternative or supplement to this is participating in one of the on line crime mapping programs that has a crime analysis function. Examples of these programs are Command Central (which is now proprietary) or the LexiNexis Community Crime Map.

**DEA Assignment request.** The DEA met with us to discuss assigning an officer full time to the DEA Financial Impact Team. We currently have an officer assigned part time. Under this arrangement we are responsible for all compensation including overtime. If assigned full time the DEA pays for all overtime while we would be responsible for base compensation plus we would need to supply a car. We also share in any federal seizures. It appears that the seizures currently in progress would cover the costs of the assignment. This warrants further discussion because there is a nexus to the regional drug overdose problem that does impact Firestone.

**Management and Leadership Training For Command Staff.** As part of our strategic planning the commander and the lieutenant should attend a senior level command school to ensure that they have the training and resources to help move the organization forward. We have enrolled Commander Scott in Northwestern University’s School of Police Staff and Command. This is a ten week program structured in a two week on and two week off format. It will be hosted locally by the Adams County Sheriff’s Office so there will be no travel expenses. The class starts on August 16, 2021.

Please contact me with any questions or concerns.
TO: A.J. Krieger, Town Manager  
FROM: Mark Campbell, Safety Services Director  
SUBJECT: June 2021 Police Department Strategic Planning and Development Update  
Date: July 1, 2021

Last month we continued to work on policy and procedure updates. We also started discussions on strategic planning and what future growth challenges are anticipated. We are also working on researching obtaining a crime analysis program to help identifying crime trends. This type of program also has a mapping component that is available to the community so that community members can see crime locations in their neighborhoods. We have identified several more issue that need attention along with proposed solutions. These include:

**Developing Problem Oriented Policing (POP) Plans to address repeat calls and crime trends.** For example, as previously stated the town of Firestone has seen significant increases in auto thefts since the end of 2019. Apparently there has been no formal analysis of this type of problem and no formal plan to address this type of problem. As the auto theft problem dramatically increased between 2019 and 2020 this should have been previously addressed. The fact that auto thefts have been increasing for two years without any effort put towards addressing the issue is very concerning.

We are developing a process using the problem oriented policing SARA model to focus resources on repeat crimes and crime trends. This involves developing formal action plans with specific goals and objectives designed to confront these issues. The first action plan is being implemented to focus on reduction of auto thefts. The plan consists of several components which include community awareness and education combined with an operational function utilizing high visibility patrols and drones.

**Develop a formal crime prevention program.** Staff has confirmed that the PD is more reactive to crime than proactive in preventing crime. Furthermore, there is no formal crime prevention function in place. This is a basic concept of community policing.

To address this we are planning to find training for select officers in basic crime prevention techniques and crime prevention through environmental design (CEPTD) certification. We also plan to initiate crime prevention tips on our social media platforms. The first crime prevention tip was posted on our social media platforms this month.

**No formal critical incident de-briefing protocol.** Staff has stated that they want to have formalized critical incident de-briefings and if appropriate a psychological intervention. Staff claims that there was only one prior incident that included any type of psychological intervention. We will begin researching the feasibility of working with our peer support psychologist to accomplish this.

Please contact me with any questions or concerns.
Firestone Police Chief Retires

The Town of Firestone is announcing the retirement of Chief David Montgomery. We want to thank him for his more than two decades of service to the community.

Chief Montgomery served the Firestone community from 1999 to 2021. In the early years of his appointment, the Chief served the community with only two other officers. Under his authority, the department grew and now consists of 28 sworn officers and 4 civilian employees. We are grateful for the role Chief Montgomery played in getting ballot initiative 2A passed in 2017. In 2019, Chief Montgomery and the Firestone Police Department opened the doors to a new Police Department and Municipal Court facility that will continue to serve the community for years to come.

The Town of Firestone owes Chief Montgomery a debt of gratitude for his many years of service. As he retires, we hope he looks back on a successful career, knowing that his efforts will forever be appreciated. Indeed, Chief Montgomery was instrumental in helping build a great Firestone community. We wish him well in this next chapter.

Public safety will remain a top priority to the Town of Firestone. All of the staff within the Firestone Police Department will continue to provide essential services to the community.
Tonight, we will be receiving a report from Mr. Alan Youngs, the third-party law enforcement expert appointed by the Board of Trustees. Mr. Youngs was hired to examine and report to the Board regarding the findings, recommendations, and policies of the Town’s Safety Services Director and other law enforcement professionals, who have been reviewing the management and operations of the Police Department. Tonight will not be a discussion of Chief David Montgomery’s, paid administrative leave nor the personnel investigation which initiated his paid administrative leave as the investigation is a confidential matter which can’t
be shared with the Board.

To provide factual information to the public, below is a recap of how we got here, the steps the Town has taken, and a reminder that from the beginning, the intent has been to address the overall performance of the Police Department. We recognize that residents have had questions about the Police Department, the role of the Safety Services Director, and the role and work of Mr. Youngs. Throughout this process, we have been following the legal advice given to us by the Town Attorney and our insurer, CIRSA (Colorado Intergovernmental Risk Sharing Agency), and their attorneys. As a Board, we are now able to share more information with the public.

We want to begin by sharing some history about the effort to address some of the issues within the Police Department. Late in 2019 and throughout 2020, several incidents drew attention to the police department’s management, policies, procedures, and practices. These issues ranged from concerns regarding officer conduct, adherence to statutory requirements, Department policies, workplace culture, and disciplinary practices. In January of 2021, the Board was advised by CIRSA that several issues in the Department represented significant ongoing liability to the Town if not addressed.

Upon learning more about the issues, the Board instructed the Town Manager to begin a process that would lead to the implementation of management and operational practices that would bring the Department to the current standards required for law enforcement agencies. The Town Manager initiated a process to prepare a Police Department Strategic Plan and established a temporary civilian position (“Safety Services Director”) to work with the Police Chief and Command Staff to accomplish the objective. In late January and early February, the Town Manager met with Chief Montgomery to explain the strategic plan effort and the role of the Safety Services Director. On February 9, 2021, Mark Campbell was selected to serve as the Safety Services Director.

From the beginning, the intent was for Chief Montgomery, the Command Staff, and the Safety Services Director to collaborate on the development of the Strategic Plan and prepare for its implementation.

Unfortunately, Chief Montgomery was not able to be involved in this process because of a prior intervening matter. Specifically, in mid-December of 2020, sworn depositions were given for a lawsuit filed against the Town and other area law enforcement agencies in 2019. The lawsuit (which has since been settled) included numerous allegations of misconduct of the officers of all of the parties. In addition, one of the depositions included several allegations of misconduct by Chief Montgomery. After learning of the allegations and acting upon the advice of legal counsel, the decision was made to place Chief Montgomery on Paid Administrative Leave on February 17, 2021. That ensuing investigation was conducted by an independent third party, who had never performed any services for the Town. We recognize that the timing of when the Safety Services Director started work and Chief Montgomery being placed on Paid Administrative Leave seems suspicious. The reality is that the Town had no control over the scheduling of the depositions.

Given its necessity, work on the strategic plan commenced, with the first phase being an overall evaluation and assessment of the Department’s policies, procedures, and practices. During this initial assessment period, many operational issues were discovered. These included serious deficiencies regarding the operations of the evidence and property room, which included failure to comply with state law regarding the transfer of firearms and failure to submit Sexual Assault Nurse Examinations (“SANE”) kits to the Colorado Bureau of Investigations. Additionally, firearms were released absent the required clearance by a federal database, drugs were mixed with general evidence and the evidence records could not be reconciled as the Department used two different recording systems. It
was also discovered that the Department was not retaining body-worn and video evidence as required by state law. As to the Department’s staffing, it was discovered that test results of nationally validated examinations were altered, supervisor personnel lacked required training and testing, and the Department’s promotion processes were commonly done absent any postings, testing, or evaluation processes. In addition, there was not an operational internal discipline process which resulted in a process marked by favoritism, inaction, and a lack of accountability for misconduct. Further, the Department failed to report, as required by law, certain matters to the District Attorney and the Peace Officers Standards and Training Board. The assessment work has been documented in monthly reports prepared by the Safety Services Director. In response to resident questions about the veracity and ability of the Safety Services Director’s work, the Board of Trustees decided it was necessary to hire an independent expert. 

Al Youngs was hired by the Board of Trustees in April of 2021. Mr. Youngs’ sole purpose has been to review the work of the Safety Services Director and associated Consultants and to report his findings directly to the Board of Trustees. As part of his work, Mr. Youngs has reviewed many documents, reports, and files and has interviewed almost every member of the Department. Tonight’s Special Meeting is an opportunity for the Board and public to hear directly from Mr. Youngs about his assessment of the Safety Services Director’s work and the overall operations and practices of the Department.

As elected officials, we have been compelled to complete this investigation in accordance with the oath we took to serve and protect the best interests of this community. This process has been a long and difficult one. While we recognize that the public has varying opinions on this process, the Town has for the entirety of this process been diligent and methodical, while also transparent to the extent permitted by law. None of us anticipated being in this situation. However, we believe that everyone involved – including the Board of Trustees, the Town Manager, attorneys, investigators, and Town staff acted as prescribed by law and in the best interests of the Town of Firestone.
Recommendations

Recommendation #1

Policing Philosophy, Mission, Vision & Core Values

Update and implement the Department’s Organizational Policing Philosophy, Mission, set of Core Values and establish a Vision for all Employees of the Firestone Police Department through a series of Facilitated Team Building Sessions. Currently, the Firestone Police Department does not have a Vision Statement.

Recommendation #2

Establish a Phone Reporting Unit Staffed by a Civilian

The current Firestone call load should be analyzed to see if there is sufficient demand for this position. Several Denver metropolitan police departments utilize civilians to take police reports over the phone. With proper training this can be a benefit to the Firestone Police Department. A police officer would not have to respond to the police department to take a police report, or if in the field, where there is little opportunity to solve the crime. A copy of the Lakewood Police Department’s job description for a Patrol Support Technician or the telephone reporting unit can be provided, if requested.

Recommendation #3

The Firestone Police Department should hire a Civilian Crime Scene Investigator

This would allow the Firestone Police Department to process many more crime scenes. CSI jobs are often referred to by other names, including criminalist, evidence technician, forensic investigator, crime scene technician and crime scene analyst. At one time, CSIs were always police officers, however, these jobs are increasingly being filled by civilians with a background in science.

The crime scene investigator could spend most of their time in the field where the many functions they might perform include:

- Documenting crime scenes
• Taking measurements and photographs
• Collecting, packaging and securing physical evidence
• Analyzing blood splatters
• Gathering fingerprints and footprints
• Finding DNA
• Attending autopsies to help collect evidence on bodies
• Writing comprehensive reports
• Testifying in court

Many CSI technicians are required to become certified through the International Association for identification (IAI) as a Certified Crime Scene Investigator within a specific period of time upon being hired. If funding is not available for this position, then specific personnel of the Firestone Police Department should be trained in this area.

**Recommendation #4**

*Consider Hiring an Intern/Civilian Investigative Technician Who Would Work From 12 pm to 8 pm*

Several law enforcement agencies are currently utilizing civilian investigative technicians who assist the Investigations Section. These non-sworn technicians can assist Investigators and Patrol in several areas such as:

• Interviews of witnesses who are not available from 8 am to 5 pm
• Booking in evidence
• Preparing documentation for booking of arrestees
• Following up on leads
• Writing search and arrest warrants
• Locating suspects
• Assisting in crime prevention
• Gathering information for the crime analyst
• Attending meetings with neighborhood associations and passing out crime prevention information
Civilian investigative technicians would need to receive specific training by members of the Firestone Police Department’s Investigative Section and the Office of the District Attorney.

**Recommendation #5**

*Form an Advisory Group*

It is recommended that the Firestone Police Department create a group that represents all major areas of the Department to meet with the Chief and Command Staff to discuss leadership practices, policies, and other issues of interest in the Firestone Police Department.

Many police officers in the Firestone Police Department believed that a better form or type of leadership was needed in the Department. For the reasons detailed in this report, officers and others seem to feel disconnected from the Chief in his department-wide direction and felt the past “command and control” style of leadership was not acceptable. Many statements reiterated the feeling that in the past there has not been a sense of direction or vision for the Firestone Police Department.

If there was an ongoing mechanism for members of the Firestone Police Department to meet with the Chief and the command staff, there would be a much better opportunity to listen to, and discuss, issues and important matters. It was constantly mentioned in the interviews that there was no connection between the direction and vision of the Firestone Police Department and members of the Department.

An idea would be that representative Firestone Police Department employees who are interested in volunteering would be selected. These volunteers would meet on a regular basis with the Chief and command staff. A quarterly meeting might be appropriate. An update from the Chief and staff regarding any new policies, new resources, employees and the selection processes, equipment upgrades, and any organization restructuring.

This recommendation is designed to enhance communication beyond the weekly newsletter and create an ongoing connection between the Chief, staff, and representative Firestone Police Department employees.
**Recommendation #6**

*Obtain Crime Analyst Software, Which Would Allow All Officers to be Part of Crime Analysis*

Currently, the Firestone Police Department does not have a system of Crime Analyst. This recommendation would be beneficial to both investigative and patrol personnel. In many towns, citizens can obtain crime information through the Police Department’s website.

**Recommendation #7**

*Body-Worn-Cameras*

Recently, the State of Colorado Legislature passed a requirement that all Police Departments in the State outfit its members with body-worn cameras. This consultant would strongly recommend accessing several national studies that have been completed on “Lessons Learned” in the past few years of program implementation across the nation. One very good source is the 2014 study titled Implementing a Body-Worn Camera Program, Recommendations and Lessons Learned, completed by the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) and the Police Executive Research Forum (PERF).

**Recommendation #8**

*Animal Control Duties*

Currently, Firestone Community Service Officers (CSOs) handle animal control, but on occasion, Firestone police officers become involved in animal control. Police officers should not be transporting animals or dealing with them. It is recommended that CSOs not be part of the Firestone Police Department. Several Police Departments utilize CSOs for housing complaints, trash, illegally parked vehicles and animals, which normally involve Code Enforcement.

**Recommendation #9**

*Traffic Enforcement Activities*

Re-direct the patrol traffic enforcement functions of the Department to locations for enforcement where serious injury accidents are occurring (crime analysis data) for visibility and specific accident causation violation enforcement. In addition, it is recommended the Town and Department conduct an evaluation of Photo Speed Camera technology to determine if they appear
beneficial for the Town of Firestone. It is also recommended that the current situation in Firestone with a Traffic Sergeant is ineffective and should be evaluated by the Firestone Police Department. Former Chief Montgomery often bragged to other Chiefs of Police that he had a Traffic Unit, which was not accurate.

**Recommendation #10**

*Defining Community Policing and a Firestone Philosophy of Policing*

The Department should develop a clear understanding of the definition of Community Policing and the role of all employees in the implementation of Community Policing.

1. The top command staff should promote analytical problem-solving as part of its definition of community policing. The importance of problem-solving, both to impacting crime and impacting the workload of police departments, cannot be underestimated and its importance in any COP effort should be emphasized.

2. Follow-up training should be developed by the Department to hone officers' problem-solving skills even further and to build upon the problem-solving work already done in the Department. Skill building training needs to focus more on analysis. Follow-up training can be developed by the Department to hone officers' skills even further and to build upon the work already done. From a community policing perspective, strengthening patrol with the expertise from narcotics, burglary, robbery, and juvenile crimes adds depth to the talent of the patrol force. The Department may want to make sure to tap into the talent of officers who have returned to patrol with special expertise when fashioning skill building training related to problem-solving.

3. The descriptions of POP projects in the Department's newsletter should include more information about results (i.e. impact). This newsletter is excellent and it is a great vehicle for distributing useful information about impacting crime, for keeping officers informed about trends, and for encouraging officers to get involved. However, results and impact are more persuasive than process for many officers.
4. New recruits should be encouraged to take on problem-solving projects as part of their academy training. In addition, a class on assessing impact could be developed that will help recruits so they are prepared to do problem-solving soon after graduation. Selecting FTOs based on their problem-solving or community policing expertise offers the Department a real opportunity to reinforce problem-solving at an early and impressionable stage. If community policing is the philosophy of the Department, then FTOs should be role models of community policing.

5. Opportunities for training citizens who are impacted by crime in collaborative problem-solving should be sought. Devoting part of the agenda during the citizen academy to building the collaborative problem-solving skills of those present is an excellent method of doing this. Citizens, like police, need training so that a true crime fighting partnership can be forged. Police can't and shouldn't do it alone. Solutions are more likely to be successful if citizens participate, otherwise citizens remain simply the passive objects of solutions developed by the police. A citizen police academy is a natural setting for building equipped crime-fighting partners in the community.

6. Clear expectations should be set by supervisors concerning problem-solving. Officers should be encouraged to engage in high quality problem-solving and supervisors need to be prepared to help by coaching officers, building officers’ skills over time to do POP projects of increasing quality. Having sergeants review POP projects at different stages (i.e., during or after analysis is done) may help in improving overall the quality of individual problem-solving efforts. And at the end of every project, supervisors should be making sure that results are assessed (i.e., did the solutions applied work and to what extent). To that end, it would be valuable for the Department to design training specifically for supervisors that would contain training segments on supervising community policing officers, encouraging analysis, coaching, assessing impact and evaluating performance.

7. Any form or computer program developed to document problem-solving efforts should contain space where officers can articulate their analysis. This space allows officers to share the reason
or basis for the strategies devised. In the future, this could also be utilized to recognize excellent problem-solving and be included in Firestone Police Department’s evaluations.

8. The Department should engage in a strategic planning process set to guide it over the course of the coming years in the continuing transition to community policing. The strategic plan could be developed with the community, identifying the milestones the Department wants to make toward full implementation of community policing and how specifically it is going to get there. The value of a strategic plan is that it lays out for everyone, those in the Department, those in the community, and those in government a blueprint for where the Firestone Police Department is going. It removes some uncertainty as to direction and helps in both budgeting and aids in planning the Department's training and technological needs over time.

**Recommendation #11**

**Crime Prevention/Text Messaging**

As a part of the Department’s crime prevention efforts, it is recommended that consideration be given to the development of a cell phone text messaging alternative for reporting suspicious and/or criminal activity within the Town of Firestone.

**Recommendation #12**

**Policies and Procedures - Accreditation**

Adopt as a “Best Practices” model the Commission on Accreditation for Law Enforcement Agencies Standards as an Organizational Template for all future Policies and Procedures development and continue to be accredited by the State of Colorado.

**Recommendation #13**

**Establish a Citizen Police Academy**

For problem-solving to work (i.e., to impact crime, disorder, and fear), citizens must participate, not just the police. Citizen participation takes a variety of forms including helping to define police problem-solving priorities. In addition, citizen participation in POP projects is essential to
impacting crime-citizen participation appears to make solutions more long lasting - and is at the
heart of community policing.

Citizens, like police, need to build problem-solving skills to impact crime. Citizens need training
so that a true crime fighting partnership can be forged. Police can't do it alone, and shouldn't.
Solutions are more likely to be successful if citizens participate, otherwise they remain simply the
passive objects of solutions developed by the police. Solutions need stakeholders and, if the only
stakeholders go home at night to the opposite end of town, ownership of the crime problem will
be non-existent. Opportunities for training citizens who are impacted by crime should be sought,
including citizen academies, crime specific forums and round tables. And, citizens need to be
mobilized around crime problems so that collaborative problem-solving can take place. The
Lakewood Police Department has sponsored more than 20 citizen police academies and would be
available to provide valuable information concerning their experiences.

Citizen academies in many jurisdictions are tailored to improve the working knowledge citizens
have of the police department. Sharing information about police procedures and operations and
exposing citizens to the kinds of critical decisions officers must make often builds sympathy for
the magnitude and the complexity of the discretion vested in the police. Citizen academies are just
one way to build partnerships in communities, and the Firestone Police Department currently does
not host a citizen academy. The Department may want to consider devoting part of the agenda
during a citizen academy to building the collaborative problem-solving skills of those attending.
This forum is a natural setting for building equipped crime-fighting partners in the community.
Those who have been impacted by crime should be one key constituency of Firestone's citizen
academy. Perhaps one of the goals should be to prevent revictimization.

**Recommendation #14**

*Phase Out the K-9 Program*

Many of the interviewed employees did not feel that the K-9 program was justified in Firestone
and felt that it should be phased out. The K-9 program should be audited since there was
dissatisfaction among the employees and it was felt that it was not cost effective.
**Recommendation #15**

*Continue to Emphasize Internal Communications Between the Town Hall and the Firestone Police Department*

The Town of Firestone media representative should continue to focus on developing and implementing short- and long-term plans for proactively releasing positive information about the department to the media.

**Recommendation #16**

*Develop and Maintain a Comprehensive and Effective Early Intervention System*

Effective early intervention systems have been referred to by one prominent best practice expert as the “centerpiece of the new accountability” in law enforcement. National organizations such as the IACP as well as the U.S. Department of Justice have recognized that an effective early intervention system is an essential component in a well-managed law enforcement agency which can benefit individual officers, the agency, and the community served.

Originally conceived as a method of identifying “problem” officers, particularly with regard to the use of force, comprehensive early intervention systems have evolved into broad-based management tools which can not only identify and intervene with officers in need of assistance, but can also identify issues in policies, training, supervision, risk management, and other areas of importance to the entire agency.

The Chief and command staff must be committed to success and effectively communicate the benefits of comprehensive EIS to the entire Department. The Chief must dedicate resources necessary to identify the performance indicators that should be collected and analyzed, develop the appropriate thresholds to help identify officers in need of intervention, design appropriate intervention strategies and implement effective post-intervention monitoring programs. IA PRO has a system named Blue Courage, which is utilized by over 1,000 police departments in the U.S.
Recommendation #17

Develop a Pattern and Practice of Sending Sergeants Assigned to IA to National Training Seminars and Conferences

It is recommended that the sergeants assigned to the IA process should be sent to national IA training seminars and conferences, on a periodic and annual basis, in order to update their knowledge, skills and abilities in the IA process, especially in the area of case law, equipment, interviewing and investigative procedures. Such training can be obtained through the International Association of Internal Affairs Investigators (IAIAI) and Americans for Effective Law Enforcement (AELE).

Recommendation #18

Establish an Effective Leadership Program

Enlightened leadership from the very top of the organization throughout all levels and supervisors should without delay become the driving organizational daily goal and behavioral norm in all aspects of organizational interactions and encounters. Each supervisor should be held accountable for his or her leadership skills in all interactions with employees and citizens. Many of the Firestone personnel who were interviewed did not feel that former Chief Montgomery was an effective and fair leader. On many occasions, he demonstrated favoritism towards certain Supervisors and employees. These same interviewees mentioned there were some issues between some Supervisors and they wanted all Supervisors to be on the same page displaying consistency and fairness.

The interviewees indicated that they want an effective, efficient and fair leader with knowledge in law enforcement matters to become the new Chief.

Recommendation #19

Training

Many of those Firestone personnel who were interviewed felt that the training in the area of Supervisor and Leadership Development was lacking. It is recommended that the Firestone Police Department develop and implement a Leadership Development Program in conjunction with
Department-specific succession planning. Alternatively, the Firestone Police Department should ensure that future leaders of the organization are provided the opportunity to participate in off-site Leadership Development Programs. It is also recommended that a Department Training Committee be formed to identify both training and developmental needs and implementation.

**Recommendation #20**

*New Position Titles*

Based upon command staff input, the consultant agrees with their recommendations and the following changes should be made: Create an additional Commander position and assign it to Administration. Eliminate the rank of Lieutenant and convert that rank to Commander. Create an additional Administrative Sergeant position to work in Professional Standards. A system should be developed, so that every two years, those at Command rank should be rotated, similar to the Lakewood Police Department.

**Recommendation #21**

*Emphasize Recruitment of the Firestone Police Department*

Attracting qualified people is a major issue facing every law enforcement agency in the country. Recruitment today has become extremely competitive for the very best people. The Firestone Police Department should identify those officers who have an interest in recruitment and utilize their skills for furthering the trends and goals in recruiting. Attached in Appendix F is an example of Puerto Rico Police Bureau’s Recruitment brochure, with a QR Code, which has been extremely successful. It is recommended that the Firestone Police Department consider adding a QR Code to its Recruitment brochure.

The above recommendations are ideas taken from other police departments and are generally accepted police practices.

Alan C. Youngs
APPENDICES
APPENDIX A

Chief of Police

Department: Police  Grade: 20  Exempt: Yes
Reports to: Town Manager  Revision Date: 7-16-19

Summary

The Chief of Police performs a variety of advanced professional and administrative oversight duties in support of the overall management of the Firestone Police Department. This position is responsible for the proper and efficient enforcement of all laws, ordinances and regulations, which the Police Department has the authority to execute, for the maintenance and enforcement of effective discipline and for the supervision of police functions and Branch operation, and shall exercise such authority as directed by the Town Manager and/or Town Board of Trustees. The Chief of Police represents the Department and the Town in all matters related to law enforcement and reports directly to the Town Manager.

Essential Duties and Responsibilities:
The below list is intended to be illustrative of the responsibilities of the position and not all-encompassing. The Town may change these duties at any time.

- Manages all aspects of the Police Department; Supervises personnel and/or technical staff directly or through line supervisors
- Serves as advisor to the Town Manager on critical issues related to the Firestone Police Department
- Responds to and directs the department’s response to disasters and critical incidents when needed
- Works closely with direct reports in the oversight, training and review of staff
- Effectively communicates with the members of the department; Interacts with other law enforcement agencies and other organizations
- Fosters a climate of positive morale, motivation, interpersonal relationships and individual mentoring of command staff and officers
- Leads the planning, development, initiation and organization of programs and projects.
- Responsible for preparation and administration of the department budget
- Advises and counsels subordinates; conducts meetings one on one and in group settings
- Informs members of command of changes in regulations and policies, implications of new or amended laws, and new techniques of police work
- Encourages and supports employee initiative, innovation and creativity; Provides positive reinforcement to improve and sustain morale and productivity
- Oversees the selection and promotion processes of officers and special duty personnel
- Develops ongoing training programs that ensure the department remains a "learning
organization" and that address critical technical, supervision and management training needs; Training plans are developed in coordination with other Management Team members

- Takes proper safety precautions, anticipates unsafe circumstances and acts accordingly to prevent accidents; Responsible for the safety of self, others, material and equipment
- Responsible for the review and revision of directives, policies and procedures
- Responsible for the scheduling of hours of duty of the Department employees to cover the requirements of the Department in the manner determined to be fair and equitable
- Acts as the department spokesperson and exercises reasonable care to make sure that information that could potentially have a negative impact on a case not be released

- Spot-checks activity and police reports prepared by administrative and police personnel for quantity and quality of work performance
- Creates and enforces department directives and enforces Town of Firestone policies and procedures
- Attends Town Board meetings and leadership meetings with adequate preparation
- Performs other related duties as assigned

Knowledge, Skills and Abilities:
To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. Reasonable accommodations may be made to individuals with disabilities to perform the essential functions. The requirements listed below are representative of the knowledge, skills, and/or abilities required:

- In depth knowledge of the principles of police administration and ability to apply these principles, techniques, and methods to field operations and administration of the department
- In depth knowledge of Federal, State and municipal statutes, codes, ordinances, and relevant case law relating to criminal or illegal activity
- In depth knowledge of the principles, practices, techniques, and equipment of law enforcement; thorough knowledge of the policies and procedures and methods utilized by the Town of Firestone
- Demonstrated skill in the use of firearms, department vehicles and related equipment
- Ability to act and react to emergency and/or threatening situations in a manner consistent with law; ability to protect oneself in threatening situations and to subdue and control unruly and resisting individuals
- Ability to establish and maintain effective relationships with subordinates, superiors, court officials, suspects, witnesses, other law enforcement personnel, and the public
- Ability to communicate effectively, both orally and in writing
- Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, or governmental regulations
- Ability to write reports, business correspondence, and procedure manuals
- Ability to effectively present information and respond to questions from groups, vendors, and the public
- Ability to develop and manage operating and capital budgets
- Ability to define problems, collect data, establish facts, and draw valid conclusions

Education and Experience:

- High school diploma or equivalent is required
Chief of Police  

July 2019

- Bachelor’s Degree in criminal justice, management, public administration or a related field or graduation from a law enforcement institute or FBI National Academy is preferred
- Ten (10) years of increasingly responsible management experience managing a public law enforcement agency including at least five (5) years of administrative responsibility at the rank of Captain or above is required
- An equivalent combination of education and experience may be considered
- Ability to demonstrate knowledge of department’s policy and procedures, Town personnel policies, municipal code, and state and federal law related to law enforcement is required

Licenses/Certifications:
- Colorado Post Certification is required
- Must possess and maintain a valid Colorado Driver’s license and a safe driving record for continued employment

Physical Activities:

The work environment characteristics and physical demands described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The noise level in the work environment is usually moderate with times of increased noise.

Employee must frequently lift and/or move up to 50 pounds. Specific vision abilities required by this job include Close vision, Peripheral vision and Ability to adjust focus. While performing the duties of this Job, the employee is regularly required to sit; use hands to finger, handle, or feel and talk or hear. The employee is frequently required to reach with hands and arms. The employee is frequently required to stand, walk, stoop, or kneel. Frequent driving of a variety of motor vehicles. Required to be available and on-call at various hours.

Body Movement:
Walk, stand, stoop, bend, climb and sit while performing duties. Repetitive hand movement while keyboarding and writing.

Vision:
Uses sight in the normal range with or without correction to perform duties.

Hearing:
Uses hearing in the normal range with or without correction to perform duties.
The following guidelines and questions should be considered by the Firestone Police Department in any Use of Force investigation. These questions are currently considered best practices and are utilized by various law enforcement agencies in the U.S.

**Force Investigation Division Interview Guidelines**

*By Kris Pitcher*

### Consent Decree Issues

- Ensure that involved officers and witnesses have been separated.
- Ensure that officers remain separated until statements are given.
- Tape-record all interviews.
- Do not conduct group interviews. Explain if there is a deviation (parent, etc.)
- Do not ask leading questions.
- Collect and preserve all appropriate evidence.
- Canvass the scene to locate all witnesses.
- Conduct interviews at sites and times convenient for the witnesses.

### Other Considerations

- Clarify all ambiguous words to ensure accurate reporting of the event. Pay particular attention to words that imply excessive force, such as “slammed,” “thrown,” “shoved,” “forced,” “beat,” “hottie,” etc.
- Clarify all reported statements to ensure the words used by the witness were words used by the involved person not the witness’ embellishment. For example, “He was like, get the fuck down.” Did the officer actually use profanity or was the witness using it for emphasis.
- If an allegation of misconduct arises, ensure that the information is immediately given to all investigators so appropriate questions are asked.
- If a witness starts on a train of thought that might be important, let them finish the thought so it does not get lost in the interview.
- If a witness refers to a person who may have witnessed the incident in his/her interview, take steps to identify the person completely so he/she can be interviewed or ruled out as a witness.
- If there is an outstanding weapon, carefully document the area searched.
- If a gun is found, consider having ITD check to see if anyone has run the gun prior to the use of force.
- Discuss in detail suspect actions if he was running away. When did he turn to face the officers? Which way did he turn? Which arm did he use? What position was the gun in?

### Evidence Collection (If relevant)

- Collect the standard evidence, plus:
  - Any photographs taken by any person (including store surveillance video.)
  - Any item of equipment that might have evidentiary value (guns, batons, radios, boots)
  - Suspect’s clothing.
  - Suspect weapons or items that may have appeared to be a weapon (Cell phone, etc.)
Questions for All Uses of Force

- What was your assignment?
- Who was your partner?
- Were you driver or passenger?
- How long have you worked together?
- Were you in a marked black and white?
- Were you in uniform? If not, why not and what was he/she wearing, including identifying items, specifically a badge or other obvious identifiers.
- What was your primary weapon?
- What type of holster do you use?
- Do you carry a back up weapon?
- Did you draw or use your back up weapon?
- What brought you to the location of the incident? (Citizen flag down, radio call, observation)
- Were you able to discuss tactics/develop a plan prior to contacting the suspect?
- What were the tactics and/or what was the plan?
- What was your probable cause to contact/detain suspect?
- What additional information did you receive?
- Did you or your partner properly reflect your statuses? (En Route, Code Six)
- Was this done on the air or on the MDT?
- What was your direction of approach?
- How did you place your vehicle and why?
- What was your communication with your partner when you arrived? (Observations, movement, options)
- What less lethal options did you have available on your person? (TASER, Baton)
- What less lethal options did you have available in your car? (TASER, BB Shotgun)
- What information did you have about the suspect prior to contact? (Mental capacity, under the influence, suicidal, etc.)
- What communication, verbal and non-verbal, was exchanged between officers?
- How many officers responded? Who were they if you know?
- Was the suspect armed?
- What was the weapon?
- Was the weapon recovered?
- What commands did you or your partner give the suspect?
- Did he/she appear to understand the commands?
- Were the commands given in any language other than English?
- What additional resources did you request? (Addition units, air unit, supervisor, etc.)
- Did you broadcast any suspect information and/or crime broadcasts?
- During the incident, were you aware of your partner’s actions?
- What was the lighting like?
- If it was dark, did you use a flashlight or any type of illumination?
- What was available for cover/concealment?
- Did you draw your gun? Why/Why not?
- How did you hold the gun? (Low ready, finger on frame)
- When did you decock?
When and why did you holster? (If applicable)
Did you see anyone else draw his/her gun?
Did you see your partner use the type of force reported?
Did you or your partner use any type of force other than what was reported?
Are you aware of anyone using a personal tape-recorder during the incident?
Are you aware of anyone taking photographs before, during or after the incident? (This includes bystanders and media.)
Who, if anyone, handcuffed the suspect?
How was the handcuffing accomplished? (Cover, all involved, each role, level of force used)
How was the suspect handcuffed? (In back, double cuffs, plastic cuffs)
Who removed the handcuffs and why?
Did you or anyone else search the suspect? (When, why, in what order if more than one suspect)
Was the suspect injured?
Were any officers injured?
Did the suspect make any statements?
Were you aware of any perceptual distortion? (Sight, sound, time, memory loss, disassociation, etc.)
Who made the request for an RA unit and what was reported to Communications Division?
How soon after the incident was under control was the request for an RA communicated?
Who rode in the back of the RA?
Who followed and/or went to the medical facility?
Did a supervisor respond? (Who, why, when)
Did you or anyone else give the supervisor a public safety statement?
If you know, what was said?
What actions did the supervisor take? (Directions given, separation of officers, admonishments)
Who monitored you?
Who transported you?
Where were taken to be monitored?
Were you with any other officer during monitoring and transportation?
If so, why?
**Officer-Involved Shooting Incidents**

**Involved:**
- How was your gun loaded?
- Did you have an extra magazine(s)?
- Were the extra magazines fully loaded?
- Did you reload? Tactical/Speed?
- Did you reload after your final rounds?
- Why did you fire? (State of mind in his/her own words)
- How many rounds did you fire?
- Did you assess? How often and when did you assess?
- What was your target?
- What were the suspect’s response and/or action?
- Where was the suspect in relation to you?
- What was your direction of fire?
- What was your sequence of fire? (Fast, pairs, bursts, etc.)
- What was your background?
- Did you have cover?
- Did you have any other options?
- What was your stance and position? (One-handed, two-handed, barricaded, etc.)
- Did you move between series of shots?
- Why did you move?
- Describe your movement? (How far, cover to cover)

**Witness Officers:**
- Did you see any officer fire?
- Where were you positioned at the time(s) the officer fired?
- How many rounds do you think he/she fired?
- Where was he/she in relation to the suspect?
- Did he/she have cover?
- What was his/her direction of fire?
- What was his/her sequence of fire? (Fast, slow, pairs, bursts, etc.)
Headstrike with an Impact Weapon

The Investigative Support Unit (ISU) does not respond to this type of incident and it is incumbent on the responding detectives to conduct a complete and thorough investigation at the scene.

Involved Officer

- What did you use to strike the suspect?
- Why did you use that instrument?
- Why did you choose this type of force?
- Where were you in relation to the suspect?
- What motion/direction did you use to strike the suspect? (Overhand, north to south, side swing, east to west)
- How many times did you strike the suspect?
- What was your target area?
- What area did you impact?
- Which hand was holding the weapon?
- Which is your dominant hand?
- What was the suspect’s reaction to the strike?
- What did you do with the weapon after it impacted the suspect?
- Have you cleaned the weapon in any way? (Washed off blood, etc.)
- Was anyone hurt during the incident?
- Did you call an RA?
- Who made the request?
- What was said during the request?
- Is it possible any other item was used to impact the suspect, even accidentally?
- When did you request a supervisor?
- Who made the request for the supervisor?
- How long until a supervisor arrived?
- Did you provide the supervisor with a public safety statement?
- What did you say?
- Was any other unit at the scene before the supervisor arrived? Who was the unit and what did they do at the location?
- Are you aware of any witnesses to the incident?

Witness Officer

- Did you see your partner strike the suspect on the head?
- Would you have been in a position to see the action had it occurred?
- Did he use a weapon?
- What was the weapon?
- Where was he/she in relation to the suspect?
- Which hand was the weapon in?
- What was the motion/direction of the strike?
- What area did the weapon impact?
- What was the suspect’s reaction to the strike?
- What did your partner do with the weapon after the incident?
Did you see him/her clean the weapon in any way?
Did you hit the suspect with an impact weapon?
Did you hit the suspect with anything?
Was anyone hurt?
Who requested an RA unit?
Who requested a supervisor?
Did any other unit arrive before the supervisor?
What did that unit do?
Are you aware of any witnesses to incident?
Did your partner tell you that he/she hit the suspect on the head?
Did you hear him provide the public safety statement?
What did he/she say?
Pages 45-7 to 45-8 reference Carotid Choke Hold eliminated. In 2020 Colorado law banned the use of a Choke Hold or a Carotid Hold in Colorado.
In-Custody Deaths

The Investigative Support Unit (ISU) does not always respond to this type of incident and it is incumbent on the responding detectives to conduct a complete and thorough investigation at the scene.

Jail Deaths

Inmates

Interview all inmates who were in proximity to the decedent as soon as possible. It is likely that they will be hard to find at a later date.

☐ Did you notice any problem with or unusual activity by the decedent?
☐ When was the last time you saw the decedent alive?
☐ Did the decedent make any statements to you before his death?

Jail Personnel

☐ How did the situation first come to your attention?
☐ What was your response?
☐ Was there any type of force or restraint used prior to the suspect’s death?
☐ Did you call the doctor?
☐ Did you initiate any life saving procedures?
☐ Did you see anyone initiate life saving procedures?
☐ Did the decedent have any problems with the other inmates?
☐ Was there any evidence that the decedent may have obtained narcotics?
☐ What time was the decedent last seen alive and well?
☐ When was the last cell check?
☐ Were the cell checks done on schedule?
☐ Was he on sick call?
☐ Did the decedent respond to meals?
☐ Did he complain of anything during his intake or stay?
☐ Was an RA unit called?
☐ Who made the call and at what time?
☐ How long until paramedic personnel arrived at the scene?
☐ Was the decedent transported or pronounced at scene?
☐ What supervisor responded and what action did he/she take?
☐ Was the decedent on OD protocol?
☐ Was he seen by dispensary staff at any time?

Non-Jail Deaths

☐ What force did you use on the decedent?
☐ What force did you see anyone else use on the decedent?
- When did you first notice medical distress?
- What was the distress you observed?
- What was your response to this observation?
- Who requested the RA unit?
- What was said during the request?
- Was the decedent displaying any unusual symptoms prior to his demise?
- Was the decedent hobbled? If so, ask hobble questions as well.
Law Enforcement-Related Injuries

The Investigative Support Unit (ISU) does not respond to this type of incident and it is incumbent on the responding detectives to conduct a complete and thorough investigation at the scene.

Involved Officers

- What actions by the suspect precipitated the use of force?
- Was the suspect armed?
- What action did you specifically take?
- What force did you specifically use?
- Did you use any weapons or OC Spray?
- What was the suspect’s reaction to each type of force used?
- Who else did you see use force?
- What type of force did they use?
- What other options were considered besides the force that was ultimately used?
- What action finally controlled the suspect?
- Was a beanbag or TASER used?
- If so, was the Garner warning given?
- What specifically was said? Did it include the consequences of the force (it will hurt)?
- Was the warning given in a language other than English? What language?
- Was the suspect hobbled? Ask hobble questions.
- Who requested a supervisor?
- Who requested an RA unit?
- Were you hurt?
- Did you get medical treatment?

Witness Officers

- What was the suspect doing before the force was used?
- Was the suspect armed?
- What were you doing during the incident?
- Who did you see use force and what force did they use?
- How did the suspect react to each use of force?
K9 Bite with Hospitalization

The Investigative Support Unit (ISU) does not respond to this type of incident and it is incumbent on the responding detectives to conduct a complete and thorough investigation at the scene.

- What were the circumstances surrounding the K9 search request?
- What K9 supervisor approved the response?
- Who was the Incident Commander?
- When did he/she arrive at scene?
- Was a perimeter established and secure?
- Who was the handler?
- Who was the dog?
- Who were the search team members?
- Who provided the briefing to the search team?
- Who was each member of the team and what was his or her role?
- Did each officer appear to understand his/her role?
- Was the K9 announcement given?
- Who gave the announcement?
- Was it given in any other language other than English?
- Did the Incident Commander or Command Post personnel hear the announcement?
- Was the announcement given at both ends of the perimeter?
- Did officers at both ends hear the announcement?
- Where did the K9 contact occur?
- What happened when contact was made?
- What were the communications between the air unit and K9 handler?
- Was there a discussion of OIS or running suspect tactics?
- Who took the suspect in to custody and how did they do it?
- Who requested the RA unit?
- Who rode in the RA?
- Where was the suspect transported?

**Handler Specific Questions**

- How is the K9 trained to bite? When provoked, attacked?
- How was the search conducted?
- When did the K9 first alert?
- What did you do in response?
- How was the K9 called off? (Verbal command, shock collar)
- Why do you believe the K9 made contact?
- What is your background and training with this K9?
- What breed is the K9?
- How long has this K9 been in service?
- How long have you been a handler and what has your training been?
Supervisory Specific Questions

- How did you first become aware of the situation?
- How long did it take you to respond?
- When you arrived what did you see?
- Did you assume the role of Incident Commander?
- Did you direct a Command Post be established?
- Who did you give these directions?
- Who did you talk to first?
- Was anyone else present during the conversation?
- Did you take a public safety statement from anyone?
- From whom and what was said?
- Was anyone in a position to hear this conversation?
- What action did you take?
- How did you track the progress of the incident and the actions of the assigned resources/personnel.
- Did you establish crime scene management and if so, how was this accomplished.
- Did you review and explicitly approve tactical responses developed by someone else.
- How did you implement Consent Decree mandated separation, monitoring, transportation and documentation requirements for the personnel assigned to your incident.
- Did you separate the officers and admonish them not to talk about the incident?
- Did you provide any direction when you arrived?
- How did you control the scene?
- What area was canvassed for witnesses?
- Did you talk to the suspect?
- What did the suspect say happened?
- Did the suspect make any allegations of misconduct?
- Did you ask the suspect if anything else had happened other than what was reported?
- If this was a tactical operation, did you review/approve the plan?
- If you arrived before the use of force occurred, did you direct the officers’ actions?
Suspect Specific Questions

- When did you first notice the police were trying to make contact with you and where were you?
- What were you doing at that time?
- Were you able to tell that the people trying to contact you were police officers?
- What did you do? (Run, resist, turn away)
- Why did you do it?
- Were you able to understand the commands they were giving you?
- What did they say to you?
- How did you react?
- What specifically did each officer do to you?
- What specifically did each officer say to you?
- Are you injured?
- Did you tell anyone you were injured?
- Were you given medical treatment?
- Did you see any witnesses to the encounter?
- Did the officers search you?
- How did that occur?
- Did the officers find anything?
- Did a supervisor talk to you about what happened?
- What did you tell him/her?
- Is there anything else that happened that you forgot to tell him/her?
**Hobble-Related Questions**

- Why was the suspect hobbled?
- Who applied the hobble?
- What actions were taken immediately after the suspect was hobbled? (Positioning)
- Did the suspect cease resisting after the hobble was applied?
- Was the hobble removed at any time?
- Who removed the hobble?
- Why was the hobble removed?
- Was the strap ever connected to the handcuffs?
- Was an RA unit requested?
- Who made the request?
- Who rode in the RA unit?
- What position was the suspect transported in? (Seated, supine)
- Was there any force used on the suspect not related to the hobble?
Miscellaneous Issues

Off-Duty
- Had you been drinking?
- What were you wearing?
- Did you identify yourself as a police officer?
- Did you display any identifying items such as an ID or badge?

Plain Clothes Officers
- What were you wearing? (Photograph also)
- Were you identifiable as a police officer?
- Where was your badge?
- Did the suspect acknowledge that you were a police officer?
- What was your role during the operation?
- What equipment did you have with you?

High Risk Vehicle Stops
- How far behind the suspect’s vehicle did you stop the car?
- Did you order the suspect to turn off the engine and throw out his keys?

Vehicle Pursuits
- Did you check you emergency equipment at the start of watch?
- Why did you initiate the pursuit?
- At what point did you activate lights and siren?
- Is your unit video equipped?
- If so, was there a tape in place?
- When did you notify Communications Division?
- Did you ask for a back up unit and an air unit?
- Was there a supervisor involved?
- How many units were involved? (More than 2 + 1, ask why)
- Who were they?
- Did you ever relinquish primary position? Why?
- Was your emergency equipment checked by supervision at the termination?
- What options did you consider to stop the pursuit? (PIT, spike strips)
- What was the route of the pursuit?
- What traffic violations did you observe?

Foot Pursuits
- Why did you choose to go in foot pursuit? (Armed, danger to community, etc.)
- Who broadcast the foot pursuit?
- Where did you go?
- Was the suspect armed?
- With what?
- Did you request additional units and an air unit?
- Did you establish a perimeter?
What area did the perimeter encompass?
How did you stop the suspect?
Were you able to see your partner at all times?
What, if any, force was used after you stopped the suspect?
Was there any consideration given to terminating the foot pursuit for any reason?

SWAT Response

Who made the request for SWAT?
What were the criteria for the request?
What Metropolitan Division supervisor accepted the assignment?
Where were you when you received the call?
How long did it take you to arrive?
Was any kind of evacuation conducted?
Why and at whose direction?
What area was evacuated?
What chemical agents were available?
What chemical agents were used?
Who was the Incident Commander?
What directions were you specifically given?
What weapon were you carrying?
What protective equipment did you have?
What is your training and experience in similar situations?
**Policy Standards:**

**UOF Policy General**  
*Department personnel may use only that force which is objectively reasonable to:*  
- Defend themselves or others;  
- Effect an arrest or detention; and,  
- Prevent escape or overcome resistance

**Deadly Force Policy**  
*Low enforcement officers are authorized to use deadly force to:*  
- Protect themselves or others from what is reasonably believed to be imminent threat of death or SBI; or,  
- Prevent a crime where suspect’s actions place persons in imminent jeopardy of death or SBI; or,  
- Prevent escape of violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or SBI to the officer or others if apprehension is delayed. Officers shall, to the extent practicable, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury.

**Objectively Reasonable Standard**  
(Review factors to include in analysis)  
- The seriousness of the crime or suspected offense;  
- The level of threat or resistance presented by the subject;  
- Whether the subject was posing an immediate threat to officers or a danger to the community;  
- The proximity or access of weapons to the subject;  
- The potential for injury to community members, officers or subjects;  
- The risk or apparent attempt by the subject to escape;  
- The conduct of the subject being confronted (as perceived by the officer at the time);  
- The time available to an officer to make a decision;  
- The availability of other resources;  
- The training and experience of the officer;  
- Officer versus subject factors (size, strength, age, special skills, injury/exhaustion, number of subjects versus officers); and,  
- Environmental factors or other exigent circumstances.

"The reasonableness of a particular UOF must be judged from the perspective of a reasonable officer at scene, making allowance for the fact officers are required to make split second judgments in circumstances that are tense, uncertain and rapidly evolving—about the amount of force that is reasonable in a particular situation. The test of reasonableness under the Fourth Amendment is not capable of precise, mechanical application. The question is whether the officer’s actions are objectively reasonable in light of the totality of the circumstances facing them."

**UOF Policy Evaluation:**

- Every force application (round fired, TASER activation, baton strike, physical force application) **REQUIRES** individual evaluation to determine whether it is compliant with the Department’s use of force policy and objective reasonableness.  
- In determining reasonableness, consider Department training standards regarding the application of force and the force options employed.  
- Are all force applications in compliance with existing policies (Bean Bag, Baton, TASER, OC Spray, Hobble, Lethal force options)?
Common Tactical Review Considerations:

- Reviewers must be familiar with all relevant training standards (tactical bulletins, directives, Special Orders, etc.)
- Are the officer’s tactical actions consistent with Department training standards?
- If the officer’s tactics *unjustifiably and substantially deviated* from tactical training, administrative disapproval/training is required.
- Is there evidence of sufficient tactical planning and discussion (pre and during UOF incident)?
- Did officers have all required equipment or were tactical options limited?
- If *practicable*, was consideration given to UOF alternatives/options?
- If *practicable*, was de-escalation efforts/communication with suspect/subject present/documentated?
- Were appropriate broadcasts (Code 5/6, back-up, help, foot-pursuit) present and timely?
- If *practicable*, did personnel assemble appropriate resources/await back-up before initiating action?
- Was supervisory command & control (tactical plan, appropriate direction of the incident pre, during and post) provided and documented?
- Were separation & monitoring/PSS mandates adhered to?

Specific Policy Keys:
Bean Bag Shotgun/40mm-Area targeted, assessment between rounds, warning provided, not at fleeing suspect
TASER-Area targeted, assessment between activations, warning provided, circumstances to avoid when using
OC Spray-Area targeted
Hobble Restraint Device-Placement location, sat up or left/right lateral recovery position
Baton-Area targeted, warning provided

Investigation Review: *The standard of proof is the preponderance of evidence. Weigh all available evidence to determine what scenario is supported to a preponderance standard.*

- Was DICV/BVW/Surveillance footage reviewed and consistent with statements?
- Was the physical evidence (GSWs, ballistic impacts, GSRs) consistent with statements?
- Were the statements credible, plausible and appropriate?
- Was the investigation thorough in nature? Did it cover all relevant areas?
- Were all conflicts identified and addressed?
- Was all misconduct identified and appropriately addressed?
- Did the investigation cover ALL force applications for ALL officers?
- Were the observed injuries consistent with the type/amount of force reported/used?
- Was the arrest report/employee’s report consistent with the UOF investigation & statements?
- Did the investigation document sufficient witness/video canvassing efforts?
- Is all supporting documentation/attachments consistent with the investigation?

Findings (CUOF)
- Tactics-*Tactical Debrief* or *Administrative Disapproval* (Includes supervisory Command & Control)
- Drawing/Exhibiting/Re-Holstering-*In Policy/No Further Action* or *Administrative Disapproval/Out of Policy*
- UOF-*In Policy/No Further Action* or *Administrative Disapproval/Out of Policy*

Findings (NCUOF)
- Tactics-*In Policy/Administrative Approval No Action, Incident Debrief* or *Out of Policy/Administrative Disapproval*
- UOF-*In Policy/Administrative Approval* or *Out of Policy/Administrative Disapproval*

All UOF findings require specific supporting rationales to support the findings
# IPICD Arrest-Related, Sudden In-custody Death Investigation Checklist

**Disclaimer:** This is not an exhaustive checklist, as no one checklist can cover every situation.

<table>
<thead>
<tr>
<th>PRE-INCIDENT</th>
<th>ACTIVITY</th>
<th>YES</th>
<th>NO</th>
<th>DATE</th>
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</thead>
<tbody>
<tr>
<td>Involved Employees are Identified (including 9-1-1 Call-Taker(s) and Dispatcher(s)):</td>
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<tr>
<td>Length of Service with Agency Confirmed</td>
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<td>ID # Obtained</td>
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<td>Equipment used by Employee(s) on Individual(s) during Incident Identified</td>
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<tr>
<td>Equipment Purchase Date(s)</td>
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<td>Equipment Issue Date(s)</td>
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<tr>
<td>Equipment Serial #</td>
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<tr>
<td>Equipment Model #</td>
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<tr>
<td>Equipment Color</td>
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<td>Is there a Repair/Modification History of the Equipment?</td>
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<td>If an ECW, date of last data download</td>
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<tr>
<td>If an ECW, date of last output testing (not spark testing)</td>
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<tr>
<td>What relevant Agency Policies were in effect on the Incident Date (e.g., force, restraint, suicide, transport)?</td>
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<tr>
<td>What relevant Agency Procedures were in effect on the Incident Date?</td>
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<td>What relevant Agency Rules were in effect on the Incident Date?</td>
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<tr>
<td>What CBA and/or other bargaining agreements were in effect on the Incident Date?</td>
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<tr>
<td>What Product(s) Manufacturer(s) Warnings were in effect on the Incident Date?</td>
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<tr>
<td>Were Employees given Manufacturer Product Warning(s)?</td>
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<tr>
<td>Were Employees given Product Warnings update(s)?</td>
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<tr>
<td>Were Employees given Manufacturer Product Instructions?</td>
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<tr>
<td>What relevant Manufacturer Product Literature was archived?</td>
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<tr>
<td>When did Employees receive Manufacturer Product Instructions?</td>
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<tr>
<td>Were Employees given Manufacturer Product Literature?</td>
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<tr>
<td>Did Lesson Plans include reference to Manufacturer Product Literature, Warnings, and/or Instructions?</td>
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<tr>
<td>When was the last date the involved Employee(s) was/were trained on equipment used in the Incident</td>
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<tr>
<td>When was the last date the involved Employee(s) was/were competency-based tested on equipment used in the Incident</td>
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<tr>
<td>Are instructional Lesson Plans available?</td>
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<tr>
<td>Are individual test sheets available?</td>
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<tr>
<td>Are Lesson Plan(s) that were used to teach Employee(s) prior to Incident Date available?</td>
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<tr>
<td>Employee(s) Date(s) of Training</td>
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<tr>
<td>Length of Training</td>
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<tr>
<td>Location of Training</td>
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<tr>
<td>Instructor(s)</td>
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<tr>
<td>Did the Employee(s) have Lawful Authority on the Incident Date?</td>
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<tr>
<td>Were Competency-based Assessments (C-B-A) used to Test Employee(s) Knowledge about Agency Policies, Procedures, Rules, and relevant Subjects to the Event?</td>
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<tr>
<td>Were Employee(s’) Essential Skills used during the Incident tested prior to the incident (TP/1) using C-B-A?</td>
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<tr>
<td>Were Test Employee(s’) Tactical Skills used during the Incident TP/1 with C-B A?</td>
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<tr>
<td>Were Employee(s’) Equipment Skills used during the Incident TP/1 with C-B A?</td>
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<tr>
<td>ACTIVITY</td>
<td>YES</td>
<td>NO</td>
<td>DATE</td>
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<td>--------------------------------------------------------------------------</td>
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<tr>
<td>Were Employee(s') Technique Skills used during the Incident TptL with C-B A?</td>
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<tr>
<td>Were Employee(s') knowledge of relevant Agency Policies TptL with C-B A?</td>
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<tr>
<td>Were Employee(s') knowledge of relevant Agency Procedures TptL with C-B A?</td>
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<tr>
<td>Were Employee(s') knowledge of relevant Agency Rules TptL with C-B A?</td>
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<tr>
<td>Were Employee(s') knowledge of Manufacturer Warnings TptL with C-B A?</td>
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<tr>
<td>Were Employee(s') knowledge of Manufacturer Instructions TptL with C-B A?</td>
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<tr>
<td>Were Individual C-B Assessments Obtained?</td>
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<tr>
<td>Were the total numbers of In-service training hours obtained for each Employee involved in the Incident?</td>
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</tbody>
</table>

**Did Employee(s) receive specific training on the following?**

- Excited Delirium
- Excited Delirium Behavioral Cues
- Agitated Chaotic Events™
- Agitated Chaotic Events Behavioral Cues
- Illicit and Licit Drugs
- Redirection Techniques and Tactics
- Restraint Techniques
- Restraint Equipment (e.g., handcuffs; cords; The WRAP)
- Post-restraint Positioning (i.e., recumbent position)
- Subject Monitoring
- Agonal Breathing
- EMS Protocol
- Transportation (hospital v. jail)
- Medical Emergencies
- Suicide
- ADA
- Mental Illness
- Autism
- ECW
- Agency Policies
- Agency Procedures
- Agency Rules

What were the numbers of hours for each subject taught?

**INCIDENT**

- Date
- Day of Week
- Time of Day
- Location
- Individuals Involved
- Weather Conditions (obtain NOAA weather report)
- Estimated Length of Encounter
- What Behavioral Cues were observed by Officer(s) & Others?
- What Behavioral Cues were reported by Officer(s) & Others?
- Was CIT attempted?
- Identified: Communication attempted, and what worked.
- Identified: Tactics attempted, and what worked.
<table>
<thead>
<tr>
<th>ACTIVITY</th>
<th>YES</th>
<th>NO</th>
<th>DATE</th>
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<tbody>
<tr>
<td>Identified: Technique(s) used on Individual(s)</td>
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<tr>
<td>Identified: Force attempted, and what worked.</td>
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<tr>
<td>Identified: Capture, Control, &amp; Restraint Product(s) used on Individual(s)</td>
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<tr>
<td>Was EMS requested?</td>
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<tr>
<td>When was EMS requested?</td>
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<tr>
<td>What intervention(s) were performed by EMS (be specific)?</td>
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<tr>
<td>Were there Witnesses to the Incident?</td>
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<tr>
<td>Have the Witnesses been Identified?</td>
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<tr>
<td>Is a Dashcam Video Available?</td>
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<td>Is a Dashcam Audio Available?</td>
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<tr>
<td>Is an Officer Body-camera Video Available?</td>
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<tr>
<td>Is an Officer Body-camera Audio Available?</td>
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<tr>
<td>Is a Witness Video Available?</td>
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<tr>
<td>Is a Witness Audio Available?</td>
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<tr>
<td>Is a Security Video Available?</td>
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<tr>
<td>9-1-1 Call-Taker Documents</td>
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<tr>
<td>9-1-1 Dispatcher Documents</td>
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<tr>
<td>9-1-1 Dispatcher Audio Tape</td>
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<tr>
<td>How was the subject positioned after restraint?</td>
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<tr>
<td>Did any Employee use a chokehold on the Subject?</td>
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<tr>
<td>Did one or more Employees place a knee on the Subject’s back area?</td>
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<td>Did one or more Employees sit on the Subject?</td>
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<tr>
<td>Did one or more Employees see the Subject become non-responsive?</td>
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<tr>
<td><strong>POST-INCIDENT</strong></td>
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<tr>
<td>Does this Incident meet the criteria of an Arrest-related Death?</td>
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<tr>
<td>Does this Incident meet the criteria of a Sudden, In-custody Death?</td>
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<tr>
<td>Have relevant Agency Policies in effect on Incident Date been obtained?</td>
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<tr>
<td>Have relevant Agency Procedures in effect on Incident Date been obtained?</td>
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<tr>
<td>Have relevant Agency Rules in effect on Incident Date been obtained?</td>
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<tr>
<td>Timeline of the Event: Has it been created?</td>
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<tr>
<td>If a suicide, do reports indicate last visual check?</td>
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<tr>
<td>Have identified Witness(es) been Interviewed?</td>
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<tr>
<td>Witness(es) Date(s) of Interview(s)</td>
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<tr>
<td>Were employees qualified on the equipment used?</td>
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<tr>
<td>Were employees qualified on the techniques used?</td>
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<tr>
<td>What was the Subject’s pH level?</td>
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<tr>
<td>Was a Core Body Temperature taken of the Subject?</td>
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<tr>
<td>Was the Subject’s presenting Heart Rhythm identified?</td>
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<tr>
<td>Was the Subject found to have Rhabdomyolysis?</td>
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<tr>
<td>Were Photographs taken of Employees?</td>
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<tr>
<td>Were Photographs taken of involved Individuals?</td>
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<td>Did the Medical Examiner request a toxicology screen for Bath Salts and Synthetic Drugs?</td>
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<td>Did the Medical Examiner request toxicology testing for illicit drugs (e.g., cocaine, etc.)?</td>
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<td>When was toxicology report received?</td>
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<tr>
<td>Are Employee(s’) force interventions, restraint, etc. consistent with agency policy?</td>
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APPENDIX C

The following crime information are the NIBRS statistics from 2018 to 2021.

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<thead>
<tr>
<th>Offense Overview</th>
<th>2018 Population Estimate: 14,410</th>
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<tr>
<td>Offense Total</td>
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<tr>
<td>Percent Cleared</td>
<td>66.00%</td>
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<tr>
<td>Group A Crimes per 100,000 population</td>
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<table>
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<th>Arrest Overview</th>
<th>Total Arrests: 171</th>
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<tr>
<td>Adult Arrests: 149</td>
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<tr>
<td>Juvenile Arrests: 22</td>
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<tr>
<td>Unknown Age: 0</td>
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</table>

| Arrests per 100,000 population | 1,113.9 |

| Average number offenses/incident | 1.05 |

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<thead>
<tr>
<th>Group B Arrests</th>
<th>Offense</th>
<th>Adult</th>
<th>Juvenile</th>
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<tr>
<td>Bed Checks</td>
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<td>0</td>
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<td>Curfew/Loitering/Vagrancy Violations</td>
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<td>Disorderly Conduct</td>
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<tr>
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<th>Firestone Police Department - COO6/1800 - NIBRS Agency Crime Overview - 2018</th>
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<td>Drug/Narcotic Violations</td>
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<tr>
<td>Animal Cruelty</td>
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(*) Offenses are counted using the FBI Uniform Crime Reporting System.
(**) The ‘Arrests’ column shows arrests made for incidents during the selected period, regardless of arrest date. Arrest counts for the same period may change over time.

This report is valid as of May 10, 2021 and is subject to change.
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<td>Juvenile</td>
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(*) Offenses are counted using the FBI Units of Count for Crime
(**) The 'Arrests' column shows arrests made for incidents during the selected period, regardless of arrest date. Arrest counts for the same period may change over time.

This report is valid as of May 10, 2021 and is subject to change.
Firestone Police Department - CO0621800 - NIBRS Agency Crime Overview - 2020

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### Group A Offenses

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</tr>
<tr>
<td>Drug/Narcotic Violations</td>
<td>14</td>
<td>14</td>
<td>13</td>
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<tr>
<td>Drug Equipment Violations</td>
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<td>Betting/Wagering</td>
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<td>Operating/Promoting/Assisting Gambling</td>
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<td>Tampering</td>
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<td>Pornography/Obscene Material</td>
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<td>Prostitution</td>
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<td>Gambling</td>
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<td>Forcible Prostitution</td>
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<tr>
<td>Total Group A Offenses</td>
<td>393</td>
<td>112</td>
<td>86</td>
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</table>

### Group B Arrests

<table>
<thead>
<tr>
<th>Offense</th>
<th>Adult</th>
<th>Juvenile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bad Checks</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Curfew/Lottery/Vagrancy Violations</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Disorderly Conduct</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Driving Under the Influence</td>
<td>15</td>
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<tr>
<td>Drunkness</td>
<td>1</td>
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<tr>
<td>Family Offenses (Nonviolent)</td>
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<td>0</td>
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<tr>
<td>Liquor Law Violations</td>
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<tr>
<td>Peeping Tom</td>
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<td>Trespass of Real Property</td>
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<tr>
<td>Total</td>
<td>39</td>
<td>2</td>
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<tr>
<td>Total Group B</td>
<td>64</td>
<td>4</td>
</tr>
</tbody>
</table>

| Average number offenses/incident                                      | 1.10  |

(*) Offenses are counted using the FBI Units of Count for Crime
(***) The 'Arrests' column shows arrests made for incidents during the selected period, regardless of arrest date. Arrest counts for the same period may change over time.

This report is valid as of May 10, 2021 and is subject to change.
Firestone Police Department - CO0621800 - NIBRS Agency Crime Overview - YTD as of May 9, 2021

<table>
<thead>
<tr>
<th>2019 Population Estimate</th>
<th>15,558</th>
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### Offense Overview

<table>
<thead>
<tr>
<th>Offense Total</th>
<th>130</th>
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<tr>
<td>Number Cleared</td>
<td>36</td>
</tr>
<tr>
<td>Percent Cleared</td>
<td>27.69%</td>
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</table>

### Group A Crimes per 100,000 population

<table>
<thead>
<tr>
<th>Group A Offenses</th>
<th>833.6</th>
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</table>

### Arrest Overview

<table>
<thead>
<tr>
<th>Total Arrests</th>
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<tr>
<td>Adult Arrests</td>
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<tr>
<td>Juvenile Arrests</td>
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<td>Unknown Age</td>
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</table>

### Average number offenses/incident

| 1.10 |

### Group B Offenses

<table>
<thead>
<tr>
<th>Offense</th>
<th>Adult</th>
<th>Juvenile</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bad Checks</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Curfew/Liquoring/Vagrancy Violations</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Disorderly Conduct</td>
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<td>0</td>
</tr>
<tr>
<td>Driving Under the Influence</td>
<td>7</td>
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<td>Drunkenness</td>
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<td>Family Offenses (Nonviolent)</td>
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<tr>
<td>Liquor Law Violations</td>
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<td>0</td>
</tr>
<tr>
<td>Peeping Tom</td>
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<td>0</td>
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<tr>
<td>Trespass of Real Property</td>
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<tr>
<td>All Other Offenses</td>
<td>14</td>
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Total Group B: 26

### Group A Offenses

<table>
<thead>
<tr>
<th>Group A Offenses</th>
<th>Offenses (*)</th>
<th>Arrests (**)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crimes Against Persons</td>
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<tr>
<td>Murder and Nonnegligent Manslaughter</td>
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<td>Nonnegligent Manslaughter</td>
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<td>Gang Rape</td>
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<td>Rape</td>
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<td>Sex Offenses</td>
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<tr>
<td>Financial Officer/Business Offense</td>
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<td>Embezzlement</td>
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<tr>
<td>Substitution</td>
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<td>Forgery</td>
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<td>Vandalism of Property</td>
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</tr>
<tr>
<td>Vandalism of Property</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Total Group A Offenses: 130

(*) Offenses are counted using the FBI Units of Count for Crime

(**) The 'Arrests' column shows arrests made for incidents during the selected period, regardless of arrest date. Arrest counts for the same period may change over time.

This report is as of May 10, 2021 and is subject to change.
Memorandum

To: Deputy Chief Borders  
From: Police and Evidence Technician DeWitt  
Subject: Inventory Completed  
Date: August 9th, 2021

On August 6th, 2021 at approximately 3:00 PM, I, William DeWitt and Leah Vanarsdall completed a complete inventory of all Evidence/Property that is physically present at the Firestone Police Department.

The inventory was memorialized in multiple “master” spreadsheets that were created by the former Evidence Technician.

During our inventory we discovered multiple inaccuracies to include items that were marked as destroyed, but were still in evidence. Items that were not in the spreadsheet, but were found amongst the other items. Items that the spreadsheet says are here, but could not be found. There were items that had no case file recorded on them, but we were able to reconcile them with the appropriate case file.

William DeWitt

CC: Mark Campbell
APPENDIX E

Policy 423

Firestone Police Department
Policy Manual

Body Worn Cameras (BWC)

423.1 PURPOSE AND SCOPE

This policy provides guidelines for the use of portable audio/video recording devices by members of this Department while in the performance of their duties. Portable audio/video recording devices include all recording systems, whether body-worn, hand-held or integrated into portable equipment.

This policy does not apply to mobile audio/video recordings, interviews or interrogations conducted at any Firestone Police Department facility, authorized undercover operations, wiretaps or eavesdropping (concealed listening devices).

All access to BWC data, including images, sounds and metadata, must be specifically authorized by the Chief of Police or his designee, and all access is to be audited to ensure that only authorized users are accessing the data for legitimate and authorized purposes.

 Civilians shall not be allowed to review the recordings at the scene.

423.2 POLICY

The Firestone Police Department should provide members with access to portable recorders, either audio or video or both, for use during the performance of their duties. The use of recorders is intended to enhance the mission of the Department by accurately capturing contacts between members of the Department and the public (CRS § 24-31-902).

423.3 COORDINATOR

The Chief of Police or the authorized designee should designate a coordinator responsible for:

(a) Establishing procedures for the security, storage and maintenance of data and recordings.

(b) Establishing procedures for accessing data and recordings.

(c) Establishing procedures for logging or auditing access.

(d) Establishing procedures for transferring, downloading, tagging or marking events.

(e) At least on a monthly basis, supervisors will randomly review BWC recordings to ensure the equipment is operating properly, that officers are using the devices appropriately and in accordance with policy, and to identify any areas in which additional training or guidance would be beneficial.

423.4 MEMBER PRIVACY EXPECTATION

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Body Worn Cameras (BWC) - 1
Body Worn Cameras (BWC)

All recordings made by members on any department-issued device at any time, and any recording made while acting in an official capacity, regardless of ownership of the device it was made on, shall remain the property of the Department. Members shall have no expectation of privacy or ownership interest in the content of these recordings.

423.5 MEMBER RESPONSIBILITIES

Prior to going into service, each uniformed member will be responsible for making sure that he/she is equipped with a portable recorder issued by the Department, and that the recorder is in good working order. If the recorder is not in working order or the member becomes aware of a malfunction at any time, the member shall promptly report the failure to his/her supervisor and obtain a functioning device as soon as reasonably practicable. Uniformed members should wear the recorder in a conspicuous manner or otherwise notify persons that they are being recorded, whenever reasonably practicable.

Unless working undercover, any member assigned to a non-uniformed position should wear and activate a body-worn camera when responding to a call and while interacting with the public with the purpose of enforcing the law or investigating possible violations of the law (CRS § 24-31-902). Unless conducting a lawful recording in an authorized undercover capacity, non-uniformed members should wear the recorder in a conspicuous manner when in use or otherwise notify persons that they are being recorded, whenever reasonably practicable. Body-worn cameras for command staff will be optional until 07/01/23, when mandated by law.

When using a recorder, the assigned member shall record his/her name, FIPD identification number and the current date and time at the beginning and the end of the shift or other period of use, regardless of whether any activity was recorded. This procedure is not required when the recording device and related software captures the user’s unique identification and the date and time of each recording.

Members should document the existence of a recording in any report or other official record of the contact, including any instance where the recorder malfunctioned or the member deactivated the recording. Members should include the reason for deactivation.

Each Department member is responsible for using the BWC with reasonable care to ensure proper functioning.

423.6 ACTIVATION OF THE AUDIO/VIDEO RECORDER

This policy is not intended to describe every possible situation in which the recorder should be used, although there are many situations where its use is appropriate. Members should activate the recorder any time the member believes it would be appropriate or valuable to record an incident.

The recorder should be activated in any of the following situations:
Body Worn Cameras (BWC)

(a) All enforcement and investigative contacts including stops and field interview (FI) situations
(b) Traffic stops including, but not limited to, traffic violations, stranded motorist assistance and all crime interdiction stops
(c) Self-initiated activity in which an officer would normally notify Dispatch
(d) Any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording

Members should remain sensitive to the dignity of all individuals being recorded and exercise sound discretion to respect privacy by discontinuing recording whenever it reasonably appears to the member that such privacy may outweigh any legitimate law enforcement interest in recording. Requests by members of the public to stop recording should be considered using this same criterion. Recording should resume when privacy is no longer at issue unless the circumstances no longer fit the criteria for recording.

At no time is a member expected to jeopardize his/her safety in order to activate a portable recorder or change the recording media. However, the recorder should be activated in situations described above as soon as reasonably practicable.

423.6.1 EXAMPLES

The recorder should be deactivated when any of the following apply:

(a) When a crime victim requests not to be recorded
(b) In situations where medical or patient privacy is warranted
(c) When on the premises of any public or private elementary or secondary school, unless the member is responding to an imminent threat to life or health where there is potential for enforcement or criminal investigation
(d) When an individual requests to remain anonymous or is a confidential informant
(e) When personal information is being relayed that is not case related
(f) When discussing administrative, tactical or management issues

423.6.2 CESSION OF RECORDING

Once activated, the portable recorder should remain on continuously until the member reasonably believes that his/her direct participation in the incident is complete or the situation no longer fits the criteria for activation. Recording may be stopped during significant periods of inactivity such as report writing or other breaks from direct participation in the incident.

423.6.3 SURREPTITIOUS USE OF THE AUDIO/VIDEO RECORDER

Colorado law permits an individual to surreptitiously record any conversation in which one party to the conversation has given his/her permission (CRS § 18-9-303).
Body Worn Cameras (BWC)

Members may surreptitiously record any conversation during the course of a criminal investigation in which the member reasonably believes that such a recording will be lawful and beneficial to the investigation.

Members shall not surreptitiously record another department member without a court order unless lawfully authorized by the Chief of Police or the authorized designee.

423.6.4 EXPLOSIVE DEVICE

Many portable recorders, including body-worn cameras and audio/video transmitters, emit radio waves that could trigger an explosive device. Therefore, these devices should not be used where an explosive device may be present.

423.7 PROHIBITED USE OF PORTABLE RECORDERs

Members are prohibited from using department-issued portable recorders and recording media for personal use and are prohibited from making personal copies of recordings created while on-duty or while acting in their official capacity.

Members are also prohibited from retaining recordings of activities or information obtained while on-duty, whether the recording was created with department-issued or personally owned recorders. Members shall not duplicate, distribute, edit, alter or erase such recordings, except for authorized legitimate department business purposes. All such recordings shall be retained at the Department.

Members are prohibited from using personally owned recording devices while on-duty without the express consent of the Commander or Lieutenant. Any member who uses a personally owned recorder for department-related activities shall comply with the provisions of this policy, including retention and release requirements, and should notify the on-duty supervisor of such use as soon as reasonably practicable.

Recordings shall not be used by any member for the purpose of embarrassment, harassment or ridicule.

423.8 IDENTIFICATION AND PRESERVATION OF RECORDINGS

To assist with identifying and preserving data and recordings, members should download, tag or mark these in accordance with procedure and document the existence of the recording in any related case report.

A member should transfer, tag or mark recordings when the member reasonably believes:

(a) The recording contains evidence relevant to potential criminal, civil or administrative matters.

(b) A complainant, victim or witness has requested non-disclosure.
Body Worn Cameras (BWC)

(c) A complainant, victim or witness has not requested non-disclosure, but the disclosure of the recording may endanger the person.
(d) Disclosure may be an unreasonable violation of someone’s privacy.
(e) Medical or mental health information is contained.
(f) Disclosure may compromise an undercover officer or confidential informant.
(g) Officers are encouraged to inform their supervisor of any recordings that may be of value for training purposes.

Any time a member reasonably believes a recorded contact may be beneficial in a non-criminal matter (e.g., a hostile contact), the member should promptly notify a supervisor of the existence of the recording.

423.9 RETENTION OF RECORDINGS

All recordings shall be retained for a period consistent with the requirements of the organization’s records retention schedule but in no event for a period less than 182 days (CRS § 24-31-902).

Firestone Police Department Procedures Manual: 400.1 BWC / MAV PROCEDURES

423.9.1 RELEASE OF AUDIO/VIDEO RECORDINGS

Requests for the release of audio/video recordings shall be processed in accordance with the Records Maintenance and Release Policy.

423.10 REVIEW OFRecorded MEDIA FILES

When preparing written reports, members should review their recordings as a resource (see the Officer-involved Shootings and Deaths Policy for guidance in those cases). However, members shall not retain personal copies of recordings. Members should not use the fact that a recording was made as a reason to write a less detailed report.

Supervisors are authorized to review relevant recordings any time they are investigating alleged misconduct or reports of meritorious conduct or whenever such recordings would be beneficial in reviewing the member’s performance.

Recorded files may also be reviewed:

(a) Upon approval by a supervisor, by any member of the Department who is participating in an official investigation, such as a personnel complaint, administrative investigation or criminal investigation.

(b) Pursuant to lawful process or by court personnel who are otherwise authorized to review evidence in a related case.

(c) By media personnel with permission of the Chief of Police or the authorized designee.
Body Worn Cameras (BWC)

(d) In compliance with a public records request, if permitted, and in accordance with the Records Maintenance and Release Policy.

All recordings should be reviewed by the Custodian of Records prior to public release (see the Records Maintenance and Release Policy). Recordings that unreasonably violate a person’s privacy or sense of dignity should not be publicly released unless disclosure is required by law or order of the court.

423.11 TRAINING

[Agency Content]

All members who are authorized to use the BWC system shall first be instructed on the proper use and associated policies and procedures.
APPENDIX F

An example of QR Code currently used in Puerto Rico.
APPENDIX G

Firestone Police Strategic Planning Questions 2021

1- Describe one thing that you especially like about the Firestone Police Department?

2- Describe one thing you especially do not like about the Firestone Police Department?

3- Describe the organizational culture at the Firestone Police Department?

4- Describe one thing you need to perform your job more effectively?

5- What is the communication flow within the Firestone Police Department? (How do you get information?)

6- Describe the leadership within the Firestone Police Department?

7- What is needed to attract and retain quality employees at the Firestone Police Department?