

PURPOSE

The primary purpose of this directive is to ensure officers respect the sanctity of life when making decisions regarding use of force. This directive is designed both to conform with constitutional and state statutory principles, but also aspires to go beyond them. *Graham v. Connor, 490 U.S. 386 (1989)* - Under this standard, an officer may only use force that a reasonable officer would use when facing similar circumstances.

This basis acknowledges the difficult decisions peace officers must make and the complexity of each situation. This policy strives to ensure that de-escalation techniques are used whenever feasible, that force is used only when necessary, and that the amount of force used is proportionate to the situation that an officer encounters.

While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use the guidelines in this policy to make such decisions in a professional, impartial and reasonable manner. It should be every officer's goal to resolve all situations without using force. Officers shall apply nonviolent means, when possible, before resorting to the use of physical force. Specific considerations should be given to: **Tactical Communication, Tactical Positioning, and Time as a Tactic (TTT)**.

Officers will provide clear instructions and warnings whenever feasible before using any force. Seek to communicate in non-verbal ways when a verbal warning would be inadequate (does not speak English, has a disability and cannot understand warnings). Indicate the consequences of refusing to comply with a mandatory order, including the specific type of force that may be used, and provide a reasonable amount of time to comply.

Officers must have an understanding of, and true appreciation for, their authority and limitations of such authority. This is especially true with respect to dealing with non-compliant and/or resistive subjects while engaged in the performance of law enforcement duties. As a situation changes, officers must reevaluate the circumstances and continue to respond proportionately.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use objectively reasonable force and to protect

DEFINITIONS

For purposes of this policy, the following definitions shall apply:

Active Assailant: A person who is using or imminently threatening the use of force against another person, with or without a weapon, in an aggressive manner that poses an imminent danger to an officer or another person.

Active Resistance: The subject is intentionally and unlawfully opposing the lawful order of a peace officer in a physical manner; Examples may include bracing, tensed muscles, interlocked arms/legs, pushing, kicking, breaching police lines, pushing over police barricades, running away or other actions to evade or escape etc.

Assaultive Resistance: A form of Active Resistance where the subject uses aggressive or combative behavior to attempt, threaten, or commit a violent injury on an officer or other person.

Chemical Agents: Devices utilized by law enforcement agencies, include, oleoresin capsicum (OC).

Chokehold: Applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

Compliant: A person contacted by an officer who acknowledges direction or lawful orders given and offers no non-verbal/verbal, passive/active, or assaultive resistance.

Conducted Energy Device (CED): A CED is a device designed to use electrical energy to induce pain in drive stun mode or to induce a neuro-motor dysfunction to immobilize or incapacitate while person in probe mode thus enabling officers to gain control of a subject.

Control Devices: The application of devices intended to assist peace officers in gaining control of subjects who refuse to submit to lawful authority. This may include batons, Conducted Energy Device (CED), oleoresin capsicum (OC) spray, restraints, projectile devices, and kinetic energy devices (KE).

Control Strikes: Impact-oriented strikes with personal body weapons such as knees, elbows, hands or fists, and feet.

Deadly force: Force reasonably anticipated and intended to create a substantial risk of causing death or serious bodily injury.

Feasible: Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

USE OF FORCE

Officers shall apply nonviolent means, when possible, before resorting to the use of physical force. Officers may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury or death to the officer or another person.

Officers shall use only that amount of force consistent with minimization of injury to others, and that is objectively reasonable under the totality of the circumstances known to the officer at the time the force is used. Force may appear necessary at the time the force is used given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of an objectively reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided or authorized by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose under the totality of the circumstances.

Persons under an officer's control should be positioned in a way so that their breathing is not obstructed. This means that officers should not sit, kneel, or stand on a person's neck, chest, or back, and when feasible, should not force the person to lie on his or her stomach for an extended period of time.

Duty to Intervene. Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances or inconsistent with this policy or law, shall, when in a position to do so, intervene to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by this policy or law should promptly report these observations to a supervisor. At a minimum, the report must include the date, time, and place of the occurrence; the identity, if known, and description of the participants; and a description of the intervention actions taken. The report shall be made in writing within ten days of the occurrence and shall be appended to all other reports of the incident.

Perspective. When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that, other law enforcement officers may have additional information regarding the threat posed by a subject.

De-escalation. When reasonable and feasible, officers should consider attempts to de-escalate situations in their interactions with subjects, through the use advisements, warnings, verbal persuasion, additional resources, and other tactics or alternatives that potentially reduce the level of reasonable force required.

Verbal and Visual Warnings. A verbal or visual warning of the intended use of force should precede its application

- (4) The number of officers available vs. subjects;
 - (5) Prior contacts with the subject or awareness of any propensity for violence;
 - (6) Effects of drugs or alcohol;
 - (7) Subject's mental state or capacity;
 - (8) Environmental factors such as footing, lighting, sound and crowd conditions.
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- (h) The degree to which the subject has been effectively restrained and the subject's ability to resist despite being restrained;
 - (i) The availability of other options and their possible effectiveness;
 - (j) Training and experience of the officer;
 - (k) Potential for injury to officers, suspects and others;
 - (l) The risk and reasonably foreseeable consequences of escape;
 - (m) The apparent need for immediate control of the subject or a prompt resolution of the situation;
 - (n) Individuals who are known to be pregnant;
 - (o) Elderly individuals or obvious juveniles;
 - (p) Individuals who have been recently sprayed with a flammable chemical agent or who are otherwise in close proximity to any known combustible vapor or flammable material, including alcohol-based oleoresin capsicum (OC) spray;
 - (q) Individuals whose position or activity may result in collateral injury (e.g., falls from height, operating vehicles);
 - (r) Other exigent circumstances.

Officers may not use or threaten to use force for the following reasons:

- a. To resolve a situation more quickly, unless the extended delay would risk the safety of the person involved, officers, or others, or would significantly interfere with other law enforcement objectives;
- b. To punish a person or to retaliate against them for past conduct or to impose punishment;
- c. To prevent a person from fleeing or resisting in the future;

- d. Based on bias against a person's race, ethnicity, nationality, religion, disability, gender, gender identity, sexual orientation, or any other protected characteristic.

There is a distinction between a verbal warning prior to the use of force versus the threatened use of force. A warning is to be used when the officer can reasonably foresee that the use of force is necessary to gain compliance and that use of force is authorized under this policy. The threatened use of force is applicable in situations where the officer is using the use of force as a coercion and or when the application of force would not be justified under this policy.

Pain Compliance Techniques. Pain compliance techniques may be very effective in controlling a non-compliant or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received approved training and only when the use of such a technique appears objectively reasonable to further a legitimate law enforcement purpose. The application of any pain compliance technique should be discontinued once the officer determines that compliance has been achieved.

- (c) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force.

Officers may use deadly force to stop a fleeing subject when a peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe, that the person poses an immediate threat of serious bodily injury or death to the officer or another person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force.

Specific instances when the use of deadly force is prohibited. In general, officers may not discharge their weapons as a signal for help or as a warning shot, nor may they use deadly force in the following situations:

- a. Solely to prevent property damage or property loss;
- b. Solely to prevent the destruction of evidence (for example, under no circumstances shall an officer use a chokehold, or any lesser contact with the neck area, in order to prevent the destruction of evidence by ingestion).
- c. Solely to disable moving vehicles; or
- d. Against a person who poses a threat only to themselves (and not to others).
- e. To apprehend a person who is suspected of only a minor or nonviolent offense.

Chokehold/Carotid Control Hold.

PROCEDURES FOLLOWING THE USE OF FORCE

Medical Attention.

COMMAND LEVEL REVIEW AND ANALYSIS

The Chief of Police or designee upon notification shall assume the responsibility of ensuring any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable. The Chief of Police or designee shall assign a member of his or her command staff to review each use of force by any personnel within his or her command to ensure compliance with this policy and to address any training issues. The assigned command staff member is responsible to review the Use of Force Report package (e.g. crime and arrest reports, photographs, and/or other pertinent information). After final review, the Chief of Police will ensure that custody and storage of the Use of Force Report package complies with legal statutes, policies and appropriate reporting purposes.

Annually (January – December), the Chief of Police will prepare an analysis report on all use of force incidents. The report shall **not** contain the names of the officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

REPORTING TO THE COLORADO ATTORNEY GENERAL

The Chief of Police or designee shall ensure that data required by the Colorado Attorney General regarding all officer-involved shootings and incidents involving use of force resulting in serious bodily injury is collected and forwarded in a timely manner.

TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding. At a minimum, each officer will receive training on this policy once a calenW*nBT/F1 12 TfJ