A. Policy

One of the management techniques adopted by the department, in its efforts to best utilize its available resources, is the implementation of arrest standards guidelines. The arrest standards guidelines define the authority and circumstances when sworn personnel may exercise discretion and select alternatives to arrest and confinement. The arrest standards guidelines will provide better utilization of police resources in the arrest, booking, and jail processing of criminal suspects.

B. Procedure

Arrest Standards Guidelines:

1. Non-arrest
   a. No charge filed.

   Those situations where the offense is verified and the participants identified but no charges will be filed. The situation is considered resolved by the officer at the scene.

   (1) Informal Resolution/Victim Restitution
   (2) Hostile Victim/Witness
   (3) Conditional Violations

   b. Charge Open For Review

   Those situations where charges might not be filed due to conditional or mitigating circumstances. Assessment of the likelihood of conviction of the defendant is the primary consideration.

   (1) Probable Victim/Witness F.T.A.
   (2) Relationship between Offender - Victim/Witness
   (3) Informant Status
   (4) Questionable/Weak I.D. by Victim/Witness
   (5) Improper/Questionable Motives of Victim/Witness
   (6) Affirmative Defenses
   (7) Victim Instigated or Involved in Offense
   (8) Witness Instigated or Involved in Offense
(9) Degree of Culpability

(10) Intent

c. Charges Pending

Formal charging of a criminal act is probable, however, further case development requirements coupled with low F.T.A. probability justify non-arrest at time of initial processing.

(1) Evidence - Quantity/Quality

2. Arrest

a. Release with charges

Formal charging of defendant concurrent with formal processing other than incarceration in the county jail.

(1) Alternate lodging

(a) Mental Health

(b) Detoxification for Alcohol/Drugs

(2) Summons and Complaint

(a) Officer summons

1) Municipal ordinance

2) Petty offense

3) Misdemeanor

(b) D.A. Summons

b. Incarceration

Formal charging of a defendant concurrent with lodging in the county jail.

(1) Appearance

(a) Lack of positive I.D.

(b) Warrant / holds

(c) Probable F.T.A.

(2) Protection
(a) Risk of continuation of offense (Victim-society-officer)
   1) Protection from further injury
   2) Protection from further property damage

(b) Degree of defendant non-cooperation

(3) Seriousness of Offense

(a) Incarceration required by law (domestic violence, etc.)

(b) Felonies - Crimes not appropriate for D.A. summons

(c) Suspect in additional felonies

4003 ARRESTS OF FOREIGN NATIONALS

A. Policy

The Lakewood Police Department, in compliance with the Vienna Convention on Consular Relations (VCCR), will ensure the timely notification of designated foreign consular officials following the arrest or detainment of their foreign nationals. This policy does not affect any diplomatic immunity rights or policies.

B. Procedures

1. Citizens of other nations who reside in or are visiting Colorado are subject to Colorado law and except as indicated below, foreign nationals who are arrested will be treated in the same manner as U.S. citizens.

2. A foreign national who is arrested (taken into custody) will be informed they have a right to have their country’s embassy or nearest consulate notified of his or her arrest and detention.

   a. For the purposes of this section, “arrest” refers to a custodial arrest and detention and does not include a release on citation.

   b. Unless the accused is a national from the countries listed below, do not notify the embassy/consulate unless the accused requests they be notified.

   d. By law, if a citizen of the following countries is arrested, the on-duty Sergeant or their designee will notify the nearest consulate or the embassy of the arrest.

   e. Notification of the consulate will be made at the time the accused is booked.

   f. It should be documented in the police report that the person arrested was advised of their right and whether or not the accused requested that the embassy/consulate be contacted.
| Algeria, Antigua, Armenia, Azerbaijan | Barbados, Bahamas, Belarus, Belize, Brunei Bulgaria | China, Costa Rica, Cyprus, Czech Republic |
| Dominica, Figi, Gambia | Republic of Georgia, Ghana, Grenada, Guyana | Hong Kong, Hungary, Jamaica |
| Kazakhstan, Kiribati, Kuwait, Kyrgyzstan | Malaysia, Malta, Mauritius, Moldova, Mongolia | Nigeria, Philippines, Poland |
| Romania, Russia | St. Kitts & Nevis, St. Lucia, St. Vincent, Seychelles | Sierra Leone, Singapore, Slovakia |
| Tajikistan, Tanzania, Tonga, Trinidad & Tobago, Tunisia | Turkmenistan, Tuvalu, Ukraine, United Kingdom | USSR, Uzbekistan, Zimbabwe |
This list is subject to amendment without notice from the Federal Government. List may be verified via website: http://www.state.gov

3. Diplomatic and consular officers have the legal right to consult with their citizens who are detained by federal, state or local authorities. The right of consular access and communication are generally subject to local laws and regulations concerning prisoner visitations.

   a. Consular officials may be searched prior to contact with an arrestee.

   b. Consular officials are entitled to speak confidentially with an arrestee although the consular official and arrestee may be kept in sight for security reasons.

4. If the foreign national who is arrested is in possession of a Passport, Visa, Border Crossing Card, Resident Alien Card, Consular Identification Card, or Alien Registration Card, the arresting officer shall make a photo copy of the documents and attach them to the arrest/booking report. A copy should also be made of any other identity or travel documents in the possession of the accused.

5. When completing the arrest/booking report, obtain the following information:

   a. Complete home address (foreign address) of the accused

   b. Complete local address for the accused

   c. The officer who contacts an embassy or consulate on behalf of an accused foreign national will document the date, time and the name of the person who received the call at the embassy or consulate in the police report.

6. If a foreign national is arrested for a felony the Department of Homeland Security will be notified at the same time as the Consular.

7. If the foreign national is unable to communicate in English, a supervisor will be contacted and every effort made to obtain a translator. Miranda warnings must be translated before a questioning can begin. The investigating officer will include the name, address, telephone number and relationship of the translator to the victim/witness in the police report.

8. Contact Information


4004 BIASED BASED PROFILING

A. Policy

   Biased based profiling is a practice that presents a great danger to the fundamental principles of our constitutional republic and is abhorrent and cannot be tolerated. Biased based profiling means the practice of detaining a suspect based on race, ethnicity, age, or gender without the existence of any individualized suspicion of the particular person being stopped.

B. Procedure
In order to ensure that no citizen is subjected to biased based profiling, the department will:

1. Train agency enforcement personnel about biased based profiling. Such training should include field contacts, traffic stops, search issues, asset seizure and forfeiture, interview techniques, cultural diversity, discrimination and community support.

2. The department will conduct an annual administrative review of agency practices pertaining to biased based profiling derived from any information alleging biased based profiling.

3. In compliance with state law, the department shall annually compile any information derived from telephone calls received due to the distribution of business cards, as described below, which allege biased based profiling. This information is available to the public but shall not include the names of police employees or reporting parties and the internal affairs investigatory file.

4. If a complaint of biased based profiling is sustained, the employee will receive appropriate discipline and training.

C. Rule

1. No employee shall engage in biased based profiling to include field contacts, traffic stops, search issues, asset seizure and forfeiture.

2. Police agents shall provide, without being asked, his or her business card to any person whom the police agent has detained in vehicle stop but has not cited or arrested. The business card shall include the police agent’s name, division, badge number, and a telephone number to the internal affairs unit which may be used, if necessary, to report any comments, positive or negative, regarding the traffic stop.

4005 LIAISON WITH CRIMINAL JUSTICE SYSTEM

A. Policy

The department shares responsibility with the judiciary and other law enforcement and prosecution agencies in the criminal justice system. All elements of the system work toward common objectives and each element is functionally complimentary. Cooperative and harmonious working relationships are essential in obtaining those objectives.

B. Procedure

1. Agents should be aware of the effect of criticism upon law enforcement or any other law enforcement or prosecution agencies or individual members of the judiciary. However, it is not intended that there be any infringement of an employee’s right to express his personal views regarding the criminal justice system in general or any trends which seem destructive of its efficacy.
2. The department maintains a close working relationship with other law enforcement agencies and makes available to them information concerning techniques and procedures developed or used by the department.

3. The department shall maintain a cooperative exchange of information to enhance the arrest and return of fugitives, the exchange of information in criminal investigations, the establishment of joint plans for dealing with such things as criminal conduct and traffic operations, and the sharing of statistical and support services.

4. This liaison provides feedback from the court to the department of any investigative error or courtroom error; it also allows for greater understanding by prosecution of law enforcement problems; provides useful information to probation and parole agencies about law enforcement objectives; and maintains a communication flow with correctional agencies.

4006 DIVERSION PROGRAMS

A. Policy

As an integral part of the community, the Police Department may, from time to time, be asked to participate in various diversion programs. The Chief of Police shall review and approve each request for participation and designate a department member to represent the Police Department in the program. The department's role in these programs is to provide professional law enforcement input to programs that allow sentencing alternatives to qualified defendants.