

**CITY OF CASTLE PINES
RESOLUTION NO. 20-35**

**A RESOLUTION OF THE CITY OF CASTLE PINES, COLORADO ADOPTING A
CIVIL DISOBEDIENCE POLICY AS ADOPTED AND AS MAY BE AMENDED BY
THE DOUGLAS COUNTY SHERIFF'S OFFICE**

WHEREAS, the City of Castle Pines ("City") and the Board of County Commissioners of the County of Douglas ("County") have entered into that certain Intergovernmental Agreement ("IGA") regarding the Community Development Block Grant ("CDBG") Program for fiscal years 2021-2023 administered by the U.S. Department of Housing and Urban Development ("HUD"), as amended; and

WHEREAS, through the IGA, the City has agreed to cooperate with the County to undertake or to assist in the undertaking of essential community development and housing assistance activities, specifically including urban renewal and publicly assisted housing, within the with HUD; and

WHEREAS, on August 10, 2020, HUD requested amendments to the IGA in part to require the City to adopt: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdictions (collectively, the "Policies"); and

WHEREAS, in order to comply with HUD's request and to participate in the CDBG Program, the City must adopt such Policies whether or not it employs its own police department; and

WHEREAS, the City desires to adopt the civil disobedience policy adopted by the Douglas County Sheriff's Office ("DCSO"), as may be amended from time to time to comply with state and federal laws, in substantially the same form as attached to this Resolution as Attachment 1; and

WHEREAS, HUD has approved the civil disobedience policy adopted by the DCSO, determining it to be compliant its requirements on excessive force; and

WHEREAS, the City Council desires to adopt the same policy as adopted by the DCSO because the City contracts with the DCSO for law enforcement services.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
CASTLE PINES, COLORADO:**

Section 1. The City Council hereby adopts the Douglas County Sheriff's Office policy on civil disobedience as the City of Castle Pines civil disobedience policy, in the form attached as Attachment 1, as may be amended from time to time.

Section 2. This Resolution is effective upon adoption.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CASTLE PINES, COLORADO by a vote of 5 in favor, 1 against this 22nd day of September, 2020.



BY:

DocuSigned by:

Tera Stave Radloff

8E6C8EB279D6479...

Tera Stave Radloff, Mayor

ATTEST:

DocuSigned by:

Tobi Basile

AD93A3B02932499...

Tobi Basile, City Clerk

Approved as to form:

DocuSigned by:

Linda C. Michow

5241DE99B8FF444...

Linda C. Michow, City Attorney

ATTACHMENT 1

**CIVIL DISOBEDIENCE POLICY (AS ADOPTED AND AMENDED BY THE DOUGLAS
COUNTY SHERIFF'S OFFICE)**

DOUGLAS COUNTY SHERIFF'S OFFICE		Policy and Procedure
Specific Policies		P&P-B-125
Civil Disobedience		
Effective Date: 04-13-20 Supersedes: 01-20-16	Approval: Sheriff	Number of Pages: 9
References: 18-9-101 – 18-9-125, CRS, PAT-C-216, PP-S-101	Reevaluation Date: Annually	Standards:

I. PURPOSE

Offenses Against Public Peace, Order, and Decency are violations of sections [18-9-101 through 18-9-125 of the C.R.S.](#) It is the duty of the sheriff's office to keep the peace and suppress insurrections.

II. POLICY

In cases involving civil disobedience, the sheriff's office will concentrate on a basic law enforcement mission of protecting life and property. Response to these events shall be done in a rapid, fair, and impartial manner, within existing agency policies and procedures, while maintaining the Constitutional rights of all citizens, and using only reasonable and appropriate force to restore peace, safety, and order. Nothing in this policy shall preclude the use of any degree of reasonable and appropriate force necessary to protect human life. This policy prohibits the use of excessive force by law enforcement agencies within the jurisdiction of the Douglas County Sheriff's Office against any individuals engaged in non-violent civil rights demonstrations. All members and responding agencies will enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within jurisdiction of the Douglas County Sheriff's Office.

III. DEFINITIONS

Civil Disobedience

The deliberate public violation of the law in order to dramatize sympathies with, or opposition to, some political, economic or social condition or movement.

Command Post

Pre-determined location from which all related operations are directed.

Demonstration

A legal public assembly of persons exhibiting, by lawful means, sympathy with or opposition to some political, economic or social condition or movement.

Detention & Processing Area

A designated central location where arrest teams will transfer custody of arrestees for processing and transportation to the Detention Facility.

Disturbance

An assembly of people gathered for the purpose of disrupting peace and order.

Incident Commander

The highest-ranking official or most experienced person of the agency who has jurisdictional and statutory authority for a law enforcement incident.

Riot

A tumultuous disturbance of the public peace by two or more persons assembled together and acting with a common intent to disturb the public peace.

SORT

Special Operations Response Team Organized for Jail Operations, Civil Disobedience, and Mobile Field Force Operations

Size Up

Initial evaluation as to the seriousness, volume, and hazards of the incident and the resources required to control it.

SWAT

Special Weapons and Tactics Team organized to control hazardous incidents using special weapons and tactics.

Staging Area

Predetermined location to which personnel will assemble for equipment and task assignment.

IV. PROCEDURE

A. Planning Principles

1. The Use of Time - to defuse the incident and gain control.
2. The Use of Talk - to communicate with the suspect(s) and negotiate a peaceful solution.
3. The Use of Tactics - to gain the advantage and successfully conclude the incident with the least amount of damage or injury to life and property.

B. Responding to Civil Disobedience Incidents:

The first deputy on scene must size up the situation and decide on the most appropriate deployment of responding personnel, command options, and need for mutual aid. The size-up evaluation should include:

1. Exact location of the incident.
2. Number of participants and any casualties.
3. Temperament and activities of participants (i.e., looting, burning, blocking traffic, etc.).

4. Direction of movement of participants (if any).
5. Ingress / egress route(s) for emergency vehicles.
6. Estimate the sufficient number of deputies needed to control the incident.
7. Determine the cause and/or reason for the incident (if possible).

C. Set up Command Post

1. Incident commander will select a location for the command post based on the proximity to the scene, availability of communication lines, space and isolation from incident.
2. Select a proper communication channel.
3. Perform an additional size-up and request appropriate resources.
4. The Detention Division should be notified and respond with the required transportation vehicles, manpower and 'gang chains' to assist patrol if necessary.
5. Identify an appropriate ***Detention & Processing Area*** where prisoners will be taken after being removed from the general vicinity of the event.
6. This should be in a location that is easily accessed by other first responders. Ideally, this may be a fenced parking lot, football field, school gymnasium, etc.
7. Coordinate resources and make the proper notifications to command staff and other divisions, i.e. Detentions, Investigations, and other law enforcement agencies, if needed.
8. Request medical (EMS) stand by in a staging area before making arrests if possible.

D. Incident Commander Responsibilities and Considerations:

1. The primary responsibility is the rapid assembly of sufficient forces to maintain safety and contain and isolate the participants.
2. The Incident Command System (ICS) shall be utilized.
3. The first responding deputy shall assume command of the incident until relieved by a supervisor or other commander.
4. Appearance of an officer of higher rank at a scene in itself does not indicate he has assumed command unless he makes an announcement indicating he has assumed command.
5. The initial responsibility for the incident is placed on the incident commander, who has jurisdictional and statutory authority for the incident.
6. Upon responding to a request for mutual aid, the highest-ranking Douglas County Sheriff's Office sworn member on the scene (or the designee of the Sheriff) should assume command authority for all involved DCSO personnel and shall be the agency representative.
7. In a mutual aid situation, the agency representative should report to the requesting jurisdiction's staging officer (if one is assigned) or the incident commander.
8. Coordinate resources and make the proper notifications to command staff, PIO, and other divisions, i.e. Detentions, Investigations, Office of Emergency Management, or other law enforcement agencies as needed.
9. Isolate the incident by setting up a proper inner and outer perimeter.
10. Keep out those who are attempting to join the assembly.
11. Evacuate all non-participants if it can be done safely.

12. Employ fixed post positions to control 'swept' areas.
13. Control ingress / egress traffic routes to affected area.
14. Establish a safe staging area and safe route of approach for responding personnel.
15. Set up surveillance points to identify agitators, leaders, individuals committing crimes, and to document or report incident events as they happen.
16. Establish a clear and logical escape route(s) for participants to disperse.
17. Ensure compliance with all Office policies.
18. Consider options for proper resolution (see below).

E. Legal Considerations - The incident commander may confer with the District Attorney's Office when necessary.

1. The district attorney will only be used as a legal resource and will not be part of Incident Command.
2. If necessary, the courts should be contacted so that they may prepare for the massive increase of defendant advisements.
3. It may be necessary to include the county attorney as liaison and legal advisor to the incident commander.

F. Resolution Options

Option 1, Containment and Dialogue: (Major violation of law is not present). Force is generally not used against the participants. The objective is merely to disperse the crowd. The incident commander will:

1. When tactically appropriate, establish contact with the leader(s) as soon as possible.
2. Attempt to communicate with participants in order to calm them, and to assess the situation.
3. During the earliest communications, the incident commander should:
 - a. Emphasize that the incident is under control and violent acts will not be tolerated.
 - b. Reassure that the deputies do not wish to hurt anyone.
 - c. Reassure that no one will attack the participants if they remain non-violent.
 - d. Give the appropriate dispersal orders.
 - e. Clear and logical escape routes must be established for participants.
 - f. Emphasize that the staff wishes to resolve the incident in a peaceful manner.
 - g. Attempt to talk to the leader(s) and have them control the actions of agitators and participants.
 - h. Attempt to develop a trust relationship with the leader(s).
 - i. Strive for a peaceful resolution of the situation.
 - j. Negotiations are a tactical tool to be utilized when appropriate.

Option 2, Physical Arrest: This option is not aggressive toward participants and is designed to target specific individuals. If the decision is made to conduct a mass arrest the incident commander should consider:

1. Activate SORT and/or SWAT if appropriate (incident command decision).
2. If activating SORT, the SWAT commander shall be contacted to deploy at least one four-man SWAT element and a team leader.

3. If using the SORT team, (time permitting their arrival) SORT can assist by serving as primary arrest teams. However, if the incident is too large or volatile, the SORT teams may need to be used to isolate and contain the suspects and patrol will have to serve as arrest teams.
4. SORT and SWAT personnel should be deployed to assist with less-lethal force if the initial team needs to be rescued.
5. The Detention Division will be notified and will respond with the required transportation vehicles, manpower and 'gang chains' to assist patrol.
6. The incident commander will assign a Detention & Processing Area Supervisor to oversee the Detention & Processing area.
7. The Detention & Processing Area must have adequate water and sanitary facilities whenever possible. During prolonged incidents, the Detention Area supervisor is responsible for supplying food, medical treatment, and/or water for all arrestees. This supervisor may be assisted by the Office of Emergency Management.
8. Officers must be assigned to maintain custody and control of the violators and the processing area. Detention personnel may be assigned to fulfill this role.
9. Establish the appropriate number of two-person arrest teams who will handle the arrest and removal of suspects.
10. Helmets, shields and batons are used to protect deputies and may be deployed at the discretion of the incident commander.
11. Clear and logical escape routes must be established for participants to disperse.
12. When tactically feasible, a loud verbal dispersal order should be given at the direction of the incident commander for all participants to disperse immediately.
13. If suspects speak a language other than English, give additional orders in that language whenever possible. Use a PA or bull horn if needed.
14. If the dispersal order is ignored, a second and third dispersal order should be given.
15. Video record dispersal orders when possible and place these into evidence. These are invaluable and may be used as evidence in later trials.
16. Use cameras and/or video cameras to photograph violators in the act of committing crimes.
17. After primary arrests are made, attempt to disperse remaining participants.
18. Determine whether arrestees will be transported to jail or released from the scene after processing. In many instances, the arrest, temporary detention, and issuance of a summons will deter further unlawful actions.
19. Release on summons is only appropriate for misdemeanor or petty offense violations.
20. Final decisions on which arrestees are booked and which are released at the scene rests with the incident commander.
21. **Arrestees who are uncooperative, violent, from out-of-state, have no positive ID, or who have committed a felony should always be transported to the Detention Facility and booked.**

Option 3, Less-lethal Force: May be used in an attempt to disperse participants, in limited circumstances, in accordance with other established DCSO policies.

1. Less-lethal force includes the following:

- a. Pain compliance arrest control techniques
- b. Coordinate with special teams leaders (SORT, SWAT) to determine if less-lethal weapons are warranted based on applicable Office policies. Use of less-lethal mechanisms upon direction of the incident commander, to include:
 - i. Smoke
 - ii. OC Spray
 - iii. OC Gas
 - iv. CS Gas
 - v. Flash-Sound Diversion Devices
 - vi. K-9
2. Less dedicated participants will normally flee to safety, reducing the crowd numbers and making control easier.
3. Clear and logical escape routes must be established for participants.
4. Attempt to disperse and/or arrest remaining participants.
5. Caution will be used when K-9's are utilized in crowd situations so that innocent persons are not bitten.
6. Contamination of office members and others may result with the use of tear gas or smoke.

Option 4, Armed Assault: The use of lethal force is necessary only when confronted by armed rioters or if hostages are taken, in accordance with CRS and other DCSO policies.

1. See Hostage Situation Procedures and Barricaded Suspects Procedures reference [P&P-S-101](#).
 2. Caution shall be used with respect to the use of firearms. Often, snipers will fire at police from within a crowd; the arbitrary use of return fire into a crowd may result in the death of innocent bystanders and should not be used.
 3. Unarmed participants should be allowed to flee at will.
 4. Attempt to isolate armed suspects. Move in and arrest if possible.
- G. SORT and/or SWAT Operations - A response by the SORT and/or SWAT, in response to incidents of civil disobedience.
1. **SORT and/or SWAT communications** - coordinated specifically through the team's commander(s) and the incident commander.
 2. **SORT-Commander** - should be assigned to the command post and coordinate the activity of SORT personnel at the direction of the incident commander.
 3. **SWAT Commander** - should be assigned to the command post and coordinate the activity of SWAT personnel at the direction of the incident commander.
 4. **SORT Team Leader** - Directs SORT team movement through the SORT squad leaders and is the immediate liaison to the SORT commander.
 5. **SORT Squad Leader** - Coordinates movement of front line, linebackers and reserve line personnel.
 6. **Line Coach** - Monitors tactical effectiveness of line movement.
 7. **Front Line SORT Personnel** - Assigned front horizontal line, which controls crowd at the direction of the squad leaders.

8. **Linebackers SORT Personnel** - Stationed behind the front line and assists in arrests and advances.
9. **Reserve Line SORT Personnel** - Fill in where needed on the front line or linebacker positions.
10. **Gas Teams SORT Personnel** - In two (2) person teams, assigned placement of less-lethal weapons, to include gas, smoke, diversion devices and rubber projectiles.
11. **SWAT Team Leader** - Liaison with SORT team leader, directs deployment of tactical resources and weapons.
12. **Arrest Teams SWAT Personnel** - In two (2) or more person teams, takes control of arrestees from front line personnel and escorts them to the processing area.
13. **K-9 Handler** - Placed in strategic locations away from SORT/SWAT line to be used for select apprehension.
14. **High Ground** - SWAT personnel primary and secondary members will provide tactical intelligence to command post on team effectiveness and crowd behavior. Also provides cover during an armed assault by rioters (lethal force).
15. **Cameraman** - An agency member assigned to record response and actions of the tactical operation.

H. Mass Arrest –

1. When numerous arrests are made, it is important that arrest teams are quickly relieved of their arrestees.
2. Refer to [Patrol SOP C-216 for specific Mass Arrest Procedures](#).
3. **Important – any arresting officer must have specific probable cause and be able to identify the specific arrestee that committed the crime for which they are being held. This will require the arresting officer to have specific/personal knowledge of the specific crime(s) committed by the arrestee that can be articulated in a report.**

I. Deactivation

1. Ensure that all personnel are accounted for.
2. Command Post operations will be deactivated.
3. Check participants for medical care needs.
4. Debrief all involved personnel prior to their release from duty.
5. Inventory and account for all equipment.
6. Begin to interview or interrogate witnesses and suspects.
7. Release juveniles to their parents if needed. Release adults on summons as required.
8. Prepare all written reports.

V. **SPECIAL DEPLOYMENT UNIT – PROTESTER DEVICE ‘CUT TEAM’ PROCEDURES**

The SORT Cut Team is a specifically trained group within SORT that consists of four trained members who operate under the direction of the Cut Team supervisor. The SORT Unit has one Cut Team with the capability of handling multiple protester devices.

The primary responsibility of the Cut Team is to mitigate any situation where individuals have utilized protestor devices to prevent arrest. They can also be used to mitigate any situation where protestors have utilized mechanical devices to block roadways or entrances to buildings. In these situations, SORT may be deployed to isolate the parties that are locked either together or to an object and ensure that a safe environment is created to allow the Cut Team members to work unimpeded to extricate such individuals who will then be handed off to an arrest team for processing.

In incidents of civil disturbance where protester illegally block areas of access and egress through the use of mechanical devices designed to deter law enforcement from easily dispersing the crowd, it shall be the responsibility of the Cut Team to extricate these individuals from the devices so that free access can be restored and the instigators may be taken into custody by arrest teams.

Cut Team Personnel Assignments:

- **Team Leader** (sergeant or above) Make assignments, determine actions and manages the work of all team members. Work with arrest team and safety officer to ensure all objectives are addressed.
- **Safety Officer** – Monitor all extrication activity and can halt any and all activity because of safety concerns. Reports directly to team leader.
- **Spotter** – Works directly with those conducting extrication tactics. Watches and guides the person(s) using power tools.
- **Tool Specialist** – Familiar with all hand and power tools. Actually performs extrication tactics.
- **Driver** – Responsible for operation of vehicle and ensuring that all tools are operational. Remains with vehicle to maintain security of the equipment.

All personnel assigned to the Cut Team will be cross trained in each other's responsibilities and may step in to perform each other's tasks. Due to the strenuous nature of the work, personnel may have to trade duties. Those not actively operating a tool during extrication may assist by restraining protestors for their own safety.

Operations:

Prior to the Cut Team commencing extrication operations, the immediate area will be secured by SORT or a patrol team. The Cut Team will not deploy until a safe and secure work area is established. Safety is the primary concern for the public, office members, and protestors.

Arrest teams will stand by and assist Cut Team members by immediately taking protestors into custody upon extrication. All protestors will be placed under arrest prior to extrication operations commencing, but they will be physically taken into custody after the extrication is completed. The Cut Team leader will coordinate extrication, security and arrest efforts with the SORT Team leader. The decision to proceed or halt extrication tactics shall be left solely to the discretion of the Cut Team leader.

Prior to commencing the extrication, the Cut Team leader will advise the protestors that they must disperse, that they are in violation of the law, and that they are under arrest. The Cut Team leader will recite the following advisement to the protestors:

“This is _____, you are ordered to separate yourselves immediately. If you do not separate yourselves voluntarily, we will separate you using hand and power tools which may result in personal injury. Is there a way we can assist you in voluntarily separating? (i.e., does anyone have a key, etc?) Do not resist or interfere, as this could increase the potential for personal injury.” (If they do not separate voluntarily – give the order “DO NOT MOVE” prior to extrication).

All extrications will be video recorded. The video recording will clearly show the protestors’ faces and the device. If possible, place the removed protestor devices into evidence. If this is not possible or is impractical, photo documentation will be required in court. Video recordings of the extrication should also be placed into evidence.

Staging / Shift Assignments:

The Cut Team will be assigned with the SORT team trailer. This trailer contains all tools and generators necessary to perform extrications.

By Order Of Sheriff