

KIT CARSON COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURE MANUAL

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| <i>Effective Date:</i> 1 Feb.2011 | <i>Approval:</i> Sheriff Travis Belden | <i>Number:</i> 103 |
| <i>Subject:</i> AUTHORITY AND JURISDICTION | | |
| <i>Reference:</i> | | <i>Standard:</i> |
| <i>Chapter:</i> I | <i>Reevaluation Date:</i> 11/08/2022 | <i>No. Pages:</i> 4 |

I. PURPOSE:

To provide statutory and policy standards in authority and jurisdiction.

II. DEFINITIONS:

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

Member: For the purpose of this policy, a member is a full time employee.

III. POLICY:

Members of the Kit Carson County Sheriff's Office will follow the Colorado State Statute and all other applicable laws in carrying out official law enforcement duties.

IV. PROCEDURE:

A. INTRODUCTION

Regulations in this section apply to sworn personnel, however this series includes regulations that apply to both on-duty and off-duty status.

B. LIMITS OF AUTHORITY

1. The authority of the Office of Sheriff is statutory. Duties of the Sheriff include:
 - A) Custodian of Jail 30-10-511, C.R.S.
 - B) Fire Warden in case of prairie or forest fires 30-10-512, C.R.S.
 - C) Transportation of prisoners 30-10-514, C.R.S.
 - D) Executor of writs - attend courts 30-10-515, C.R.S.
 - E) Preserve peace and command aid 30-10-516, C.R.S.
 - F) Issue permits for concealed weapons 30-10-523, 30-10-506, C.R.S.
2. Deputies shall be administered the Oath of Office by the Sheriff, or a designee, prior to being placed on sworn status of the Office. 30-10-506, C.R.S.
 - A) Definitions:
 - 1) Peace Officer, level I - 18-1-901 (3)(I) C.R.S.
 - 2) Peace Officer, level Ia - 18-1-901(3)(I)C.R.S.
 - 3) Peace Officer, level II - 18-1-901(3)(I)C.R.S.
 - 4) Peace Officer, level IIIa - 18-1-901(3)(I) C.R.S.
3. Authority of peace Officers.

- A) Powers of arrest - 16-3-101 to 16-3-108, C.R.S.
 - B) To command assistance - 16-3-202, C.R.S.
 - C) Searches and seizures - 16-3-301 to 16-3-305, C.R.S.
 - D) To enforce all laws of the State 18-1-901 (1) (I to IV), C.R.S., and County Resolutions pursuant to statute.
 - E) Emergency commitments such as:
 - 1) Mentally ill - 27-10-105, C.R.S.
4. Discretion by sworn members:
Sworn members are given discretion by law in the making of arrests. Limited discretion is given to sworn members by policy procedures and directives based on the seriousness of a violation, willingness of the District Attorney's Office to prosecute, and probability of a subject's appearance in court. Discretion may also be limited by supervisory authority.
5. Alternatives to arrest and incarceration - In violations of criminal law, alternatives to incarceration exist based on the seriousness of a violation, guidelines in statutes, and Office policy.
- A) Release on a summons and complaint - In the case of misdemeanor charges, a person may be released on a "promise to appear," by a signature on a summons and complaint form. A signature is desirable, but is not required if the subject possesses a valid Colorado driver's license.
 - B) Release pending charges - In cases of petty offense, misdemeanor, and class 4 and 5 felony cases, sworn members have the discretion of releasing persons pending charges. This may be done when additional time is needed to develop additional leads, information, or a case filing.
 - C) Juveniles, pending charges in all cases, pursuant to the Children's Code, Title 19, C.R.S., may be released to a parent or legal guardian. In serious cases involving danger to others or to the juvenile, placement into a detention facility if cause is found by a Judge.

C. JURISDICTION

1. Kit Carson County is bordered by the following counties, Lincoln, Cheyenne , Yuma, Washington, and Sherman in the State of Kansas. Incorporated Towns within Kit Carson County are: Flagler, Seibert, Vona, Stratton, Bethune, and Burlington. Refer to the Map Book for specific geographical boundaries or jurisdiction, service and reporting area.
2. Jurisdiction within the boundaries of Kit Carson County:
 - A) On-duty members have full power and authority as peace Officers within the boundaries of Kit Carson County, to include incorporated municipalities. The Sheriff may limit the exercise of these powers.
3. On-duty jurisdiction outside the boundaries of Kit Carson County.
 - A) An on-duty member may take official police action outside Kit Carson County when:
 - 1) The member is in fresh pursuit of a person who has committed a crime within Kit Carson County.
 - 2) The member is in the presence of a peace Officer from that jurisdiction.

- 3) The member is assigned to a multi-jurisdictional law enforcement group with broadly specified jurisdiction.
- 4) The member is assigned to another jurisdiction pursuant to a bona fide mutual aid agreement.
- 5) The member reasonably believes that immediate police action is necessary to protect human life or prevent serious bodily injury to any person.
- 6) The member reasonably believes that, in the member's presence, a person has, is, or is about to commit a felony involving the use or threatened use of a deadly weapon.
- 7) The member has a valid search or arrest warrant and has notified the proper law enforcement agency of that jurisdiction.
- 8) The member is serving bona fide legal papers issued by a court.

B) Actions within Kit Carson County Incorporated municipalities:

- 1) Members may exercise police powers within incorporated cities in Kit Carson County. The Kit Carson County Sheriff's Office cannot enforce town ordinances.
- 2) Members shall provide law enforcement services to incorporated cities where services have been arranged by contract. See Contract Agreements in Policy 202.

4. Off duty jurisdiction within Kit Carson County:

- A) Off duty members retain full power and authority as peace Officers within Kit Carson County. However, the Office has defined certain limitations to safeguard both the member and the Office from unwarranted civil and criminal liability. When confronting a situation within the jurisdiction and it is reasonably assumed that law enforcement action is appropriate, when possible, members shall immediately identify themselves as a member of the Office prior to taking action.
- 1) The member shall take all reasonable steps, under the circumstances, to resolve the situation without the use of physical force.
 - 2) The member shall contact an on duty member as soon as possible and take only the necessary actions before the on duty members arrival.
 - 3) A member who is on suspension, or in recruit training, may act with the citizen's arrest power afforded a private citizen. The member is still obliged to report the incident to the appropriate on duty watch commander as soon as possible.
 - 4) An off duty member shall not stop, arrest or cite traffic violators except when the violation is flagrant and clearly dangerous enough to jeopardize the lives or safety of others and the member is in a vehicle equipped with emergency equipment and the stop can be made safely.
 - 5) An off duty member shall not take official police action in personal disputes, or in disputes involving neighbors and close friends, unless such an intervention must be made to prevent physical injury to another.
 - 6) An off duty member shall not take law enforcement action while under the influence or impaired, even in the slightest degree, by the consumption of alcohol or prescribed drugs.
 - 7) Whenever a member acts with the authority of a peace Officer, the member shall notify a supervisor as soon as possible and complete an official report of the incident.

5. Off duty jurisdiction outside Kit Carson County:

- A) A member may exercise police powers outside the jurisdiction where intervention is reasonably necessary to protect human life or prevent serious bodily injury to any person.
- B) A member is requested to act by a member of the other jurisdiction.
- C) Whenever a member acts with authority of a peace Officer, the member shall notify a supervisor as soon as possible and complete an official report of the incident.

A handwritten signature in black ink, appearing to read "Travis Belden", with a long horizontal flourish extending to the right.

Sheriff Travis Belden