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	CHAPTER:	FORCE-FIREARMS-WEAPONS	
	DIRECTIVE:	RESPONSE TO RESISTANCE (High Risk)	

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1.0 SUMMARY

In the course of performing his/her duty, an Officer may need to use physical force when necessary and appropriate. The use of force is a serious responsibility and requires constant and ongoing evaluation. While difficult to specify the exact amount or type of reasonable force to apply in any given situation, this directive establishes the guidelines and procedures for the use of force and how use of force incidents are reported and investigated.

The primary purpose of Law Enforcement and members of this Department is to protect and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances.

The purpose of this directive is to protect the Community, the Arrestee, the Officer, and the Department/City's interests in use of force situations. All sworn personnel are responsible to know and follow this directive and will be trained periodically on it.

2.0 DEFINITIONS

REASONABLE FORCE – An objective standard viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight and within the limitations of the totality of the circumstances presented at the time of the incident.

Any interpretation of reasonableness about the amount of force that appears to be necessary in a particular situation must allow for the fact that police officers are often forced to make split-second decisions in circumstances that are tense, uncertain and rapidly evolving.

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.

EXCESSIVE FORCE – That physical force which exceeds the force permitted pursuant to **C.R.S. 18-1-707**.

BODILY INJURY – Physical pain, illness or any impairment of physical or mental condition.

SERIOUS BODILY INJURY – Physical injury that involves, at the time of the injury or later, substantial risk of death OR substantial risk of serious permanent disfigurement OR substantial risk of protracted loss or impairment of function OR substantial risk of bone breaks or fractures OR substantial risk of 2nd or 3rd degree burns. (Pursuant to **C.R.S. 18-1-901(5)(p)**)

DEADLY PHYSICAL FORCE – Force which results in death, if the intended, anticipated, natural and probable result of that force is death. (Pursuant to **C.R.S. 18-1-901 (3)(d)**)

LESS-LETHAL FORCE – That force which is neither reasonably anticipated to cause, nor intended to create a substantial likelihood of death or serious injury and when applied in accordance with proper training, is less likely to result in death.

OFFICER – For purposes of this directive, an “Officer” includes any/all sworn Police Officers and any/all civilian personnel authorized to carry and use less-lethal, or lethal, weapons.

3.0 GENERAL POLICY

USE OF FORCE – An Officer may use only that force reasonably necessary upon another to the extent that he/she reasonably believes it necessary to:

- Make or attempt to make a lawful detention or arrest, or
- While preventing or attempting to prevent an escape of a person lawfully detained, or
- Overcome resistance, or
- Defend self or others from what the officer believes to be the use, or imminent use, of physical force.

Any use of force shall be in accordance with law, with this directive, and with all other applicable Department policies and procedures. The type and amount of force must be reasonable based upon the facts the Officer knows or reasonably should know at the time of the event to accomplish a legitimate law enforcement purpose.

The Officer must end use of physical force when the subject stops resisting, no longer presents a threat, or the Officer overcomes the resistance. 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.

4.0 DE-ESCALATION

1. An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.
2. Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

5.0 AUTHORIZED LESS-LETHAL PHYSICAL FORCE AND WEAPONS

MOVING VEHICLE –

1. Shots fired or attempts to fire at a moving vehicle are rarely effective.
2. Officers should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

- An officer should only discharge a firearm at the driver of a moving vehicle or its occupants when the officer reasonably and strongly believes there are no other reasonable means available to avert the threat of death or serious bodily injury posed by the driver of the vehicle, or if deadly force other than the vehicle is directed at the officer or others. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

CHEMICAL AGENT – With the approval of the Shift Commander, SWAT Commander or Shift Supervisor, officers may use C.S. dispersion in the form of canisters, grenades, or projectiles.

COLLAPSIBLE OR STRAIGHT STICK BATON –The Department-approved 26” baton or ASP collapsible baton may be used when appropriate or as deemed necessary.

K-9 – The K-9 may be used when appropriate or as deemed necessary by the handler pursuant to the Patrol Canine directive.

O.C. SPRAY – Department-approved oleoresin capsicum (“OC”) aerosol spray (up to and including the “MK-IX” or similar unit but not more than 12 ounces unless issued by a Supervisor.) Use of O.C. Spray is covered in the Directive “Authorized Less Lethal Weapons ADM-157.

SPECIALTY IMPACT MUNITIONS (S.I.M.) ROUNDS - Department approved Specialty Impact Munitions designed and intended primarily to temporarily incapacitate a person with less likelihood of causing death or serious injury to such person. Trained personnel may use bean bag projectiles or SIM rounds. When either is used, the Shift Supervisor will be notified.

TASER – Officers are authorized to use the Taser after receiving the necessary training.

LATERAL VASCULAR NECK RESTRAINT (LVNR) –

LVNR techniques and applications, which focus on the compression of the carotid arteries on both sides of the neck restricting blood flow to the brain, shall only be used by those who have received the required training and only when deemed as necessary upon combative or highly resistive individuals. Holds commonly referred as “choke” or “arm bar” holds, which focus on restricting the air flow are prohibited.

OTHER LESS-LETHAL USE OF FORCE – All other use of force including other techniques, weapons, etc. not listed in this directive are subject to review.

6.0 USE OF DEADLY FORCE

DEADLY FORCE - Officers are justified in using deadly physical force upon another when and to the extent he/she reasonably believes it necessary (CRS 18-1-701 to 18-1-707). When feasible, an Officer should provide a verbal warning prior to using deadly force.

- An officer may protect him/herself or others from what he/she reasonably believes would be an imminent use of force that could result in serious bodily injury or death.

- An officer may use deadly physical force to effect an arrest, or to prevent the escape from custody, of a person whom he/she reasonably believes:
 1. Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon **and** otherwise indicates that he/she is likely to endanger human life or to inflict death or serious bodily injury to another unless apprehended immediately.
 2. Is attempting to escape by the use of a deadly weapon.

7.0 MEDICAL AID

Once the scene is safe an officer shall provide appropriate medical care consistent with his or her training to any individual who has visible injuries, complains of being injured, or requests medical attention. This shall include providing first aid, requesting emergency medical services, and or arranging for transportation to an emergency medical facility.

When there is an apparent or likely injury as the result of any use of force or less-lethal weapon (including O.C. spray) or an individual is rendered unconscious as a result of an application of LVNR, the Officer will summon medical aid or, if necessary, the Officer will transport or arrange transportation of the subject to a medical facility for examination. 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.

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and are imperviousness to pain (sometimes called “excited delirium”), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death and shall be examined by qualified medical personnel as soon as practical and will be transported by ambulance. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

8.0 NOTIFICATION AND REPORTING REQUIREMENTS

When an Officer utilizes force as listed below, he/she shall notify their shift Supervisor immediately.

- Any application of force which would lead a reasonable Officer to conclude that the subject may have experienced more than momentary discomfort or pain.
- Any application of force used to subdue a subject by attempting to take that subject to the ground that results in injury to the Officer or subject.
- Pointing a firearm at a subject to control or attempt to control him/her.
- Deployment of any weapon on any aggressive or vicious animal.

The Officer shall prepare all normally required Department reports in the accepted written format documenting the circumstances leading up to and pertaining to the use of force. The Shift Supervisor may require additional reports from assisting or other Officers who were present.

An Officer shall complete a Response to Resistance Report when:

- Use of less-lethal weapons such as personal or impact weapons, including O.C. or C.S. spray, Taser, baton, bean bag rounds, SIMS, the use of a Police canine which results in injury to the subject, and/or the application of the LVNR.
- Any application of force that results in injury, complaint of injury, or unconsciousness to the subject, Officer, or another.
- Any application of force that results in a subject requiring medical attention. Medical attention means either an ambulance was called or responded to the scene as a result of injuries sustained by use of force and/or the subject was transported to a medical facility.
- The intentional collision (by an Officer operating a vehicle or motorcycle) with or into any other vehicle, object or person resulting in any damage or injury. For collisions resulting from or during a pursuit, see the "Vehicles-Pursuits" directive.
- Deployment of any weapon on any aggressive or vicious animal.
- **NOTE:** There is no Response to Resistance Report necessary for:
 1. The dispatching of injured wildlife. Supervisory notification and notification made to the Colorado Parks and Wildlife Division is sufficient. Refer to the Firearm Discharge Policy, ADM 152.05 for further reporting requirements.
 2. The sole application of a department approved leg restraint or violent prisoner restraint. However, the supervisor shall insure that the deployment of a restraint device is described in detail in the deploying officer's written report.
 3. Utilization of chemical munitions when deployed as part of a SWAT operation. This information will be captured in the SWAT Team After Action Review.

When a supervisor is able to respond to an incident in which there has been a reported application of force, the Supervisor is required to:

- Obtain the basic facts from the involved officer(s) and individual involved.
- Ensure that any injured parties are examined and treated. Once any initial medical assessment or first aid has been completed, ensure that photographs have been taken of any areas involving visible injury or complaint of pain. These photographs should be retained until all potential litigation has expired.
- Identify and interview any witnesses not already included in related reports.
- Reviews all of the relevant facts and circumstances and determines whether the Officer complied with Department directives. If the immediate Supervisor was directly involved or participated in the incident, the review will be conducted by another Supervisor of equal rank or the next Supervisor in the chain of command.

The Supervisor will review the officer’s Response to Resistance Report. Any citizen complaint pertaining to use of force may be investigated and documented in accordance with the “**Commendations and Complaints Investigations**” (ADM-144) directive at the direction of a Deputy Chief or designee.

In the event the Officer cannot complete the Response to Resistance report prior to the end of shift, a preliminary report notification shall be completed by the officer’s sergeant and forwarded to the Shift Commander by the end of shift. Supplemental reports shall be completed and forwarded as soon as possible.

The Shift Commander shall review each use of force by any personnel within his/her command to ensure compliance with this directive and to address any training or policy issues.

On approval of the Supervisor report, the Deputy Chief will review and once final approval is made, will forward the report to the Internal Affairs Sergeant.

The Internal Affairs Sergeant will record, track, and file the report once approved by the Division Deputy Chief.

9.0 IMPROPER USE OF FORCE REPORTING – LEGAL REQUIREMENTS

If an employee witnesses an Officer’s improper use of force or obtains information about an Officer’s improper use of force, reporting is required by this procedure and law. Improper use of force may be as defined either by Colorado State law or Department policy.

These standards apply when force is used in the arrest of any person, placing any person in detention, taking any person into custody, booking any person, or controlling a riot or crowd.

- An Officer must immediately report any improper use of force he/she is involved in, or observe, or come to know of, to his/her immediate Supervisor or a Commander.
- This report should be completed prior to the end of the shift when the incident occurred.
- This report should be completed prior to the end of the shift when the incident occurred.
- Any Officer who fails to report, lies about, or fails to volunteer knowledge of an improper use of force, may be disciplined, up to and including termination.
- If any Officer fails to make a report of improper use of force as defined by **C.R.S. 18-8-802** within ten (10) days of the incident, the Officer commits a Class 1 misdemeanor.

10.0 USE OF FORCE RESULTING IN SERIOUS BODILY INJURY OR DEATH-CRIMINAL INVESTIGATION

Law Enforcement agencies within the 21st Judicial District are part of a “Critical Incident Response Team.” This team is made up of investigators from various law enforcement agencies.

The team was formed in order to investigate incidents in which any law enforcement officer within the district uses deadly physical force under the color of official law enforcement duties. The team can also be utilized for any special investigation or criminal incident requiring unusual investigative resources. The CIRT will ensure that a neutral, impartial and thorough criminal investigation of these incidents is conducted. The Grand Junction Police Department is a signatory and participant in the CIRT and utilizes the team as needed. (See CIRT Addendum for details)

At the discretion of the Chief of Police or designee, the Critical Incident Response Team (CIRT) may be notified regarding the following incident(s):

- **OFFICER INVOLVED SHOOTING** – Whenever an Officer discharges a firearm whether accidentally or intentionally at a person.
- **TRAFFIC INCIDENT** – Whenever an on-duty Officer is involved in a motor vehicle collision (whether in pursuit or otherwise) which results in death or serious bodily injury to a person.
- **IN-CUSTODY DEATH** – Whenever a person dies in Police custody (arrest, mental health hold, intoxication/alcohol evaluation/commitment).
- **USE OF FORCE SERIOUS INJURY OR DEATH** - Other death(s) or serious bodily injury(s) sustained at a location or scene due to use of force by an Officer(s)

Regardless if the CIRT is notified, the On-Scene Supervisor or Commander shall ensure the following steps are completed.

- Determine the physical condition of the injured persons and render first aid.
- Request emergency medical assistance as needed.
- Notify the Communications Center of the incident and location.
- Secure the scene for follow-up investigation.
- Assist any injured person, including any Officer.
- If the Officer's presence is creating problems (for example, in a violent crowd), direct the Officer to another location or activity.
- Request the Lab Technician(s) or Forensic Investigator(s) to gather, preserve, and process evidence, if applicable. (Unless already requested by C.I.R.T. personnel)
- Gather information and notify the Services/Operations Deputy Chief, Services Commander, Investigations Commander, the District Attorney's Office, and the Public Information Officer, if required and/or applicable.
- Command the investigation and crime scene until relieved by C.I.R.T. personnel, if applicable.

- As soon as the Officer’s presence is no longer needed at the scene, assign another Officer to accompany the involved Officer to the Department, if necessary or applicable.
- Prior to being relieved from duty and/or unless injured, the involved Officer may be interviewed by C.I.R.T. personnel.
- If the Officer is unable to complete the reports or make a statement (because of injury, for example), the on-scene Supervisor will prepare a report including statements from the Officer and other witnesses, including all other Officers who were present at the incident.

ADMINISTRATIVE LEAVE

If the Officer caused a serious bodily injury or assisted another person to cause a serious bodily injury, he/she may be placed on Administrative Leave. This decision is solely at the discretion of the Chief of Police or designee. While on Administrative Leave, the Officer shall not discuss the incident with anybody except:

- Assigned Department personnel.
- His/her personal attorney.
- His/her health care provider or clergyperson.
- His/her immediate family.
- As required by any legal proceeding arising from the incident.
- An attorney for the City or designee.

CIVIL AND CRIMINAL PROSECUTION

An Officer who uses excessive force is subject to civil and criminal prosecution, and may be disciplined up to and including termination. The fact that an Officer is not prosecuted or is acquitted of criminal charges does not change the possibility of an administrative investigation being conducted.

INVESTIGATIONS

There are three (3) different types of reviews and/or investigations that may be conducted after a use of force incident resulting in serious bodily injury or death has occurred. The purpose and focus of each review is different. These reviews include:

Criminal Investigation – Usually conducted by the C.I.R.T. to determine if any violations of law occurred.

Supervisory Use of Force Review – Usually conducted by a Sergeant or Commander on a use of force incident that is an independent review separate from the criminal or C.I.R.T investigation.

Administrative Review Investigation – An administrative investigation conducted at the direction of the Chief of Police or designee to determine if violations of

Department policy occurred. The investigation may include, but not limited to a review training, tactics, equipment, and/or any performance issues such as:

- Adherence to Department policies and procedures.
- Department personnel met all training requirements and were proficient with all firearms, weapons, and other equipment used.
- Reporting, gathering, and preservation of evidence was proper.
- Any other concerns or issues raised by the Chief of Police, the Operations and Services Deputy Chiefs, and/or the City Attorney.

11.0 RESPONSE TO RESISTANCE REPORTS ANNUAL ANALYSIS

The Services Commander or designee will prepare a written analysis of all use of force reports from the previous calendar year. The analysis will list the number and the types of use of force reports for each Officer or Supervisor. The Services Commander will submit the analysis to the Chief of Police for dissemination as directed by the Chief of Police.



Lexipol Policy 300 relates to this directive.