

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force as a response to resistance. 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 these guidelines to make such decisions in a professional, impartial and objectively reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.2 POLICY

It is the policy of the Louisville Police Department for officers to comply with the laws of the State of Colorado and use only the amount of physical force that is objectively reasonable to affect an arrest, prevent an escape, defend themselves or another from bodily harm, or preserve the peace. The Department recognizes that officers will encounter infinitely variable situations in the performance of their duties. Variables in size, strength, and fighting skill will be encountered between officers and potential adversaries. Persons against whom force may be used can be under the influence of alcohol or drugs and may suffer from mental illness. Their willingness to comply with an officer's directions will vary widely and can change quickly.

In light of these factors, the Department recognizes that objectively reasonable force used by officers cannot always begin with the lowest levels of force. Further, because of differences in size, strength, age, and gender between officers, different levels of force may be objectively reasonable for different officers in similar situations.

The Department's use of force training regimen instills in officers the capability to assess the potential harm that might result from use of force actions. The Department teaches officers a variety of tactics and skills including the use of verbal tactics, control holds, conducted energy devices, chemical agents, strikes and kicks, less-lethal impact weapons, and firearms. Using the Critical Decision-Making Model, officers continually assess situations and their own abilities and training and select the tactics and level of force that they believe is proportional to the need to successfully resolve the situation.

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 by the Department. Officers may find it more effective or reasonable to improvise their response to tense, uncertain, and rapidly evolving conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be objectively reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

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While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

An officer's commitment to public safety includes the welfare of members of the public, the officer, and fellow officers, with an emphasis on respect, professionalism, and protection of human life, even when force is necessary.

Officers who violate those values by using objectively unreasonable force degrade the confidence of the community, violate the rights of individuals upon whom unreasonable force is used, and may expose the Department and fellow officers to legal and physical hazards.

Conversely, officers who fail to use timely and adequate force when it is necessary may endanger themselves, the community, and fellow officers.

These decisions are then subject to the Department's review and may also be reviewed by criminal and civil courts.

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties. The Louisville Police Department recognizes and respects the value, dignity, and sanctity of all human life without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

Use of force by peace officers - definition:

(1) Peace officers, in carrying out their duties, shall apply non violent means, when possible, before resorting to the use of physical force. A peace officer 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 peace officer or another person.

(2) When physical force is used, a peace officer shall:

(a) Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense;

(b) Use only a degree of force consistent with the goal of minimization of injury to others;

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(c) Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and

(d) Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

(2.5) (a) A peace officer is prohibited from using a chokehold upon another person.

(b) (i) For the purposes of this subsection (2.5), "chokehold" means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce intake of air.

(ii) "Chokehold" also means 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.

(3) A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

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

(b) The suspect poses an immediate threat to the peace officer or another person;

(c) The force employed does not create a substantial risk of injury to other persons.

(4) A peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury, would create a risk of death or injury to other persons.

(4.5) Notwithstanding any other provision in this section, a peace officer is justified in using deadly force if the 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 he or another person is in imminent danger of being killed or of receiving serious bodily injury. (CRS 18-1-707)

300.2.1 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 the subject.

300.3 DEFINITIONS

Definitions related to this policy include:

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Active Aggression/Assault: An active attempt to inflict bodily injury against another person or an officer. An assault against a peace officer is considered an elevated risk because of the possibility that the person committing the assault may get possession of one of the officer's weapons and use it against the officer or another person.

Active Resistance: A refusal to comply with instructions accompanied by physical action that is intended to injure, thwart a lawful arrest, or to interfere or overcome an attempt by an officer to lawfully subdue the resisting individual or another person.

Contacts: Means an interaction with an individual, whether or not the person is in a motor vehicle, initiated by a peace officer, whether consensual or nonconsensual, for the purpose of enforcing the law or investigating possible violations of the law. "Contacts" do not include routine interactions with the public at the point of entry or exit from a controlled area.

Deadly Force: Any use of force that is reasonably likely to cause death.

De-escalation: Taking action to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation. De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.

Defensive Resistance: Refusal to comply with instructions accompanied by resistance that does not yet rise to the level of active resistance but through word or body posture, a person demonstrates an intention or willingness to cause or to attempt to cause injury to another person.

Demographic Information: Means race, ethnicity, sex, and approximate age.

Immediate: An event or action that is taking place.

Imminent: An event or action that is about to happen or occur.

Non-deadly Force: Any use of force other than that which is considered deadly force. This includes any physical strike or instrumental contact with a person, any attempted or threatened physical strike or instrumental contact that does not take effect, or any significant physical contact that restricts the movement of a person beyond escorting or un-resisted handcuffing, intended to overcome the resistance of another.

Objectively Reasonable: The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force, and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. The calculus of reasonableness must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain, dynamic and rapidly evolving, about the

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amount of force that is necessary in a particular situation. The reasonableness inquiry in an excessive-force case is an objective one: whether the officers' actions are objectively reasonable in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation.

Passive Resistance: For the purpose of this policy, the term refers to a type of resistance encountered by officers where a person refuses to comply with instructions but does not offer any type of physical resistance outside of having their body go limp, stiffening their body or refusing to move. The term also refers to resistance by non-violent methods to a government, an occupying power, or specific laws, as in refusing to comply, demonstrating in a protest, or fasting.

Peace Officer: Means any person employed by a political subdivision of the state required to be certified by the P.O.S.T. Board pursuant to section 16-2.5-102, a Colorado State Patrol Officer as described in section 16-2.5-114, and any non-certified deputy sheriff as described in section 16-2.5-103 (2).

Physical Force: Means the application of physical techniques or tactics, chemical agents, or weapons to another person.

Proportional: The level of force applied must reflect the totality of circumstances surrounding the situation, including the presence of imminent danger to officers or others. Proportional force does not require officers to use the same type or amount of force as the subject. The more immediate the threat and the more likely that the threat will result in death or serious physical injury, the greater the level of force that may be objectively reasonable and necessary to counter it.

Serious Bodily Injury: Has the same meaning as in C.R.S. Section 18-1-901(3)(p).

Tamper: Means to intentionally damage, disable, dislodge, or obstruct the sight or sound or otherwise impair functionality of the body-worn camera or to intentionally damage, delete, or fail to upload some or all portions of the video and audio.

Use of Force: Use of any control holds or restraint techniques beyond non-resisted handcuffing, which may include hand control, chemical sprays, conducted energy devices, strikes, kicks, impact weapons, threatened use of deadly force (including the pointing of a firearm at an individual), and any on-duty, non-training related, discharge of a firearm. For purposes of this policy, use of force does not include any escort techniques or holds on a compliant, non-resistive subject.

Verbal Non-compliance: An individual ignores instructions and/or refuses to comply with instructions, but does not offer any type of physical resistance.

Warning Shot: Discharge of a firearm for the purpose of compelling compliance from an individual, but not intended to cause physical injury.

300.4 CRITICAL DECISION-MAKING MODEL

The Louisville Police Department utilizes the Critical Decision-Making Model (CDM) in training officers to evaluate critical incidents, including those in which they may use force. The Critical Decision-Making

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Model is a five-step critical thinking process. All five steps are built around the core values of the Department and the policing profession.

At the center of the CDM is an ethical core that provides grounding and guidance for the entire process. The four elements of the CDM core are:

- Ethics
- Department mission and values
- Concept of proportionality
- Sanctity of all human life

Every step of the process is connected to this core, and the core informs and guides officers throughout the five steps. Everything an officer does within the CDM must support the ideals in the center, and no action can go against those standards. The five steps are:

- **Collect information**
- **Assess the situation, threats, and risks**
- **Consider police powers and agency policy**
- **Identify options and determine the best course of action**
- **Act, review, and re-assess**

[Critical Decision-Making Model.pdf](#)

The CDM provides officers with a logical, easy-to-use thought process for quickly analyzing and responding appropriately to a range of incidents effectively and safely.

300.5 DE-ESCALATION

De-escalation tactics and techniques are actions used by officers, when safe and without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force during an incident and increase the likelihood of voluntary compliance.

An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his/her training whenever possible and appropriate before resorting to force and to reduce the need for force.

Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

Examples of de-escalation include:

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- Placing barriers between an uncooperative subject and an officer
- Containing a threat
- Moving from a position that exposes officers to potential threats to a safer position
- Decreasing the exposure to potential threat by using
 - Distance
 - Cover
 - Concealment
- Communication from a safe position intended to gain the subject's compliance using:
 - Verbal persuasion
 - Advisements
 - Warnings
- Avoidance of physical confrontation, unless immediately necessary (for example, to protect someone, or stop dangerous behavior)
- Using verbal techniques to calm an agitated subject and promote rational decision making
- Calling extra resources to assist or officers to assist:
 - More officers
 - CIT officers
 - Officers equipped with less-lethal tools
- Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject.

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An officer shall use only the force reasonable, necessary, and proportionate to effectively bring an incident or person under control, while protecting the lives of the officer or others.

In other words, Officers shall only use objectively reasonable force, proportional to the threat or urgency of the situation, when necessary, to achieve a law enforcement objective. The force used must comply with federal and state law and Louisville Police Department policies, training, and rules for specific instruments and devices. Once it is safe to do so and the threat is contained, the force must stop.

Sometimes the use of force is unavoidable, and an officer must exercise physical control of a violent, assaultive, or resisting individual to make an arrest, or to protect members of the public and officers from risk or harm. In doing so:

- Officers should recognize that their conduct prior to the use of force, including the display of a weapon, may be a factor which can influence the level of force necessary in a given situation.

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- Officers should take reasonable care that their actions do not precipitate an unnecessary, unreasonable, or disproportionate use of force, by placing themselves or others in jeopardy, or by not following policy or training.
- Officers should continually assess the situation and changing circumstances to determine what force is necessary.

300.6.1 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

The reasonableness of a particular use of force is based on the totality of the circumstances known by the officer at the time of the use of force, and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight. Factors to be considered in determining the objective reasonableness of force include, but are not limited to:

- a. Immediacy and severity of the threat to officers or others.
- b. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- c. Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- d. The effects of drugs or alcohol.
- e. Subject's mental state or capacity.
- f. Proximity of weapons or dangerous improvised devices.
- g. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- h. The availability of other options and their possible effectiveness.
- i. Seriousness of the suspected offense or reason for contact with the individual.
- j. Training and experience of the officer.
- k. Potential for injury to officers, suspects and others.
- l. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- m. The risk and reasonable foreseeable consequences of escape.
- n. The apparent need for immediate control of the subject or a prompt resolution of the situation.
- o. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- p. Prior contact with the subject or awareness of any propensity for violence.
- q. Any other exigent circumstances.

300.6.2 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration, or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted.

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300.6.3 USE OF FORCE - WHEN PROHIBITED

An officer may not use physical force:

- To punish or retaliate
- Against individuals who only verbally confront them, unless the vocalization impeded a legitimate law enforcement function
- On restrained subjects (e.g. including handcuffed or contained in a police vehicle), except in exceptional circumstances when the subject's actions must be immediately stopped to prevent injury, escape, or destruction of property. Subjects who refuse to get out of a Department vehicle may be removed from the vehicle after reasonable attempts to gain voluntary compliance have failed.

300.7 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts or that doing so would unduly place officers or other persons at risk of injury or death (CRS § 18-1-707).

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- a. An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- b. An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

300.7.1 MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. An officer should only discharge

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a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.7.2 WARNING SHOTS

Warning shots are prohibited.

300.7.3 CHOKEHOLDS

A peace officer is prohibited from using a chokehold upon another person. For the purpose of this section "chokehold" means a method by which a person applies sufficient pressure to another person to make breathing difficult or impossible and includes but is not limited to any pressure to the neck, throat, or windpipe that may hinder breathing or reduce intake of air. "Chokehold" also means applying pressure to the 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.

300.7.4 PROHIBITED LAW ENFORCEMENT ACTION IN RESPONSE TO PROTESTS

In response to a protest or demonstration, a law enforcement agency and any person acting on behalf of the law enforcement agency shall not:

- a. Discharge kinetic impact projectiles and all other non or less-lethal projectiles in a manner that targets the head, pelvis, or back;
- b. Discharge kinetic impact projectiles indiscriminately into a crowd; or
- c. Use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order.

300.8 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report. Depending on the nature of the incident, the officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

The officer should include at least the following in his or her narrative report:

- The threat perceived, or underlying basis for the application of force, including the severity of the threat or security problem;
- The subject's level of resistance;
- The force applied;
- The subject's response to each application of force;
- The extent of injuries to the subject and/or officer(s) involved, if any, and any medical aid rendered.

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For each incident, a Use of Force - Response to Resistance form will be completed listing all involved officers and subjects and will be provided to the on-duty supervisor before the officer ends his or her shift. The supervisor who receives the Use of Force - Response to Resistance form is responsible for ensuring that the form is complete and distributed via the chain of command.

Each officer who uses force, or witnesses the use of force, is responsible for completing a narrative report detailing his or her involvement and observations.

Pointing a firearm at a person is a reportable use of force. Officers shall document all incidents in which they point a firearm at a person with a narrative report as well as a Use of Force - Response to Resistance form.

Officers shall not exhibit a drawn firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy on the use of firearms.

Officers who use a firearm to euthanize either a domestic or non-domestic animal will document the use of force in a Response to Resistance form, as well as a case report.

To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law.

300.8.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- a. The application caused a visible injury.
- b. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- c. The individual subjected to the force complained of injury or continuing pain.
- d. The individual indicates intent to pursue litigation.
- e. Any application of the conducted energy device or control device.
- f. Any application of a restraint device other than handcuffs, shackles, or belly chains.
- g. The individual subjected to the force was rendered unconscious.
- h. An individual was struck or kicked.
- i. An individual alleges unreasonable force was used or that any of the above has occurred.

300.8.2 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the

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use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law must promptly report these observations to a supervisor, pursuant to CRS §18-8-802.

The officer shall, as soon as practical, report such force to a supervisor and provide a written report within 24 hours. The report is to include the date, time and place of the occurrence; the identity and/or description of the participants; and a description of the events and the force used. Supervisors must immediately report any such allegation to the Chief of Police or his/her designee.

300.8.3 REPORTING TO COLORADO DIVISION OF CRIMINAL JUSTICE

Statistical data regarding all qualifying incidents shall be reported to the Colorado Division of Criminal Justice as required by CRS § 24-31-903 (see the Records Section Procedures Policy). For the purposes of this section, a qualifying incident means any (CRS § 24-31-903):

- a. Incident involving the use of force by an officer that results in death or serious bodily injury.
- b. Incident involving the use of force by an officer that involved the use of a weapon.
- c. Contact with the public conducted by officers, including entries into a residence.
- d. Instance of unannounced entry into a residence.

300.9 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers

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who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.10 SUPERVISOR RESPONSIBILITY

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor responds to an incident in which there has been a reported application of force, the supervisor is expected to:

- a. Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- b. Ensure that any injured parties are examined and treated.
- c. When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- d. Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas. Additional follow-up photographs may need to be taken of injuries after the initial incident.
 1. These photographs should be retained until all potential for civil litigation has expired.
- e. Identify any witnesses not already included in related reports.
- f. Review and approve all related reports.
- g. Determine if there is any indication that the individual may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a memorandum outlining a potential claim through the chain of command.
- h. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy non-compliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.10.1 SHIFT SUPERVISOR RESPONSIBILITY

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The Shift Supervisor shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues. The shift supervisor will communicate any perceived training needs or other issues to the Command Staff in a timely manner.

300.11 TRAINING

Officers shall receive annual training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.

300.11.1 TRAINING REQUIREMENTS

Required annual training shall include:

- a. Legal updates.
- b. De-escalation tactics, including alternatives to force.
- c. The duty to intervene.
- d. The duty to request and/or render medical aid.
- e. Warning shots (see the Firearms Policy).
- f. All other subjects covered in this policy (e.g., use of deadly force, chokeholds, discharge of a firearm at or from a moving vehicle, verbal warnings).

300.12 DIVISION OF CRIMINAL JUSTICE REPORT

Beginning July 1, 2023, the Division of Criminal Justice in the Department of Public Safety shall create an annual report including all of the information that is reported to the division pursuant to Subsection (2) of this section, aggregated and broken down by the law enforcement agency that employs peace officers, along with the underlying data.

(2) Beginning January 1, 2023, the Colorado State Patrol and each local law enforcement agency that employs peace Officers shall report to the division of criminal justice:

(a) All use of force by its peace officers that results in death or serious bodily injury, including:

(i) The date, time, and location of the use of force;

(ii) The perceived demographic information of the person contacted, provided that the identification of these characteristics is based on the observation and perception of the peace officer making the contact and other available data;

(iii) The names of all peace officers who were at the scene, identified by whether the peace officer was involved in the use of force or not; except that the identity of other peace officers

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at the scene not directly involved in the use of force shall be Identified by the officer's identification number issued by the P.O.S.T. Board unless the peace officer is charged criminally or is a defendant to a civil suit as a result arising from the use of force;

(iv) The type of force used, the severity and nature of the injury, whether the peace officer suffered physical injury, and the severity of the peace officer's injury;

(v) Whether the peace officer was on duty at the time of the use of force;

(vi) Whether a peace officer unholstered a weapon during the incident;

(vii) Whether a peace officer discharged a firearm during the incident;

(viii) Whether the use of force resulted in a law enforcement agency investigation and the result of the investigation; and

(ix) Whether the use of force resulted in a citizen complaint and the resolution of that complaint;

(b) All instances when a peace officer resigned while under investigation for violating department policy;

(c) All data relating to contacts conducted by its peace officers, including:

(i) The perceived demographic information of the person contacted provided that the identification of these characteristics is based on the observation and perception of the peace officer making the contact and other available data;

(ii) Whether the contact was a traffic stop;

(iii) The time, date, and location of the contact;

(iv) The duration of the contact;

(v) The reason for the contact;

(vi) The suspected crime;

(vii) The result of the contact, such as:

(a) No action, warning, citation, property seizure, or arrest;

(b) If a warning or citation was issued, the warning provided or violation cited;

(c) If an arrest was made, the offense charged;

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(d) If the contact was a traffic stop, the information collected, which is limited to the driver;

(viii) The actions taken by the peace officer during the contact, including but not limited to whether:

(a) The peace officer asked for consent to search the person, and, if so, whether consent was provided;

(b) The peace officer searched the person or any property, and, if so, the basis for the search and the type of contraband or evidence discovered, if any;

(c) The peace officer seized any property and, if so, the type of property that was seized and the basis for seizing the property;

(d) A peace officer unholstered a weapon during the contact; and

(e) A peace officer discharged a firearm during the contact;

(d) All instances of unannounced entry into a residence, with or without a warrant, including:

(i) The date, time, and location of the use of unannounced entry;

(ii) The perceived demographic information of the subject of the unannounced entry, provided that the identification of these characteristics is based on the observation and perception of the peace officer making the entry and other available data;

(iii) Whether a peace officer unholstered a weapon during the unannounced entry; and

(iv) Whether a peace officer discharged a firearm during the unannounced entry.

(3) The Colorado State Patrol and local law enforcement agencies shall not report the name, address, social security number, or other unique personal identifying information of the subject of the use of force, victim of the official misconduct, or persons contacted, searched, or subjected to a property seizure. Notwithstanding any provision of law to the contrary, the data reported pursuant to this section is available to the public pursuant to subsection (4) of this section.

(4) The division of criminal justice shall maintain a statewide database with data collected pursuant to this section, in a searchable format, and publish the database on its website.

(5) The Colorado State Patrol and any local law enforcement agency that fails to meet its reporting requirements pursuant to this section is subject to the suspension of its funding by its appropriating authority. (CRS 24-31-903).

300.13 USE OF FORCE ANALYSIS

Use of Force

At least annually, the Operations Division Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

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

Attachments

Critical Decision-Making Model.pdf

Critical Decision-Making Model

