

7.02
CRAIG POLICE DEPARTMENT
Office of Chief of Police
General Order

Date Issued: May 15, 1997

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Subject: **Use Of Force**

Reference: CACP STD.20.1-5, 7, 9.

To: All Officers

WARNING: This directive is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive will only form the basis for departmental administrative sanctions.

I. POLICY:

The Craig Police Department (the Department) values its working relationship with the community and believes in providing quality police services through the trained professional members of the Department. However, as long as members of the public are victims of violent crimes and officers are confronted with force in the performance of their duties, it will remain necessary for police officers to be properly armed and trained for their own protection and the protection of society.

Therefore, it is the policy of this Department that officers shall use only that minimum amount of reactionary force that is necessary and reasonable, under the circumstances, to accomplish a legitimate police purpose or objective, to defend themselves or others, effect or maintain custody of an individual(s) or to effectively bring an incident under control. All sworn personnel shall have access to this Order, and be instructed in this policy during firearms training when hired and throughout their career.

II. DEFINITIONS: (When used in this Order.)

A. The terms Bodily Injury, Deadly Force, Deadly Weapon, Firearm, Officer, and Serious Bodily Injury are as defined in State Statute or this Order.

B. Chief: the term "Chief" means the person duly appointed as Chief of Police of the Craig Police Department or the employee duly authorized and designated by the Chief of Police to act on the Chief of Police's behalf in connection with the duties and responsibilities of the Chief of Police under this Order.

C. Duty-Related: the term "duty-related" means the performance by a Department employee of legally authorized law enforcement duties, regardless of whether the employee is officially on or off duty.

D. Employee: the terms "employee" or "Department employee" shall mean a compensated employee or authorized volunteer of the Department. As used in this definition, "authorized volunteer" shall mean a person who performs an act for the benefit of the Department at the request of and subject to the control of the Department.

E. Instrument of Force: the term "instrument of force" means all impact weapons (i.e. police baton, authorized expandable batons, flashlight, hands, feet, etc.), as well as chemical agents, electronic restraint devices, firearms, non-deadly weapons, and deadly weapons.

F. Non-deadly Weapon: the term non-deadly weapon means any type of weapon or ammunition that is designed and intended primarily for use to temporarily incapacitate or disable a person without causing death or serious bodily injury to such person.

G. Non-deadly Force: the term "non-deadly force" means force that the intended, natural, and probable consequence of which is very unlikely to cause death or serious bodily injury and the use of which does not, in fact, typically result in death or serious bodily injury.

H. Reasonable: the terms "reasonable" and "reasonably" shall refer to an objective standard of what a prudent police officer would do in like circumstances.

I. Use-of-Force Review Board: the term "Use-of-Force Review Board" means an investigatory board appointed by the Chief for the purpose of review and evaluation of a specific incident involving the use of force by one or more Department employees.

J. Electronic Control Device (ECD): As used in this policy ECD means a Conducted Energy Weapon, authorized and issued by this Department, which employs electro-muscular disruption (EMD) technology, causing temporary incapacitation to the individual.

III. USE OF FORCE GENERAL GUIDELINES FOR POLICE OFFICERS:

A. In making an investigatory stop, arrest, or in preventing an escape, an officer is legally justified in using some degree of physical force, coercion, or threat to affect the tactical objectives of such an action. However, in doing so, an officer's use of force, whether deadly or non-deadly force must be:

1. In connection with a lawful investigatory stop, arrest, detention, prevention of escape, self-defense, defense of others, etc;
2. Reasonable and necessary under all of the circumstances known at the time.
3. Not done maliciously or in retaliation, or based solely on the person's race, national origin, citizenship, religion, ethnicity, age, gender or sexual orientation.
4. Done in accordance with the provisions of this Order, other applicable Department Orders, and Department approved training.

B. When an officer applies any type of force against a person and that person is visibly injured, complains of injury, or the officer reasonably believes the person is injured, or is in need of medical attention, the officer, within his/her physical and mental capabilities at the time, shall render appropriate medical first aid (within the limits of his/her training and available equipment) as is practical and safe to do so. In addition, the officer shall summon such emergency medical and rescue aid as is reasonably necessary.

C. When an officer has applied any type of force to a person resulting in that person suffering a bodily injury, the officer shall advise all persons into whose custody such officer places that person as to the type of force that was used and where it was applied on the person's body.

D. Officers shall not engage in horseplay, roughhousing, or practical jokes that involve use of force techniques and/or instruments of force.

IV. USE OF DISCRETION:

A. In a complex urban society, officers are confronted frequently with situations where, in order to protect the public safety, control must be exercised to effect arrests, overcome physical resistance and neutralize assaults. Control may be achieved through advice, warnings, and persuasion, or by the use of physical force. Obviously, there are varying degrees of force that may be justified, depending on the dynamics of a situation. While the use of reasonable physical force may be necessary in situations which cannot be otherwise controlled, force may not be resorted to unless other reasonable alternatives have been pursued and/or exhausted, or would clearly be ineffective under the particular circumstances. The justifiable force necessary in defense of the life of another person or one's self, for example, would be inappropriate in most other circumstances.

B. Neither deadly force nor non-deadly force should ever be used by an officer without reasonable suspicion or probable cause that a crime, no matter how serious, was committed or attempted, or without reasonable suspicion or probable cause that the person being arrested or pursued committed or attempted to commit the crime. However, an officer may use reasonable and appropriate non-deadly force to take into protective custody persons who require an emergency commitment as described in Section V.C. of this Order.

C. The use of force by officers shall, when appropriate, be progressive in nature. Force may be in the form of advice, warnings, other verbal persuasion and/or physical encounters between the officer and the citizen in an attempt to control or defuse the situation. As the particular encounter between the officer and the citizen escalates, the officer may find a need to employ a different variety of alternatives. What may be appropriate force in one situation may not be appropriate in another. Officers must weigh the circumstances of each individual case and respond accordingly, based on their threat assessment of the situation.

D. Progressive force refers to the escalation of force used by an officer in order to control a situation, from minimal force to maximum force (i.e., verbal force, physical control holds, personal weaponry and chemical agents, batons and other hand weaponry, police vehicles, and firearms, knives, etc.). Prior to becoming authorized to carry deadly and non-deadly weapons,

sworn officers of this Department will be issued copies of and receive instruction in the Department's Use of Force policy.

E. The use of force by officers shall be in compliance with the training standards established by the Department. In no instance shall officers of this Department use force other than that which is reasonable and necessary under the circumstances to lawfully and properly accomplish a legitimate police purpose or objective, to defend themselves or others, effect or maintain custody of an individual(s) or to effectively bring an incident under control.

F. Department employees shall not use more force in any situation than is reasonable and necessary under the circumstances. Employees shall use force in accordance with departmental policies, procedures and rules.

G. In situations where a greater level of force is authorized, officers MAY exercise their discretion and utilize a lesser level of force in any situation that they deem appropriate.

V. USE OF FORCE SPECTRUM:

The attached Use of Force Spectrum provides guidelines for reactionary force used by police officers.

A. VERBAL/PSYCHOLOGICAL NON-COMPLIANCE

Psychological Non-compliance: Body language that may indicate a person's reluctance to comply with an officer's lawful orders. The subject may comply with attempts at verbal control, but displays visual and verbal cues that indicate potential physical resistance.

Verbal Non-Compliance: Is any verbal response indicating subject unwillingness to obey commands of detainment, arrest or to stop an unlawful act or dangerous behavior.

Use of Verbal Force: In dealing with people, each officer must attempt to make his/her contact one which inspires respect and generates cooperation and approval of the public. A citizen's encounter with the police can be a frightening and emotional experience. Under these circumstances, the risk of misunderstandings is great.

The manner and form in which an officer speaks to individuals can be an effective means of exerting verbal force in order to control the situation. Verbal force may be in the form of warnings, advice, persuasion, volume and tone control and may, in and of itself, be progressive in nature, depending upon the circumstances. All are effective means of utilizing verbal force. By utilizing reasonable and necessary verbal force, officers may not have to resort to the use of other forms of force.

B. COMPLIANT ARREST:

The majority of arrests made by officers of this Department are made peacefully; the prisoner is handcuffed, searched and transported. In these situations there is neither resistance, nor the need to use force.

Escort: These situations may call for a simple escort or some form of physical maneuvering of the individual from one location to another, in order to gain compliance and control.

C. PASSIVE RESISTANCE:

Is any type of resistance where the subject does not attempt to defeat the officer's attempt to touch or control the subject, but still will not voluntarily comply with verbal and physical attempts of control (i.e. dead weight, or does not react to verbal commands). Generally, these situations may not be as tense, uncertain, or rapidly evolving as many use of force situations, and there may be time to plan a strategy for resolution. Incidents of this nature require officers to use sufficient force to make the lawful arrest without unnecessarily aggravating the situation. The object of this level of force is to gain control while minimizing the risk of injury to the officer, the person being placed into custody and innocent bystanders.

USE OF NON-DEADLY FORCE:

Pursuant to state law, an officer may use reasonable and appropriate physical force upon another person when and to the extent that the officer reasonably believes it necessary to:

1. Defend himself/herself or a third person from what the officer reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent an escape; or
2. Affect an arrest or prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized.

An officer acting under a reasonable belief that a person is about to commit suicide or to inflict serious bodily injury upon himself may use reasonable and appropriate physical force upon that person to the extent that it is reasonably necessary to thwart the result (C.R.S. Section 18-1-703[1][d])

NON-DEADLY WEAPONS:

Only those officers who have been certified in the use of a non-deadly weapon are authorized to carry and use the non-deadly weapon for which they have been certified.

The only non-deadly weapons authorized to be carried and used by officers are non-deadly weapons issued by the Department, or those authorized for purchase prior to January 1, 2002.

A Department approved and issued non-deadly weapon may be used by an officer certified in its use, but only in accordance with the Department approved training that the officer has received

for use of the non-deadly weapon and in accordance with the use of force guidelines and standards set forth above in this Order.

SOFT EMPTY HAND TECHNIQUES: At some point in the arrest, it may become necessary to utilize physical force. This may be in the form of soft empty hand techniques (i.e. strength, pressure points or joint locks), to gain compliance and control of the subject.

CHEMICAL AGENTS: To minimize injury to suspects, officers and others, or to avoid property damage, the use of a chemical agent may be necessary in circumstances where danger to life or property exists and other methods of control or apprehension would be ineffective or more dangerous.

OLEORESIN CAPSICUM (OC): May be optionally carried by sworn officers of this department. Although when properly used, it is less likely to cause injury than other types of authorized weapons, it will only be used in situations where this level of force is necessary and justified.

The type of agent, container in which it is held, and the method of carry shall be approved by the Department prior to carrying OC as part of duty equipment. All OC products must be non-alcohol based.

Whenever practical and reasonable, officers should issue a verbal warning prior to using OC against a suspect.

Subjects who are sprayed with a chemical agent should be exposed to fresh air to dissipate the agent. When it is safe to do so, the subject should be provided with an opportunity to rinse his/her face with cool water. They should be instructed not to rub their face or use any oils, creams, or ointments on the affected area.

When a prisoner has been exposed to a chemical agent, all persons having subsequent contact with the prisoner should be advised by the arresting officer or officer having custody of such prisoner that the prisoner was previously exposed to the chemical agent.

An officer may use deadly force for protection against the use of OC when that officer reasonably believes that deadly force will be used against him/her if he/she becomes incapacitated, but only if the officer cannot reasonably retreat to avoid being sprayed.

TEAR GAS (CS/CN): The field supervisor has the responsibility for determining the need for the use of tear gas and the authority to direct its deployment. Actual deployment shall be by a member of the Tactical Team trained in the use and deployment of tear gas.

Authorization for the use of tear gas may not ordinarily be given by an officer below the rank of sergeant; and the use of tear gas for crowd control or riot control must ordinarily be authorized by an officer of the rank of commander or higher, except in the event of an emergency where the officer in charge of a field situation cannot reasonably contact higher authority.

Prior to the deployment of tear gas, due regard shall be exercised for the safety of the subject, police officers and innocent citizens. Proper scene cordon and evacuation techniques shall be

utilized. Only the minimal amount of tear gas necessary under the circumstances shall be deployed and consideration of a fire hazard shall be undertaken, with Fire Department personnel on scene prior to the deployment of tear gas whenever possible.

ECD (TASER):

The ECD is an additional police tool that may be used in situations in which deadly physical force does not appear to be justified/necessary. It may be used to control dangerous or violent subjects, to include subjects threatening suicide.

Carrying the ECD

1. Only departmentally approved and issued ECD's and ECD cartridges may be carried.
2. ECD's shall only be used by officers who have successfully completed the approved Departmental user training or a certified instructor. The use and deployment of the ECD will only be in accordance with established training standards and in compliance with this Order.
3. The ECD will not be altered or modified in anyway.
4. The ECD must be worn on the officer's weak side in order to avoid accidental deployment of the wrong weapon.
5. Only properly functioning and charged ECDs shall be carried. Before each deployment, the ECD shall be inspected for damage and tested for proper pulse rate. Any damage or improper functioning must immediately be reported to the Chief of Police or his/her designee.

The ECD may be used to:

1. Control dangerous or violent subjects when deadly force does not appear to be justified and/or necessary;
2. Attempts to subdue the subject by other conventional tactics have been or will likely be, ineffective in the situation;
3. There is reasonable expectation that it will be unsafe for officers to approach within contact range of the subject;
4. For gaining compliance of resistant or aggressive individuals in arrest and other enforcement situations;
5. To subdue a prisoner who becomes physically violent while confined in a police vehicle or a police facility;
6. The ECD may be used against an aggressive animal; or

7. The ECD may only be used as a method of controlling subjects who engage in “Passive Resistance”, as defined in Section V.C. above, when other verbal and light physical force alternatives have been ineffective.

Absent exigent circumstances, officers should generally not use the ECD in the following situations:

1. In environments known by the officer to be flammable or explosive (natural gas, gasoline, meth lab, etc.) or on persons the officer knows has recently come in contact with a flammable liquid or substance;
2. Against a woman who is obviously pregnant; a child who, by physical stature and size appears to be under the age of 14; an individual who is visibly frail; or an elderly individual;
3. At any subject who may receive a secondary injury resulting from a fall from its use, i.e. standing on a roof ledge or high elevation or the possibly of falling into a body of water;
4. NEVER aim the ECD at the eyes or the face;
5. The ECD shall not be used as a tool of coercion or punishment;
6. On handcuffed or restrained persons (absent assaultive behavior by them that cannot be reasonably dealt with in another manner);
7. On persons operating a motor vehicle, motorcycle, ATV, scooter or similar conveyance while the vehicle is in motion. Including bicycle, skateboard, etc.;
8. On persons to prevent them from swallowing evidence; or
9. In a playful or improper manner.

PROCEDURE:

1. Give explicit verbal commands to the suspect prior to deployment, except when the suspect, officers or citizens might be placed in jeopardy by first warning the suspect that the use of the ECD is imminent;
2. Avoid hitting the subject in sensitive tissue areas such as head, face, neck, groin or female breast area;
3. Use the ECD for one standard cycle (five seconds), then stop to evaluate the situation. If one or more subsequent cycles are necessary, the number and duration of such cycles shall be limited to the minimum activations necessary to place the subject in custody.

4. Each discharge, including accidental discharges, of an ECD shall be investigated and documented. A Use of Force Report and ECD Supplement Report shall be completed after each use of the ECD. Discharges of the ECD during an approved training session will not require routine completion of these forms or further investigation unless an injury occurs during the training session. The serial number of the cartridge shall be included on the form. A copy of the ECD Supplement Report will be forwarded by the initial reviewing supervisor to the ECD instructor for review and data collection.
5. Keep hands away from the front of the weapon at all times unless the safety is forward and the ECD is deactivated.

POST-USE PROCEDURES:

1. After securing the subject in handcuffs, or other appropriate restraints, the probes will be removed by any ECD certified officer. However, if the probes are imbedded in the soft tissue such as the neck, face, female breast or groin, the officer must either transport the subject to TMH or call EMS to the scene. EMS will make a determination to remove probes or transport the suspect to the hospital. The officer removing the probes shall use personal protective equipment. Photographs or digital images of probe injuries and/or secondary injuries shall be taken and submitted with the report.
2. A medical clearance shall be obtained before transporting the subject to jail.
 - a. If the subject received a Drive Stun Technique no medial treatment is required unless subject is complaining of injuries.
3. After ECD use, officers will attempt to ascertain from the subject whether pre-existing medical conditions (such as a history of heart problems) would warrant summoning EMS personnel to the scene.
4. The cartridge and probes shall be booked as evidence when the subject's injuries immediately result in serious bodily injury or death. All probes that are not booked as evidence shall be disposed as bio-hazard items.

INVESTIGATION OF ECD USE:

The Department shall initiate a use of force investigation outside the chain of command when any of the following factors are involved:

1. A subject experiences death or serious injury;
2. A subject experiences prolonged ECD activation;
3. The ECD appears to have been used in a punitive or abusive manner;
4. There appears to be a substantial deviation from policy or training; or

5. The ECD appears to have been utilized in a prohibited manner.

ECD INSTRUCTOR RESPONSIBILITIES:

1. ECD's that are discharged shall be submitted to the ECD instructor for downloading of data. This information will be kept on file by the instructor.
2. The ECD Instructor shall inspect and maintain the ECD devices on a quarterly basis.
3. Establish and maintain systems to record issuance of the ECD and air cartridges serial numbers.
4. Maintain an adequate supply of batteries, and air cartridges for replacement.
5. Obtain service and or replacement for defective or damaged ECD components from the supplier.
6. Coordinate annual training for certification and re-certification as required.

TIRE DEFLATION DEVICES:

This tool is used to stop or prevent the flight of a suspect(s). When properly deployed, the tire deflation device causes a controlled rapid tire deflation that reduces or eliminates a suspect's ability to elude police by driving a vehicle. The deflation devices are designed for use on four wheel vehicles moving at speeds greater than 10 mph. Tire deflation devices should be deployed on "hard" road surfaces. Tire deflation devices may not be used against motorcycles unless deadly force is justified. Officers should take all tactical considerations into account including:

1. Deploying in such a way to minimize the suspect's ability to avoid the device;
2. Road and traffic conditions as detailed in training; or
3. Availability of additional police vehicles.

Officers deploying the tire deflation device should make every effort to advise pursuing units of the location of the device to prevent damage to police vehicles.

Any successful use of the tire deflation device requires completion of all normal reports and documentation (case report, pursuit documentation, etc.).

The deployment of the deflation device should only be done by personnel properly trained in the methods of deployment.

D. DEFENSIVE RESISTANCE:

Is any action by a subject that attempts to prevent an officer from gaining control of the subject (i.e. pulling/pushing away, resistance to handcuffing in which the subject is flailing his arms or

other body parts to avoid handcuffing, abrupt movement to defeat the escort position, actively hiding from officers following the commission of a crime to avoid apprehension). It is not an attack on the officer but a physical act designed to prevent the officer from gaining control. Defensive resistance may be very dangerous to the arresting officer and can suddenly escalate. The situation may become tense, uncertain and rapidly evolve. The officer's response to defensive resistance should be immediate and effective to prevent escalation.

HARD EMPTY HAND/PERSONAL WEAPONS: Defensive resistance may be countered through the use of personal weapons. Personal weapons include use of the fist, hand, forearm, feet, knee, etc. The use of personal weapons may be used by the officer to gain control of the subject through the delivery of hard empty hand techniques (distraction and stun techniques). When an officer confronts defensive resistance where higher levels of force are not necessary and other verbal and physical force alternatives would be, or have been ineffective or inappropriate, it may be necessary to use hard empty hand techniques. These techniques are designed to cause a momentary stun of the subject to gain control or to distract his attention from his resistance. In either instance the officer may strike the subject with hard empty hand techniques in motor nerve points (brachial plexus origin or tie in, supra scapular or the common peroneal) and then take control of the subject through joint locks or handcuffing. The goal of these techniques is to take control of a resistive subject with the least amount of injury to the subject and the officer.

PRECISION IMMOBILIZATION TECHNIQUE (PIT): PIT is a method of using one vehicle to contact and rotate another vehicle while moving in a forward motion. PIT is an offensive maneuver that utilizes energy advantage to alter the course of direction of a suspect vehicle. PIT requires deliberate contact between the police vehicle and the suspect vehicle. Slow speed or close encounter situations may require a variation of PIT called tactical ramming.

The application of the PIT maneuver is a discretionary decision that should be made by the officer that is dealing with the situation. PIT is a tool that may be utilized to prevent or terminate a suspect vehicle's movement before the vehicle may pose a danger to both the officer and/or the community. Use of the PIT maneuver at high speeds can inherently impact the outcome of the maneuver. This outcome is detailed in training.

PIT may only be applied by officers trained in its use.

E. ACTIVE AGGRESSION:

Includes physical actions/assaults against the officer or another person with less than deadly force (i.e. punching, kicking, grabbing, wrestling, etc.). Subjects may be actively aggressive towards a third person. The officer is acting in self defense or defense of another.

Defensive Counter Measures: In instances where an officer is defending a person in a self defense situation, defensive counter measures may be utilized to escape or control the aggressive actions of a subject. These tactics may be utilized where higher levels of force are not necessary and other verbal and physical force alternatives would be or have been ineffective or inappropriate. Application of this force must be justified, reasonable and appropriate. Defensive counter measures include the angle kick, sternum strike and palm heel strike. Training in the use

of neck restraints is not provided or demonstrated as part of the Department's training curriculum and should not be used.

Whenever any of the following weapons are used photographs or digital images of the impacted areas shall be taken and submitted with the report.

Intermediate Weapons: The Department issued baton, flashlight and impact projectiles are considered appropriate immediate weapons. Their use is restricted to active aggressive physical confrontations in which a higher level of force is not appropriate and where verbal or physical force alternatives would be, or have been, ineffective or inappropriate.

Baton/Expandable Baton: The Department issued baton may either be carried by officers or be kept in a readily available location on their person or in the vehicle. Each officer has final discretion regarding carrying or not carrying the baton depending on the officer's determination of the circumstances of each individual case.

Only those officers who have been certified in the use of a police baton or expandable baton through departmental approved training are authorized to carry and use a baton/expandable baton.

The only baton authorized to be carried on-duty and used by officers is a Department approved 21" or 26" steel or composite expandable baton. The baton may be issued by the Department or purchased by the individual officer. The following similar items are prohibited for use:

Department approved straight baton shall only be carried during declared emergency situations and with the approval of the Chief.

Authorization:

1. When carried by uniform employees, the baton shall be secured in a manner consistent with established uniform standards.
2. Other types of striking devices are strictly prohibited and shall not be carried while on duty or acting in an official capacity as a member of this Department unless approved in advance by a supervisor with the rank of division commander or above.
3. Departmental displays of such weapons used in public presentations are excluded from this restriction.

Flashlight: On occasion, officers may determine that in order to control or defuse some violent physical situation the use of an impact weapon, such as a baton, is appropriate and justified. However, the baton at times may not be readily available to the officer, or it may not be feasible or effective under particular circumstances. In these situations, officers may use the department issued flashlight as a means of quelling physical confrontations. The flashlight shall only be used in accordance with current Departmental training standards, which parallel the use of the baton.

Kinetic Energy Impact Projectiles: The use of kinetic energy impact projectiles may be permitted in situations in which deadly force does not appear to be justified/necessary. The most

commonly used configuration will be the 12 gauge shotgun with "bean bag" rounds. Other weapons and munitions may be utilized by the Department's SRT Team.

Non-deadly impact munitions should be deployed only by sworn officers trained in their use. They may be used as a method of controlling dangerous/violent subjects where other verbal and physical force alternatives would be or have been ineffective or inappropriate.

Use of Bean Bag Shotgun Rounds

1. All shotguns shall be distinguished in a manner (green forearm and stock) to show everyone that the weapon is loaded with bean bags. The only exception will be the shotguns used by the SRT team.
2. Officers shall not possess deadly shotgun rounds on their person or in their vehicles. The only exception will be members of the SRT team that are assigned to carry a shotgun as a deadly weapon.
3. All shotguns shall have four (4) bean bag rounds in the magazine. The shotguns shall not have a round chambered.
4. Officers must be trained and qualified in "bean bag" use prior to being authorized to use them.
5. When introducing bean bags into a situation, all involved officers, when practical, shall be notified by the officers using them.
6. To avoid sympathetic firing, the officer shall announce bean bag firing before firing the round, when practical.
7. Any person who is shot with bean bags must be taken for medical treatment and cleared by a doctor prior to any other action being taken.

F. DEADLY FORCE ASSAULTS:

Use of Deadly Force: As long as members of the public are victims of violent crimes and officers, in the performance of their duties, are confronted with deadly force, it will remain necessary for police officers to use deadly force for the protection of society and themselves.

The general policy of this Department regarding the use of firearms or other deadly force by officers is that an officer will utilize such force on another person only when legally justified; when the need to do so is strong and compelling; and only as a last resort.

Officers of this Department are equipped with a firearm to defend themselves or others against deadly force. An officer shoots when it is reasonably necessary to preserve his/her life or another person's life. When a firearm or other form of deadly force is used by an officer, it must be with the realization that the death of a person may occur.

Whenever deadly force is used, photographs or digital images of the impacted areas shall be taken and submitted with the report

Justification for Use of Deadly Force: Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by an officer at the time he/she decides to use such force. Facts unknown to an officer, no matter how compelling, cannot later be considered in determining whether the use of deadly force was justified.

An officer is not justified in the use of deadly force to protect himself/herself or others from assaults which appear unlikely to result in death or serious bodily injury.

Firearms or other forms of deadly force shall not be used on mere suspicion that a crime, no matter how serious, was committed; or on mere suspicion that the person being pursued committed the crime.

Deadly force is not limited to the use of a firearm but may result from the excessive use of non-deadly force techniques.

1. Strangle and choke holds and other similar holds which choke or restrict the ability to breathe or the flow of blood to the brain are prohibited, except when the officer reasonably believes there is an imminent threat of serious bodily injury or death to himself/herself or a third person if he does not do so, and that it is the only reasonable means of protecting himself/herself and/or a third party.

2. Head blows with impact tools. The use by a officer of any inanimate object to strike a blow to a person's head is prohibited except when the officer reasonably believes there is an imminent threat of serious bodily injury or death to himself or a third person and that he has no other reasonable alternative for defending himself/herself or a third person. Depending on the method of use and other circumstances, a flashlight, gun, baton or similar object used as a club to intentionally strike a head blow could be considered use of deadly force.

Self Defense and Defense of Others: The law authorizes an officer to use deadly force when it reasonably appears necessary to protect himself/herself or others from what reasonably appears to be an immediate threat of serious bodily injury or from imminent peril of death. An officer may use deadly physical force on another when he/she reasonably believes that it is necessary:

1. To defend himself/herself or a third person from what he/she reasonably believes to be the use or imminent use of deadly physical force;
2. To affect an arrest, or to prevent the escape from custody, of a person who he/she reasonably believes:
 - a. Has committed, or attempted to commit, a felony involving the use or threatened use of a deadly weapon; or
 - b. Is attempting to escape by the use of a deadly weapon; or

- c. Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.
3. To defend himself/herself or a third person from what he reasonably believes to be the use or imminent use of physical force intended to cause serious bodily injury where other methods of intervention have been employed without success or would have proven to be an ineffective alternative to the use of deadly force.

Firearms

Beyond deadly force encounters officers are permitted to discharge a firearm under any of the following circumstances:

1. For training, practice, or recreational purposes at an approved firing range;
2. For sporting or recreational purposes in any area where discharging a firearm would not be in violation of the law;
3. To destroy any animal that an officer reasonably believes to be suffering from a fatal wound or sickness, but only after making a reasonable effort to contact the animal control officer if on duty, (except for deer or elk) or locate the animal's owner for permission to destroy the animal; or
4. To destroy any animal that an officer reasonably believes to be rabid or vicious and which cannot otherwise be prevented from killing or seriously injuring any person or domesticated animal.

Restrictions on the use of Firearms by Officers: Officers are not permitted to fire their weapons under the following circumstances:

1. Warning shots to induce the surrender of any person (absent extreme justification);
2. Shots fired at persons who have committed only a misdemeanor or a traffic violation;
3. Shots fired merely to prevent the destruction or theft of property;
4. Except for maintenance or during training, officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy; or
5. Shots shall not be fired at a moving vehicle or at its riders or occupants other than authorized pursuant to the provisions of [Order 10.01](#).

Roadblocks: The use of roadblocks is not authorized by the Craig Police Department.

Officers Surrendering Weapon: Officers may find themselves at the mercy of a suspect who has the advantage. Experience has shown that the danger to officers is not reduced by giving up

their guns upon demand. Surrendering weapons might mean giving away the only chance of survival. Therefore, officers should consider all other alternatives in order to avoid surrendering weapons.

Administrative Leave and Post Incident Intervention: Upon use of deadly force, whether or not death actually occurs, the department employee may be placed on paid administrative leave for a period of not less than twenty-four (24) hours and may be placed on restricted duty at the discretion of the Chief of Police or his designee. The Chief of Police or his/her designee has the authority and responsibility to relieve from duty any employee whose actions result in a death or serious bodily injury, either intentionally or unintentionally pending administrative review.

This leave shall be without the loss of pay or benefits, pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply the employee acted improperly. Upon returning to duty, the officer may be assigned to administrative duty for a period of time as deemed appropriate by the Chief of Police.

An employee involved in a duty-related shooting that results in the death or serious bodily injury of another person(s) shall attend a post-shooting intervention with a Department psychologist. (Intervention may also be required for any other duty related critical incident that results in the death or serious bodily injury of another person.) This intervention is a privileged communication between the psychologist and the officer involved. When appropriate, an opportunity for a conjoint or family counseling session with the spouse, children or significant others will be made available.

Post-shooting interventions are separate and distinct from any fitness-for-duty assessment or administrative or investigative procedures.

VI. REQUIRED NOTIFICATIONS AND REPORTING USE OF FORCE BY EMPLOYEES:

A. Employee Responsibilities

Each agency employee who uses force upon another person while actively engaged in providing police service shall report that use on the "Use of Force" form(s). A separate report is required for each person upon whom force is used. The purpose of filling out the report is to immediately document the use of force so that, should any questions arise concerning the force incident, the pertinent facts will be readily available. The report will also be useful for evaluation of the performance of the agency, to determine training, tactical and equipment needs, and identify individual employees who may need special attention. The Use of Force form does not eliminate the requirement to articulate the use of force completely in the incident and arrest reports. All Use of Force forms will be filed in the office of the Chief. The number of Use of Force reports which exist concerning an officer cannot be used in the officer's performance evaluation or as the basis for disciplinary action, unless the use of excessive force is shown. Force, which is justified, is permissible, regardless of the number of usages. Not every touching by an officer requires completion of the report or notification of a supervisor.

1. The force to be reported will be that force used other than firm grip, compliant handcuffing and escorting without resistance. The report form depicts the levels of force to be reported including, but not in any particular order:

- a. ECD, physical take-downs, leg sweeps or any technique which forcibly causes the subject to end up on the ground;
- b. Pain compliance, joint manipulation and pressure point control holds;
- c. Use of any leg restraint devices;
- d. Striking with fist or foot;
- e. Any use of an impact tool whether designed for that function or not;
- f. Use of chemical agent;
- g. Canine;
- h. Drawing and/or use of a firearm or long gun in a public area. (This would not include drawing a weapon to clear a building in which no one is found.); or
- i. Any use of force which results in any form of complained of or visible injury to a subject or employee.

2. The requirements of this Section shall apply to all duty-related incidents involving a Department employee whether the incident occurs inside or outside the limits of the city of Craig.

3. With the exception of firearms training, euthanizing wild animals (deer & elk) or range practice, a Department employee who discharges a firearm in a duty-related incident shall immediately notify the on-duty supervisor of the incident. If a supervisor is not on duty, the on-call supervisor will be notified.

4. A Department employee who causes death or any bodily injury to another person in a duty-related incident, or who is involved in a duty-related incident where the death or bodily injury of another person occurs, shall immediately notify the on-duty, or on-call supervisor of the incident.

B. Shift Supervisor Responsibilities

1. The on-duty, or on-call shift supervisor shall be responsible for notification of the following personnel in those duty-related incidents involving a firearm discharge by a Department employee, or in those duty-related incidents which involve death or serious bodily injury caused by a Department employee:

- a. The on-call detective, who shall notify a detective supervisor;

b. The involved employee's Division Commander;

c. The Chief; or

d. If the employee is involved in a duty-related use of a firearm while destroying an animal, the notification may be in the form of the Use of Force form. An officer's report is not needed.

2. In duty-related incidents involving any bodily injury, visible or complained of, the on-duty shift supervisor shall make such notifications, as he or she deems appropriate, and ensure that:

a. Medical treatment is provided,

b. Photographs are taken: Visible injuries shall be photographed using a scale of measurement, when practical; clothing should be removed to display the injury or area of alleged injury; the area of alleged injury shall be photographed even though the supervisor may not observe any injury, and; if the subject is uncooperative, photographs should be taken in that state of conduct, if possible.

C. Investigator's Responsibilities

1. The investigator shall be responsible for notification of the following additional personnel in those duty-related incidents that involve death or serious bodily injury caused by a Department employee:

a. The District Attorney's Office; and

b. The Critical Incident Team, who can facilitate other personnel notifications that may be requested.

D. Statutory Duty of Police Officers to Report Excessive Force

1. Any officer who, in pursuance of his/her law enforcement duties, witnesses another officer, in the pursuance of their law enforcement duties in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, in the process of crowd or riot control, or in any other situation use force beyond that which exceeds the degree of force permitted pursuant to the use of force standards set forth above in Sections III., IV., and V., shall report such use of force to such witnessing officer's immediate supervisor (based in part on C.R.S. § 18-8-802 and C.R.S. § 18-1-707).

2. Although State statute requires that this report be made within ten (10) days of the occurrence, officers of this Department shall make such report within twenty-four (24) hours of the occurrence.

3. This report shall be submitted in written memorandum format to the witnessing officer's immediate supervisor, and shall include the date, time, and place of occurrence, the identity (if known) and description of the participants, and a description of the events and the force used.

a. Should an officer have a question about what was observed, he/she is encouraged to discuss the matter with his/her immediate supervisor.

4. If the witnessing officer's supervisor does not supervise the officer alleged to have used excessive force, he/she shall also contact that officer's immediate supervisor and provide them with a copy of the report.

5. Investigation of such reports shall be conducted in accordance with Section IX. of this Order as well as in accordance with any other applicable Department Orders.

VII. INVESTIGATION OF USE OF FORCE INCIDENTS INVOLVING EMPLOYEES:

A. Policy

The integrity of a police department is never more closely critiqued as during and following the investigation of an incident concerning an officer involved shooting or an incident that results in death or serious bodily injury. As a result, the Department recognizes the need to conduct an expeditious and thorough investigation of the incident and then a determination of whether or not the actions of the Department and its employees were justified and consistent with the law and Department policies, procedures, orders, and training.

Therefore, the following procedures are hereby established to investigate and review duty-related firearms discharges by Department employees, duty-related actions by Department employees which result in the death or serious bodily injury of another person(s), and other incidents involving duty-related use of force by Department employees when such investigation is directed by the Chief.

B. Responsibilities of Employee Involved

1. Whenever an employee discharges a firearm in a duty-related incident or is involved in a duty-related incident that results in the death or serious bodily injury of another person, he/she shall:

a. Take appropriate safety measures, immediately determine the physical condition of any injured person, and render first aid when appropriate;

b. Request any necessary emergency medical and rescue aid;

c. Notify Dispatch of the incident and location and request that the on-duty, or on-call shift supervisor respond;

- d. Protect the integrity of the scene and all evidence, and protect the weapon used until requested by the shift supervisor to relinquish it for examination;
- e. Provide officers and investigators responding to the scene of the incident with a preliminary statement as to where the incident occurred, the location of possible evidence, and the identity and whereabouts of possible witnesses or suspects; and
- f. Submit a written report, which report shall contain a detailed description of the events observed and the actions taken by the employee at the scene of the incident.

C. Responsibilities of Shift Supervisor

- 1. Whenever the shift supervisor receives a report of a duty-related incident involving an employee's discharge of a firearm or that the employee has been involved in a duty-related incident resulting in death or serious bodily injury to any person, he/she shall:
 - a. Proceed immediately to the scene to ensure the safety and health of the officer, and that the scene is protected for the criminal and administrative investigations to be initiated under this Order and to provide assistance to the involved employee;
 - b. As soon as practicable, see that the involved employee is directed or escorted to the Department;
 - c. Upon arrival at the Department, see that the employee is taken to a limited access area within the building and made available for contact by the assigned criminal investigator in charge;
 - d. Ensure that the employee does not discuss the case with anyone except the investigators in charge of the administrative and criminal investigations, the employee's supervisor, the employee's attorney or personal/family representative, members of the Critical Incident Team, and any other person authorized by the responding shift supervisor (before giving such authorization, the responding shift supervisor shall consult with the investigations supervisor conducting the criminal investigation);
 - e. Ensure that any weapon used by the officer in the incident is impounded for examination and that a replacement weapon is issued to the employee if appropriate under the circumstances; and
 - f. Ensure that the required individual notifications have been made as provided in Section VI. B above.

D. Investigative Responsibilities

1. General

- a. Investigation of a duty-related firearm discharge by a Department employee or a duty-related incident involving a Department employee and the death or serious bodily injury of any person shall commence immediately after the incident occurs.
- b. The unit(s) responsible for investigating a particular incident shall prepare and submit appropriate reports and briefings to the Chief on the next working day following the incident or as soon thereafter as practical.
- c. Except as otherwise provided in this Order, any administrative or criminal investigation required under this Order shall be conducted pursuant to and in accordance with all applicable provisions of the Department's Complaints Against Officers [Order 3.01](#).

2. Duty-Related Firearm Discharges

- a. In a duty-related incident, if a firearm is discharged accidentally by a Department employee assigned to the Department's patrol division and no bodily injury results to any person, or if the patrol division employee is involved in a duty-related use of a firearm in destroying an animal, the responsibility for investigating such duty-related firearm discharges shall be assumed by the on-duty shift supervisor. If, however, an employee not assigned to the Department's patrol division is involved in such a firearms discharge, the employee's immediate supervisor shall conduct the investigation, unless the Chief directs otherwise.
- b. If a firearm is deliberately discharged other than to destroy an animal, or if the discharge results in bodily injury to any person, both a criminal investigation and an administrative investigation shall take place in accordance with the provisions of this Order.

3. Death or Serious Bodily Injury Not Involving Firearms

- a. If the death or serious bodily injury of a person results from a duty-related action taken by a Department employee, both a criminal investigation and an administrative investigation shall take place in accordance with the provisions of this Order.

4. Other Use-of-Force Incidents

- a. Investigation of other use-of-force incidents may consist of a criminal investigation or of an administrative investigation, or both, as directed by the Chief.

F. Administrative Investigation Responsibilities

1. The investigation shall be conducted pursuant to [Order 3.01](#) to determine if the involved employee's conduct was consistent with Department policies, procedures, orders, and training.
2. The investigative personnel involved in the administrative investigation shall not be involved in the criminal investigation.
3. The administrative investigation shall concentrate on gathering facts and evidence, not an evaluation of the incident. At a minimum, the investigation should provide enough information to permit assessment of the following:
 - a. Whether the actions of the involved employee violated any Department policies or orders, and whether they were accidental;
 - b. Whether the actions of the involved employee were consistent with Department approved training;
 - c. The drawing and exhibiting of a firearm, if one was involved;
 - d. The discharge of a firearm, if one was involved;
 - e. The tactics used prior to the incident; and
 - f. The quality of supervision prior to, during, and after the incident.
4. The Support Services Division Commander or his or her designee shall submit a detailed report of the results of the administrative investigation to the Chief.

G. Criminal Investigation Responsibilities

1. If the Chief has not designated an outside law enforcement agency to conduct the criminal investigation, the Department's investigation division is responsible for conducting criminal investigations of duty-related use-of-force incidents and the investigation shall be under the control of the Support Services Division Commander who may request assistance from whatever sources he or she deems appropriate in completing the investigation.
2. In addition to other evidence collection, the criminal investigation shall include:
 - a. Taking photographs of the employee being investigated; and
 - b. Impounding for examination the firearm(s) and/or other weapon(s) used during the incident.
3. The involved employee shall be advised of his/her constitutional rights under Miranda prior to any questioning in the criminal investigation if the employee is in custody at the time of questioning. If the employee is not in custody at the time of questioning, the

employee shall be advised by the investigator prior to questioning that the employee is not in custody and is free to leave the interview if he/she wishes.

4. The officer(s) conducting the criminal investigation shall not be the same officer(s) conducting the administrative investigation.

5. The criminal investigation shall concentrate on gathering facts and evidence, not on an evaluation of the incident. These facts and evidence will be presented to the District Attorney who shall determine if the employee's actions constituted a criminal violation, and what criminal charges, if any, are to be filed against the employee.

6. The Support Services Division Commander in charge of the criminal investigation, or his/her designee, shall submit a detailed report of the results of the criminal investigation to the Chief.

H. Use-of-Force Review Board

1. The Use-of-Force Review Board shall convene upon order of the Chief to review the circumstances attendant to most incidents covered under this Order, or as directed by the Chief.

2. The Use-of-Force Review Board shall consist of the following personnel:

a. The current Division Commander of the involved employee;

b. A Sergeant;

c. The Chief Firearms Instructor if a firearm was involved (if the CFI is not available, another firearms instructor shall serve);

d. The chief TASER instructor if an ECD was involved;

e. A Department employee selected by the involved employee; and

f. Any other individual deemed appropriate by the Chief.

3. The Use-of-Force Review Board shall evaluate, in detail, each aspect of the incident. This evaluation shall include, but not be limited to:

a. A thorough review of all associated reports; and

b. Direct testimony, if necessary, from officers, other Department employees, and witnesses.

4. The Use-of-Force Review Board shall develop findings and make recommendations to the Chief in the following areas:

- a. Whether the actions of the involved employee violated any Department policies, procedures, Orders, or training;
- b. Whether the actions of the involved employee were accidental;
- c. Training considerations;
- d. Quality of supervision prior to, during, and after the incident;
- e. Discipline considerations;
- f. Post incident investigative process and quality; and
- g. Changes, if any, in applicable Department policies, procedures, Orders, and/or training.

5. The Board shall forward a final report of its findings to the Chief not later than ten (10) days after convening, unless the Chief grants an extension of time.

I. Media

News releases related to a duty-related use-of-force investigation shall be prepared by the Support Services Division Commander and must be approved by the Chief prior to release to the media.

Authorized By:



Walter K. Vanatta
Chief of Police