

A Student's Guide to Police Practices



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Hello Everyone,

One of the most important things a professional police department can do is ensure that the community it serves has trust and confidence in the way its officers police the community and perform their duties. We of the Boulder Police Department are proud of the very positive relationships we have established over the years with the diverse groups of people who live, work and play in Boulder. We are also proud to support the development and distribution of the “Students Guide to Police Practices.” We believe this guide will help inform Boulder’s youth about what their rights and responsibilities are when interacting with the police as well as educate them about why police officers take the actions they do to ensure the safety of our community.

It is my hope that this guide will help foster a spirit of mutual understanding and friendship between the youth of Boulder and those police officers who serve them. Please feel free to contact our Professional Standards Unit should there ever be a question you might have regarding any police activity. The phone number for the Professional Standards Unit is 303-441-3312.

Thank you for taking the time to read and study this guide.

Sincerely,

Mark R. Beckner
Chief of Police
Boulder, Colorado

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You and the Police

A Student's Guide to Police Practices

The goal of this brochure is to provide you with information when interacting with the police in order to help you make smart decisions. This information should be viewed as general guidelines, and is not intended to serve as legal advice.

How many times have you asked yourself why police officers do the things they do? This brochure will give you a general idea about police practices as well as a common sense approach on what to do if you are stopped and questioned by an officer.

Police Harassment?

Questions commonly asked by youth:

- ❖ Why do officers intimidate young people?
- ❖ Why do officers harass young people for just hanging out with their friends?
- ❖ Why do officers stereotype young people and single them out because of the way they are dressed, their ethnicity, type of car they drive, etc?
- ❖ Why don't officers tell people why they are being stopped?

What you think is harassment may not be harassment at all. Officers may be responding to complaints from neighbors or businesses. Sometimes when you are hanging out with your friends some people may become concerned and call the police, especially when you are making a lot of noise, fighting or tagging walls. When officers receive these types of calls the information they get may be incomplete or inaccurate. This causes the officers to question everyone in

the group and, unfortunately, sometimes this means having to question innocent people.

Here are some suggestions that may help you when you are contacted by the police:

- 1) If you are approached by a police officer, be respectful and do not assume the worst.
- 2) Realize that your appearance and attitude may send a message, either good or bad.
- 3) Do not have your hands in your jacket or pockets; officers will be concerned about whether or not you have a weapon.
- 4) Avoid making sudden movements. The officer may think you are trying to hide something or you are trying to reach for a weapon.
- 5) Remain calm. Fear and adrenaline can get both you and the officer in trouble.
- 6) Remember that what you think is “harassment” may be proper law enforcement procedure necessary to conduct an investigation.
- 7) If you are stopped, do as the officer tells you. This is not the time for you to take on the officer. You can always argue your case/ticket in court at a later time or file a complaint.

Traffic Stops

Traffic stops are one of the most dangerous situations for police officers, especially at night. Officers will often call for help. This is usually referred to as “back-up.”



In addition to obvious violations like speeding or running a stop sign, police officers can legally stop cars for some of the following reasons:

- 1) Traffic infractions, such as:
 - One license plate on vehicle (you must have 2, one front and one back)
 - Stickers placed on windshield/cracked windshield (obstruction of view)
 - Bald tires
 - Modifications to vehicles (e.g. exhaust, hydraulics, excessively tinted windows, blue lights, etc.)
 - Wearing headphones while driving
 - Clear tail and signal light bulbs

- 2) Reasonable suspicion of criminal activity based on what officers see or witness information, information from police radio, other officers, or information from other official sources.
- 3) Probable cause to make an arrest
- 4) Outstanding warrants

Teen Drivers

DID YOU KNOW?

For 16 and 17-year-olds, carrying just one passenger increases the crash risk by about 50 percent.

Colorado recently implemented several laws specific to teenage drivers. A full description can be found at www.coteendriver.com. Here is a short summary:

Rules for Teens Under 18 with Instruction Permits

No talking or texting on cell phones while driving

Who can ride with you:

If you're under 18, you may not drive with anyone except your driving instructor, parent or legal guardian.

If you're 18 and older, you may drive with any licensed driver 21 years of age or older.

Rules for Licensed Drivers Under Age 18

After fulfilling your learner's permit requirements, you may apply for a driver's license. This first driver's license is a restricted license, the only type of license you may receive until you turn 18.

No driving between midnight and 5 a.m. until you've had a driver's license for at least one year, unless accompanied by a parent/legal guardian.

EXCEPTIONS:

- Driving to school or school-authorized activity and the school doesn't provide transportation. Signed statement from school required.
- Driving to/from work. Signed statement from employer required.

- Medical emergency.
- You're an emancipated minor.

Who can ride along:

No passengers under age 21 until you've had a license for at least six months.

No more than one passenger under age 21 until you've had a driver's license for at least one year. (Siblings and passengers with medical emergencies are exceptions.)

All passengers must wear seatbelts.

Only one passenger may ride in the front seat.

Profile Stops

When officers stop people based *solely* on how they look, their race, gender, or ethnicity, they are making what is referred to as a “profile stop.” The Boulder Police Department does not allow “profile stops” and has a policy specifically prohibiting such practices. If you feel that you were subjected to a “profile stop” you have the right to file a complaint.

Anytime a police officer stops you while you are driving, and does not issue a summons, the officer is required to provide you with his or her business card. During all other stops, detentions or arrests, a Boulder Police Officer should provide you with the reason you were stopped or detained (he or she does not need to give you all of the information they have, but should give a brief explanation). If you ask for the officer’s name, he or she should provide their name and/or an official business card.

Consensual Encounters

A “consensual encounter” is when an officer contacts you and the officer has no legal reason to suspect you are doing anything wrong.

This type of police contact is legal. A police officer, like anyone else, can approach you and strike up a conversation. During the encounter the officer must not prevent you from leaving or terminating the conversation because it is strictly voluntary on your part. The officer may ask you for your name, what you are doing or where you are going and may even ask for your permission to search you or your belongings. **You can remain and talk to the officer, or you are free to leave.**



However, officers often approach people in a consensual manner even when they have additional information that may give them legal authority to detain them.

Miranda Rights

(You have the right to...)

When do officers have to read you your Fifth Amendment rights? Your Fifth Amendment rights are also called your Miranda Rights from the name of the court decision. Contrary to what you often see on TV, police officers do not need to advise you of your Miranda rights anytime you are contacted or even arrested. **Police officers are required to read you your Miranda Rights only when:**

1. You are arrested for being involved in a crime **and**
2. You are going to be questioned about that crime.

Police officers can ask you basic questions such as your name, birth date, address and parent(s) names without advising you of your Miranda Rights.

If you are under 18, Colorado law requires that both you and your parent or guardian are advised of Miranda and that both of you choose to waive those rights before you can be questioned about a crime for which you have been arrested.



Your Miranda Rights;

You have the right to remain silent.

Anything you say can be used against you in a court of law.

You have the right to talk to a lawyer and have him/her present with you while you are being questioned

If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning if you wish.

You can decide at any time to exercise these rights and not answer any questions or make any statement.

What happens if...?

Remember this is general information and does not replace professional legal advice. If you have specific questions about legal issues discussed in this guide you should talk to a lawyer.

What happens if you are stopped for questioning?

If you are stopped *without* a legal reason, you should know that it is not a crime to refuse to answer questions. But refusing to answer questions can make the police suspicious of you. Under Colorado law (Colorado Revised Statute 16-3-103), a police officer acting with reasonable suspicion can *require* that you provide your name, address, identification if available, and a reasonable explanation of your actions. A police officer *cannot* require you to provide your social security number during a stop. Officers may do a “pat down” search of your clothing if they suspect you are concealing a weapon.

You may be arrested if you do not have proper identification when you are driving a car, or in a place where liquor is served. When speaking to an officer you should tell the truth and not mislead or lie to the police.

You can ask the officer if you are under arrest. If you are, you can ask the reason why. You have a right to know this.

Do not “bad mouth” the police officer or run away, even if you believe what is happening is wrong. This could lead to your arrest. Do not challenge the officer. Remember, you can always report misconduct by filing a complaint at a later time. If you are arrested, you will have the opportunity to contest the arrest as part of the court processes.

What happens if you are stopped driving a car?

Show your driver’s license, registration and proof of insurance upon request. Your car can, under certain circumstances, be searched without a warrant as long as the police have probable cause. Your car can also be searched without a warrant if you are arrested, your car is impounded or as a condition of probation or parole. An officer can also “frisk” the passenger portion of your car for weapons if they have reason to fear for their safety.

A police officer may ask you for consent to search your car also. Absent one or more of the legal reasons mentioned above, you can refuse to have your car searched. If the officer searches your car you can voice your objections and contest the search in court if you are arrested, or file a complaint. Do not resist the officer’s efforts.

If you are given a citation you should sign it. By signing the ticket you are not admitting that you are guilty. You are promising to appear in court. Remember, if you disagree with the officer you can fight the case in court.

If you are suspected of driving while intoxicated or under the influence of drugs and refuse to take a breath test or provide a blood sample your driving privilege will be suspended. You do not have the right to consult with an attorney prior to choosing which test to take or prior to taking the test. In Colorado, driving is a privilege not a right. Having your license suspended is an administrative action, not a criminal action. However, driving while intoxicated is a criminal matter.

What happens if you are arrested or taken to a police station?

Whether you are guilty or not, go with the officer. You can later argue your case in court.

If you are a juvenile, the officer may take you to the juvenile detention center or they may take you to a police station and notify your parent(s). If the officer chooses to release you to your parent(s), you and your parent(s) will be provided with papers stating the crime you were arrested for, and the date of your first appearance in court.

If you are 18 or over, you may be released on a personal recognizance bond (which means you don't have to post a monetary bond) or you may be required to post a bond.

In Colorado you must have a valid driver's license in your possession to operate a motor vehicle. If you are stopped driving without your license you may be issued a ticket or even arrested. Your car may be towed as well, which will be expensive.

What happens if you do not show up in court?

If you fail go to any court appearance without approval from the court, a warrant will be issued for your arrest. A warrant does not expire, unless quashed by the court or you are arrested. Calling the court or writing a letter is not enough unless you receive written confirmation from the court that your appearance has been rescheduled. Failing to go to court is a serious matter that will end up getting you arrested, probably when it is most inconvenient for you.

Arrest Warrants

Arrest warrants are orders issued by a judge. Police officers have little discretion with court orders, and their responsibility is to take anyone who has a warrant for their arrest into custody. If you have a warrant, it is highly recommended that you contact your local law enforcement agency to inquire how you can take care of the warrant. You should then follow through immediately. Be aware that if you are stopped by a police officer, you will be arrested if you have an outstanding warrant for your arrest.

Search Warrants

A search warrant is an order by a judge which gives the police authorization to search a specific location for items listed in the search warrant. Police officers are required to provide you with a copy of the warrant (the warrant signed by the judge, not the supporting affidavit) and a list of the items taken. These copies will be provided to you if you are present, or left at the location in a conspicuous place if you are not present.

Curfew

The City of Boulder passed a curfew ordinance that makes it illegal for minors to be out past a certain hour. Minors *under* 16 are not to be out in a public place between the hours of 11:00 p.m. and 5:00 a.m. unless accompanied by a parent or guardian. There are exceptions for going directly to or from work (within one half hour of employment hours and with documentation from the employer), returning directly from a movie, sporting event, or other organized event, or conducting an errand directed by a parent or guardian. If the juvenile is on public property (e.g. a sidewalk) adjacent to their residence, he or she may remain out until 12:30 a.m. The ordinance states that police officers shall take minors into custody and immediately notify their parent or guardian. If a parent or guardian is not located, the juvenile may be turned over to the custody of juvenile authorities until a parent or guardian can be contacted.

If you are out in violation of the curfew you may be issued a summons to court. See Boulder Revised Code 5-6-5 for more information.

Trespassing

You can be arrested for trespassing if you refuse to leave public or private property, including school buildings and grounds, if you have no legitimate reason for being there.

In Colorado, the state statute of loitering specifically applies to schools (C.R.S. 18-9-112).

Vandalism

It is a crime to damage, destroy or deface a school building or any public or private building or structure. This includes fences, mailboxes, street signs and automobiles. You can be arrested and you or your parents forced to pay for the damage.

Graffiti

What is graffiti?



Some view graffiti as a form of art, but others view it as vandalism. In either case graffiti can be trouble. Areas that are “tagged” are often viewed to be bad neighborhoods or gang turf and are considered to be unsafe. People that own

homes in these areas suffer the greatest loss because their property value will be lower than homes in other neighborhoods.

Unless you own the property that is being tagged, tagging is against the law. You can be summonsed or arrested. If the amount of the damage is over \$1,000 the crime becomes a felony! People caught tagging are often ordered to pay the cost of removing the graffiti.

Tagging is not cool. It destroys property and takes away from what parents and neighbors work so hard to have. Make the right choice.

Don't Tag!

Drugs

The Reality of Drugs

Drugs may make people feel like they are smart, strong, and happy and like there is nothing in the world to worry about. The problem is that these feelings are not real. What is real is that drugs are addictive and can make you sad, depressed, paranoid, and even suicidal. This is the reality of drugs!

Drugs have caused a national health problem in our country that has affected tens of millions of people. Many lives have been ruined because of drug addiction. This addiction is an illness that has a devastating financial impact on people. Drug dealers often push free samples, knowing that once you are hooked, you will forego buying clothes, cars, and other things you enjoy to buy a fix. Young people who become addicted to drugs often commit crimes to finance their addiction. Often they steal from their friends, siblings and parents.

The police often deal with “drug rips” where dealers are either robbed of their drugs, or addicts are robbed, often violently, of their money to pay for their drugs. This type of violence is not limited to hard drugs like cocaine or methamphetamine; it is frequent in the marijuana trade as well.

Many teens that are addicted to drugs have become estranged from their families. Some have become homeless. Most addicts wish they had never tried drugs in the first place. The initial thrill was not worth the loss of family, future, and self respect. You may not be able to do anything about your friend's decisions to take drugs, but you do have the choice to stay away from drugs yourself. If you, or someone you know, need help there are resources in the community.

Searches on Public School Campuses

In most cases police officers need a search warrant based on probable cause in order to search your house, car or other belongings. However, in a school, school officials and teachers do not need a search warrant if they have a special need to conduct a search or suspect criminal activity. Searches can be done in schools based on “reasonable suspicion.” This means that if a teacher or school administrator suspects that you are involved in a violation of a law or school policy, you may be searched. Your personal possessions, such as your backpack, locker and car, if it is on school property, may also be searched.

Truancy

Just Ditching School?

Did you know that cutting school could get you in trouble with the law? Colorado has a compulsory school attendance law that states all children between the ages of 7 and 16 must attend school. There are exceptions for home school and private school attendance. If you have more than four unexcused absences in one month or ten unexcused absences in a year you could be declared “habitually truant.” The juvenile court can order you to attend school and you could be placed on probation. If you don’t follow the court’s order you could be found in contempt and potentially incarcerated in a juvenile detention facility.

Disrupting School

In Colorado it is a crime to interfere with the staff, faculty or students of an educational institution (C.R.S. 18-9-109). This law states that you can’t willfully impede the staff or faculty of a school in the performance of their duties by coercion, intimidation or threats of force or violence. Threatening teachers, administrators or other students can result in being arrested and charged with a crime.

Of course fighting with other students can result in your arrest as well. You could be charged with assault, harassment or brawling depending on the circumstances.

Weapons on Campus



It is a felony to bring a firearm onto a school campus, including private schools and state colleges and universities. In addition to firearms, it is a felony to bring a “deadly weapon” onto school property. “Deadly weapon” includes knives and bludgeons. Also, it is a felony to have in your possession metallic knuckles (brass knuckles), switch blade knives and gravity knives. A gravity knife is also commonly known as a “butterfly” knife.

As well as being a crime, a student who brings a firearm, knife or other “dangerous weapon” onto school property faces mandatory suspension or expulsion from school. A “dangerous weapon” for school purposes includes pellet, bee-bee, Airsoft guns, and replica guns even if the gun is not operational. School property includes all school facilities such as athletic fields, and the surrounding property, not just the school building. See C.R.S. 22-33-106.

Test Question:

One of the guns pictured above is a real firearm; the other is a pellet gun. Can you tell the difference? How about in poor lighting in a stressful situation?

Many BB replica guns and Airsoft guns are virtually identical to real guns. In a confrontation with a police officer, the officer may not be able to tell the difference and will have to react as if the gun is real. The Boulder Police Department strongly discourages the use of replica BB or Airsoft guns, especially by teens and children.

City of Boulder Resources

Youth Opportunities Advisory Board
Youth Opportunities Program www.yoab.org
303- 441-4349

A leadership and grant-making program for city youth. The Program is advised by the Youth Opportunities Advisory Board (YOAB), a group of high school students

Children Youth and Family Services,
303-441-4357 www.bouldercolorado.gov

Provides prevention and intervention programs, mediation services and family resource schools.

Police Complaints

How to file a complaint:

You may file a complaint in person, by phone, mail or e-mail by contacting the Professional Standards Unit of the Boulder Police Department. You will need to provide the date, time a location where the incident happened and the nature of your complaint. Complaint forms are located in the lobby of the Boulder Police Department at 1805 33rd Street, at the Pearl Street Mall Community Police Center, 1500 Pearl, Suite E, and the University Hill Community Police Center, 1310 College Street.

The link for a complaint is: www.bouldercolorado.gov/files/commendation.pdf

More information about the Professional Standards Unit and the complaint process can be found on the police department's web site at www.bouldercolorado.gov/police. Click on the *Commendations or Complaints* button on the homepage.

The phone number for the Professional Standards Unit is 303-441-3312. The Professional Standards Unit is located at the police headquarters building at 1805 33rd Street.