

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. 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 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.

300.1.1 DEFINITIONS

A. Definitions related to this policy include:

1. **Deadly force** - Force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death (CRS § 18-1-901(3)(d)).
2. **Less Lethal Force**-Any force, action, or weapon, which produces a result that is necessary to control the actions of another and does not involve the use of deadly physical force.
3. **Feasible** - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.
4. **Physical Force** - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.
5. **Imminent** - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.
6. **Serious bodily injury** -Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree (CRS § 18-1-901(p)).
7. **Totality of the circumstances** - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.
8. **De-escalation**-Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of communication,

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time, distance, use of cover or positioning a barrier between subject and peace officers.

300.2 POLICY

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 are authorized to use the necessary physical force and deadly physical force only when justified and legally appropriate. Officers should never use more force than is objectively reasonable to protect life, or property, or affect an arrest. Officers, shall apply nonviolent means, when possible, before resorting to the use of physical force. Physical force maybe used if nonviolent means would be ineffective in effecting an arrest, preventing an escape or preventing an imminent threat of bodily injury or death to a peace officer or another. Nonviolent means could include the use of de-escalation techniques and other alternatives to higher levels of force consistent with his or her training. When actively engaging in the application of force, members must continually reassess the situation to ensure the use of force does not continue beyond the point that is objectively reasonable.

When physical force is used, members are required to report the use of such force. A supervisor should respond to the scene if available when an application(s) of force is utilized. The supervisor should conduct an inquiry if needed or required due to the circumstances of the use of force.

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 Elizabeth Police Department recognizes and respects the value of all human life and dignity 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.

Officers of the Elizabeth Police Department shall successfully complete training annually in the use of physical force, to include: arrest control, self-defense techniques, de-escalation techniques, use of force reporting requirements, post-incident deadly force or critical incident procedures, and the pre-incident education about both normal and problematic post-traumatic reactions commonly associated with deputy-involved shootings and critical incidents.

300.2.1 DUTY TO INTERCEDE

- A. Any officer present and observing another law enforcement officer or a member 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 use of unreasonable force.
- B. Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor, as soon as feasible.

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300.2.2 DUTY TO INTERVENE AND REPORT

- A. An officer shall intervene to prevent or stop another peace officer from using physical force that exceeds the degree of force permitted by CRS § 18-1-707.
 - 1. An officer shall intervene, only if circumstances are such to safely do so and if the force in question is clearly beyond what is objectively reasonable under the circumstances.
- B.
- C. An officer shall not use, direct, or unduly influence the use of ketamine upon another person nor compel, direct, or unduly influence an emergency medical service provider to administer ketamine (CRS § 18-1-707 (1.5)(a)).
 - 1. Officers shall intervene to prevent or stop another peace officer from using or directing the use of ketamine to effect an arrest, detention, restraint, transport, or punishment to prevent escape from custody, or to facilitate ease and convenience in the law enforcement encounter, and report the intervention as required by CRS § 18-8-805 and 4 CCR 901-1:17.
- D. An on-duty officer who witnesses another peace officer using force in excess of that permitted by CRS § 18-1-707 shall report, verbally and later in writing, to the on-duty supervisor, or on-call supervisor if the on-duty supervisor is unavailable. Such report shall be completed within 10 days of the occurrence and include the date, time, and place of the occurrence; the identities, if known, and description of the participants; a description of the events and the force used; and must be included with all other reports of the incident CRS § 18-8-802.
 - 1. A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening or for reporting unconstitutional conduct, or for failing to follow what the officer reasonably believes is an unconstitutional directive (CRS § 18-8-802 (1.5)(c)).
 - 2. Any employee witnessing another employee using excessive force shall intervene immediately within their scope of authority and training. Any peace officer who fails to intervene to prevent the use of unlawful force as prescribed in CRS § 18-8-801(1.5)(a) commits a class 1 misdemeanor.
 - 3. Failure to report such use of force by another peace officer may result in subsequent criminal charges or discipline. Any officer that knowingly makes a materially false statement, which the officer believes not to be true in reporting the use of physical force, may be subject to criminal charges, a Brady notification letter provided to the District Attorney, and departmental discipline.

300.2.2 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.

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300.3 USE OF FORCE

- A. Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.
- B. The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.
- C. When de-escalation techniques are not effective or appropriate, officers may consider the use of less-lethal force to control a non-compliant or actively resistant individual. An officer is authorized to use agency-approved, less-lethal force techniques, and issued equipment. Use of force by agency members in addition to statutory justification of the use of force extended to citizens, members may use reasonable and appropriate physical force under the following circumstances:
 - 1. Peace officers, in carrying out their duties, shall apply nonviolent 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 injury to the peace officer or another person (CRS § 18-1-707(1)).
 - 2. A person acting under a reasonable belief that another 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 (CRS § 18-1-703(d)).
- D. Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.
- E. 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 this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.
- F. 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.
- G. Members shall not fire their weapons to kill, but rather, to stop and incapacitate an assailant from completing an act requiring the use of deadly physical force. The intended target region for incapacitating an assailant and minimal danger to innocent bystanders is center mass of the target provided.
- H. Members are strictly prohibited from discharging a firearm as a "warning" shot.

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- I. The department shall ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practical by a peace officer (CRS § 18-1-707 (1.5)(d)).
- J. Before making statements other than an initial Public Safety Statement in an investigation concerning the use of deadly physical force, member(s) may wish to secure legal representation and/or confer with a psychologist and/or their clergyperson.
- K. The involved member(s) may wish to briefly communicate with their spouse. This is not intended to discuss the specifics of the event; however, to assure their welfare.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

- A. An officer should apply nonviolent means, when possible, and may use physical force only if nonviolent means would be ineffective to effect an arrest, prevent an escape, or prevent an imminent threat of injury to officers or others (CRS § 18-1-707).
 - 1. Officers should only use that degree of force consistent with the minimization of injury to others (CRS § 18-1-707).
 - 2. Officers shall not apply force in excess of the force permitted by CRS § 18-1-707 to a person who has been rendered incapable of resisting arrest (CRS § 18-8-803).
- B. The use of physical force includes:
 - 1. Use of arrest control or pain compliance techniques, not to include control holds for directing and guiding compliant individuals.
 - 2. Use of Electric Restraint Devices (ERD).
 - 3. Use of less-lethal weapon
 - 4. Use of oleoresin capsicum (OC).
 - 5. Use of the Tactical Vehicle Intervention technique (TVI).
 - 6. Use of the baton.
 - 7. The intentional or accidental discharge of a firearm (except during training and recreational shooting)
 - 8. Any incident that results in a bodily injury
- C. In response to a protest or demonstration, a law enforcement agency and any person acting on behalf of the law enforcement agency shall not:
 - 1. discharge kinetic impact projectiles and all other non or less-lethal projectiles in a manner that targets the head, pelvis, or back;
 - 2. discharge kinetic impact projectiles indiscriminately into a crowd;
 - 3. or 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

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heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order (CRS § 24-31-905)

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

- A. When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:
1. Immediacy and severity of the threat to officers or others.
 2. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
 3. Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
 4. The effects of suspected drug or alcohol use.
 5. The individual's mental state or capacity.
 6. The individual's ability to understand and comply with officer commands.
 7. Proximity of weapons or dangerous improvised devices.
 8. The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
 9. The availability of other reasonable and feasible options and their possible effectiveness.
 10. Seriousness of the suspected offense or reason for contact with the individual.
 11. Training and experience of the officer.
 12. Potential for injury to officers, suspects and others.
 13. Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
 14. The risk and reasonably foreseeable consequences of escape.
 15. The apparent need for immediate control of the individual or a prompt resolution of the situation.
 16. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
 17. Prior contacts with the individual or awareness of any propensity for violence.
 18. Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

- A. Pain compliance techniques may be effective in controlling an actively resisting individual. Officers may only apply those pain compliance techniques for which they

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have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

1. The degree to which the application of the technique may be controlled given the level of resistance.
 2. Whether the individual can comply with the direction or orders of the officer.
 3. Whether the individual has been given sufficient opportunity to comply.
- B. The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

- A. 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:
1. Officers are prohibited from 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.
 2. Officers are encouraged to use techniques and methods taught by the Elizabeth Police Department for this specific purpose.
- B. Officers using force during the seizure of evidence shall consider the following:
1. Evidence that is consumed, i.e, controlled substance, the officer shall observe the subject to detect obvious changes in their physical or mental condition.
 2. Medical personnel shall be summoned.
 3. If a there are noted changes to the subjects physical or mental status. The officer shall render aid to their level of training, if needed.
 4. If necessary, or requested by the injured subject, the injured subject is to be transported by ambulance to the most quickly acceptable medical facility for proper treatment.
 5. During the time awaiting treatment and during the treatment activities, the officer should maintain security.

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

- A. When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).
- B. Officers will conduct a threat assessment so as not to precipitate an unnecessary, unreasonable, or disproportionate use of force by placing themselves or others in undue jeopardy.

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- C. Team approaches to de-escalation are encouraged. Officers should consider officer training and skill level, number of officers, and whether any officer has successfully established rapport with the subject.
 - 1. Where officers use a team approach to de-escalation, each individual officer's obligation to de-escalate will be satisfied as long as the officer's actions complement the overall approach.
- D. Selection of de-escalation options will be guided by the totality of the circumstances with the goal of attaining voluntary compliance; considerations include:
 - 1. Communication
 - (a) Using communication intended to gain voluntary compliance, such as:
 - 1. Verbal persuasion
 - 2. Advisements and warnings (including TASER spark display to explain/warn prior to TASER application), given in a calm and explanatory manner.
 - (b) Clear instructions
 - (c) Using verbal techniques, such as Active Listening to calm an agitated subject and promote rational decision making
 - (d) Avoiding language that could escalate the incident. Taunts and insults are prohibited.
 - (e) Consideration of whether any lack of compliance is a deliberate attempt to resist rather than a perceived physical or psychological inability to comply based on factors including, but not limited to:
 - 1. Medical conditions
 - 2. Mental impairment
 - 3. Developmental disability
 - 4. Physical limitation
 - 5. Language barrier
 - 6. Drug interaction
 - 7. Behavioral crisis
 - 8. Fear or anxiety
 - 2. Time
 - (a) Attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.
 - (b) Scene stabilization assists in transitioning incidents from dynamic to static by limiting access to unsecured areas, limiting mobility and preventing the introduction of non- involved community members

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- (c) Avoiding or minimizing physical confrontation, unless necessary (for example, to protect someone, or stop dangerous behavior)
- (d) Calling extra resources or officers to assist, such as CIT or Less-Lethal trained officers
- 3. Distance
 - (a) Maximizing tactical advantage by increasing distance to allow for greater reaction time.
- 4. Barriers
 - (a) Utilizing cover and concealment for tactical advantage such as:
 - 1. Placing barriers between an uncooperative subject and officers
 - 2. Using natural barriers in the immediate environment

300.3.6 PROHIBITION ON CHOKEHOLDS

- A. A peace officer is prohibited from using a chokehold upon another person. A choke hold is 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.
- B. A choke hold (also known as the lateral vascular neck restraint) 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 (CRS § 18-1-707).

300.4 DEADLY FORCE APPLICATIONS

- A. 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).
- B. Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:
 - 1. 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.
 - 2. 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.

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- C. 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.
- D. Members shall not fire their weapons to kill, but rather, to stop and incapacitate an assailant from completing an act requiring the use of deadly physical force.
- E. Members are strictly prohibited from discharging a firearm as a "warning" shot.
- F. Members shall not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense (CRS § 18-1-707 (2) (a)).
- G. Use only a degree of force consistent with the minimization to others (CRS § 18-1-707(2)(b)).
- H. Sworn members will not surrender their firearms to anyone who may be holding a hostage or is a suspect of criminal activity.
- I. Any member using force that results in death or serious bodily injury shall be placed on administrative leave with pay pending a review of the incident.
- J. Members may use deadly physical force on any animal that presents a serious and imminent danger to the member or others.
- K. Members may use deadly physical force to destroy any animal that appears to be suffering from an apparently fatal wound or sickness. The following must apply:
 - 1. If the animal is domesticated, a reasonable attempt to locate the owner must be made prior to destroying the animal, or;
 - 2. If the animal is classified as wildlife, the animal may be destroyed without specific prior notification of the Division of Wildlife.

300.4.1 MOVING VEHICLES

- A. Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective. A moving vehicle alone does not presumptively constitute a threat that justifies a member's use of deadly or potentially deadly force.
- B. Officers should take reasonable steps to move out of the path of an approaching vehicle to a position of safety instead of discharging their firearm at the vehicle or any of its occupants.
 - 1. Moving to cover to gain and maintain a superior tactical advantage maximizes officer and public safety while minimizing the need for deadly or potentially deadly force.
- C. Officers should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes no other reasonable means are available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

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- D. Shooting at or from moving vehicles is highly discouraged and must be the only objectively reasonable and necessary option under the circumstances. Any time a member shoots at or from a moving vehicle, their actions and decision-making will be subjected to strict scrutiny.
- E. Officers will not discharge a firearm from a moving vehicle, except in exigent circumstances warranting the immediate defense of life. The prohibitions regarding moving vehicles exist for the following reasons:
 - 1. Bullets fired at moving vehicles are unlikely to disable or stop moving vehicle.
 - 2. Disabling the driver of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure other members or innocent citizens.
 - 3. Shooting accurately from a moving vehicle is extremely difficult and therefore unlikely to successfully stop a threat to a member or other person.

300.5 REPORTING THE USE OF FORCE

- A. 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. 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. See the Report Preparation Policy for additional circumstances that may require documentation.
- B. Any member using force or witnessing the Use of Force (UOF) will complete a report by the end of their tour of duty and submit reports to the on-duty supervisor. In the event a member is physically unable to complete a report, it shall become the responsibility of the member's supervisor.
 - 1. If a supervisor is unavailable, the involved officer should complete the use of force report and corresponding case reports, and notify the on-call supervisor of the use of force.
- C. The supervisor shall ensure that all members involved submit reports, in conjunction with in-car camera video, body-worn camera video, and dispatch recordings.
 - 1. The supervisor shall review the use of force and render an opinion, drafted on a memo to the Chief of Police, whether the use of force is within departmental policy.
 - 2. If the supervisor believes the use of force is not within departmental policy, the supervisor shall notify the Chief of Police as soon as practical.
 - 3. Use of force believed to be outside of departmental policy, the Chief of the Police reserves the right to request an outside agency to review the use of force.

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4. The Chief of Police or outside investigating agency may make additional corrective recommendations about situations involving the Use of Force that do not involve serious bodily injury or death.
5. These recommendations can encompass and address including but not limited to: supervision, command, training, and policy.
6. The Chief of Police or outside investigating agency will center on three Major Factors and three Standard Observations during a review:
 - (a) Major Factors:
 1. The violation of any criminal law that could result in prosecution.
 2. The violation of any agency policies or procedures that could result in disciplinary proceedings.
 3. Protecting the rights of any involved members or citizens.
 - (b) Standard Observations:
 1. What are the current policies and procedures, and are they sufficient and being practiced in the same way?
 2. Are repaired or updated equipment needed, and was the available equipment used?
 3. Did the member(s) receive the correct training and adequate direction? If not is this departmental wide or an individual member training circumstance?
- D. Once the UOF is reviewed by the supervisor, the use of force report shall be sent to the Chief of Police for review.
- E. If the review indicates a possible violation of law or major violation of departmental policy and procedure by an involved officer, or if at any point it is deemed that the officer may be in legal or civil jeopardy, the Chief of Police will advise the member the commencement of an administrative investigation.
- F. Once the review is complete, the Use of Force (UOF) report will be closed if it is found to be within Office policy. The Chief of police will review all reports and if equipped, in-car cameras, Body Worn Cameras (BWCs), facility cameras, and dispatch records. These records will be assigned a file number and uploaded electronically to the use of force folder located in the administrative folder.
- G. The Chief of Police will analyze all incidents of Use of Force (UOF) and recommend timely changes in training and policy when indicated by UOF trends.

300.5.1 NOTIFICATIONS TO SUPERVISORS

- A. Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:
 1. The application caused serious bodily injury or death
 2. The application caused a visible injury.

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3. The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort. The individual subjected to the force complained of injury or continuing pain.
4. The individual indicates intent to pursue litigation.
5. Any application of the TASER ® device or control device.
6. Any application of a restraint device other than handcuffs, shackles, or belly chains.
7. The individual subjected to the force was rendered unconscious.
8. An individual was struck or kicked.
9. An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 REPORTING TO COLORADO DIVISION OF CRIMINAL JUSTICE

- A. 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):
 1. Incident involving the use of force by an officer that results in death or serious bodily injury.
 2. Incident involving the use of force by an officer that involved the use of a weapon.
 3. Contact with the public conducted by officers, including entries into a residence.
 4. Instance of unannounced entry into a residence.

300.6 MEDICAL CONSIDERATIONS

- A. It is the Elizabeth Police Department policy to render reasonable medical aid to any person after the use of lethal, less lethal, or physical force.
- B. Medical aid will be rendered to injured persons after threats of violence to the deputy or others have ceased.
- C. 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, consumed evidence suspected controlled or other illicit substances, or was rendered unconscious.
- D. Individuals exhibiting symptoms of excited delirium (extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain), or who required 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 who reasonably suspect a medical emergency shall request medical assistance as soon as practicable.

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- E. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individual should be placed into a "recovery position as soon as practical."
 - 1. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.
- F. 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.
- G. 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).
- H.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

- A. A supervisor should respond to a reported application of force resulting in visible injury, if available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:
 - 1. 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.
 - (a) Allegations of misconduct or excessive force shall be reported to the Chief of Police in accordance with section 300.5.
 - (b) If necessary, the on-scene supervisor may administratively order any member to immediately provide public safety information necessary to secure the scene, identify injured parties, and pursue suspects such as:
 - 1. Are you injured?
 - 2. If you know of anyone who was injured, what is his/her location?
 - 3. In what direction did you fire your weapon(s)?
 - 4. If any suspects are at large, what are their descriptions?
 - 5. What was their direction of travel?
 - 6. How long ago did they flee?

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7. For what crimes are they wanted?
 8. With what weapons are they armed?
 9. Does any evidence need to be preserved?
 10. Where is this possible evidence located?
 11. Did you observe any witnesses?
 12. Where are they?
- 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.
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 notification of a potential claim through the appropriate channels.
- H. Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.
- I. Providing immediate on-scene support to all involved officers and other peripheral personnel present at the scene is very important. Supervisors and members who respond to a critical incident scene should express genuine concern for the member's emotional and physical wellbeing. Other than supervisors who elicit a Public Safety Statement, others should avoid discussing the specific incident with the member and should not verbalize their opinions concerning justifications of actions, nor discuss the incident with any unauthorized person.

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- J. Supervisors are responsible for dispelling any rumors by communicating with their subordinates facts that can be released concerning the incident and the investigation should be released at this time.

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.

300.7.1 CHIEF OF POLICE RESPONSIBILITY

- A. The Chief of Police 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.

300.8 TRAINING

- A. Officers will receive periodic training on this policy and demonstrate their knowledge and understanding. Periodic training can include but not limited to:
 - 1. Review and testing of use of force policy
 - 2. kinesthetic application of use of force techniques and decision making processes (simulations).
 - 3. Review use of force video
- B. officers should receive periodic training on:
 - 1. Guidelines regarding vulnerable populations, including but not limited to:
 - (a) children
 - (b) elderly
 - (c) pregnant persons
 - (d) individuals with physical, mental, or intellectual disabilities.
- C. De-escalation tactics, including alternatives to force.

300.9 USE OF FORCE ANALYSIS

At least annually, the Patrol Chief of Police 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.