

## Response to Resistance/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.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

**Deadly force** - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

**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.

### 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 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 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.

#### 300.2.1 DUTY TO INTERCEDE

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

#### 300.2.2 REPORTING

An officer who witnesses another peace officer using force in excess of that permitted pursuant to CRS § 18-8-802 must report such use of force to a supervisor. Subsequent written notification shall be within 10 days of the occurrence and include the date, time and place of the occurrence, the identity, if known, and description of the participants, and a description of the events and the force used (CRS § 18-8-802(1)(b)).

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#### **300.3 USE OF FORCE**

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.

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.

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.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to 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.

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.

##### **300.3.1 USE OF FORCE TO EFFECT AN ARREST**

Any officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he/she reasonably believes it necessary (CRS § 18-1-707(1)):

- (a) To effect an arrest or to prevent the escape from custody of an arrested person, unless he/she knows that the arrest is unauthorized.
- (b) To defend him/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 the arrest of a suspect or while preventing or attempting to prevent the escape of a suspect.

Officers shall not apply force in excess of the force permitted by CRS § 18-8-803 to a person who has been rendered incapable of resisting arrest.

##### **300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE**

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:

- (a) Immediacy and severity of the threat to officers or others.

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

#### **300.3.3 PAIN COMPLIANCE TECHNIQUES**

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the officer.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

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#### **300.3.4 CAROTID CONTROL HOLD**

The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is subject to the following:

- (a) The officer shall have successfully completed department-approved training in the use and application of the carotid control hold.
- (b) The carotid control hold may only be used when circumstances perceived by the officer at the time indicate that such application reasonably appears necessary to control a person in any of the following circumstances:
  - 1. The subject is violent or physically resisting.
  - 2. The subject, by words or actions, has demonstrated an intention to be violent and reasonably appears to have the potential to harm officers, him/herself or others.
- (c) The application of a carotid control hold on the following individuals should generally be avoided unless the totality of the circumstances indicates that other available options reasonably appear ineffective, or would present a greater danger to the officer, the subject or others, and the officer reasonably believes that the need to control the individual outweighs the risk of applying a carotid control hold:
  - 1. Females who are known to be pregnant
  - 2. Elderly individuals
  - 3. Obvious juveniles
  - 4. Individuals who appear to have Down syndrome or who appear to have obvious neck deformities or malformations, or visible neck injuries
- (d) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until examined by paramedics or other appropriate medical personnel.
- (e) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the subject lost consciousness as a result.
- (f) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (g) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

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#### **300.3.5 USE OF FORCE TO SEIZE EVIDENCE**

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Leadville Police Department for this specific purpose.

#### **300.4 DEADLY FORCE APPLICATIONS**

Use of deadly force is justified in the following circumstances:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person 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 subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

#### **300.4.1 REASONABLE BELIEF**

For purposes of this section, an officer reasonably believes an person may be in imminent threat of serious bodily injury if the officer has a reasonable basis to believe there is an imminent threat of bodily injury that, 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 second- or third-degree burns (CRS § 18-1-901).

#### **300.4.2 SHOOTING AT OR FROM MOVING VEHICLES**

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

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

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

#### **300.4.3 CHOKEHOLDS**

Unless deadly force is justified, a member shall not apply pressure to a person's neck that is sufficient to make breathing difficult or impossible, including, but not limited to, any pressure to the throat or windpipe that may prevent or hinder breathing or reduce intake of air (chokehold) (CRS § 18-1-707).

#### **300.5 REPORTING THE USE OF FORCE**

Any use of force by a member of this department shall be documented promptly, completely and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure or law.

##### **300.5.1 DE-ESCALATION USE OF FORCE FORM**

In any use of force all members must complete the De-Escalation Use of Force Form.

The form can be located at this link: See attachment: LPD crisis deescalation use of force form.pdf

##### **300.5.2 NOTIFICATION TO SUPERVISORS**

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

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

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#### **300.6 MEDICAL CONSIDERATION**

Prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

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

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

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and 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. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

#### **300.7 SUPERVISOR RESPONSIBILITY**

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:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person 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.

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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. 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 subject 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 non-compliance or if for any reason further investigation may be appropriate.

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

#### **300.7.1 SHIFT SUPERVISOR RESPONSIBILITY**

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

#### **300.8 TRAINING**

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

#### **300.9 USE OF FORCE ANALYSIS**

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

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



## Attachments

## **LPD crisis deescalation use of force form.pdf**

Leadville Police Department  
**Combined De-Escalation Techniques/ Use of Force Incident Review**  
*Attach all reports.*

**CRISIS TRACKING FORM**

Date of Incident: \_\_\_\_\_ Time: \_\_\_\_\_ CR: \_\_\_\_\_ Dept: \_\_\_\_\_  
 Location: \_\_\_\_\_  
 Officer/Deputy: \_\_\_\_\_ CIT Officer present: Y \_\_\_ N \_\_\_ CIT Called: Y \_\_\_ N \_\_\_  
 Subject Name: \_\_\_\_\_ Age: \_\_\_\_\_ Gender: \_\_\_\_\_ Race: \_\_\_\_\_  
 Address: \_\_\_\_\_ City: \_\_\_\_\_ St: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Nature of Incident:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- De-Escalation Techniques were successful. Check all that apply on pg 1. Do not proceed to pg 2.
- De-Escalation Techniques were attempted/did not work. Check all that apply and proceed to pg 2.
- De-Escalation was not an option- proceed to Use of Force Incident Review.

**Recognition of Crisis Situation**

(Check all that apply)

- Reported through Dispatch
- Reported by persons/witnesses on scene
- Reported by subject
- Known previous contact(s)
- Observed on scene, Describe: \_\_\_\_\_

**Reported Crime**

- Suspicious Incident
- Suicidal
- Other, Explain \_\_\_\_\_

**Military Vet**

Yes No

**Language Barrier**

Yes No

**Drugs/Alcohol**

Yes No

**Agitation Level**

- None
- Low
- Medium
- High

**Weapons Displayed at Time of Contact**

- Yes, Describe: \_\_\_\_\_
- No

**Combative Behavior**

- Yes, Describe \_\_\_\_\_

No

**Behaviors Observed (Check all that apply)**

- Unresponsive to verbal contact
- Talking to self or others
- Describe force that could have been used upon initial contact:  
 \_\_\_\_\_

**Threat of Violence (Check all that apply)**

- Yes
- Suicide Threat
- Suicide Attempt
- Law Enforcement
- Others, Specify \_\_\_\_\_

No

**Disposition**

- No Action/Resolved on scene
- Medical Clearance
- Hospitalization
- SOL VISTA Referral
- Released to Family/Friend
- Arrest/Jailed
- Summoned & Released
- Detox
- Detox at Jail
- Other: \_\_\_\_\_

**Steps Taken to Slow Down Incident and De-Escalate the Situation**

(Check all that apply))

- Officer Presence Reaction \_\_\_\_\_
- Calm, low, slow speech Reaction \_\_\_\_\_
- Attempt to offer help and assistance Reaction \_\_\_\_\_
- Slow Movements Reaction \_\_\_\_\_

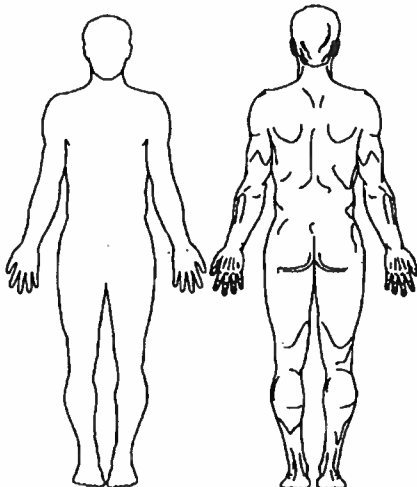
**Tactical Considerations Used to De-Escalate Situation (Check all that apply)**

- Tactical Positioning*
- Yes, Describe Effect: \_\_\_\_\_
- No
- Tactical Disengagement*
- Yes, Describe Effect: \_\_\_\_\_
- No
- Ballistic Shield*
- Yes, Describe Effect: \_\_\_\_\_
- No

Leadville Police Department  
**Combined De-Escalation Techniques/ Use of Force Incident Review**

*This form is to be completed if De-Escalation did not work (see page 1). Attach all reports.*

|   |          |  |
|---|----------|--|
| <b>FORCE USED: SPECIFY TYPE</b>   |          |  |
| <input type="checkbox"/> Firearm Serial #                                     |          | <input type="checkbox"/> Control Hold                                    |
| <input type="checkbox"/> Less Lethal Munition                                 |          | <input type="checkbox"/> Pressure Point                                  |
| <input type="checkbox"/> OC Spray Lot #                                       |          | <input type="checkbox"/> Electronic Device                               |
| <input type="checkbox"/> Impact Weapon  |          | <input type="checkbox"/> K-9   |
| <input type="checkbox"/> Restraints*  |          | <input type="checkbox"/> Chemical Agent                                  |
| <input type="checkbox"/> Distraction Device                                   |          | <input type="checkbox"/> Restraint Chair                                 |
| <input type="checkbox"/> Conducted Energy Device, Type:                       |          | <input type="checkbox"/> Other   |
| Cartridge #   | Serial # |  |
| Taser Cartridge Type: <input type="checkbox"/> 15-ft <input type="checkbox"/> |          | 21-ft <input type="checkbox"/> 25-ft <input type="checkbox"/> Drive Stun |
| <i>* Types other than handcuffs</i>   |          |  |

|   |          |  |   |
|---|----------|--|---|
| Subject Booked? <input type="checkbox"/> Yes <input type="checkbox"/> No  | Charges: |  | <i>Indicate Location of Any Marks/ Injuries</i> |
| Subject Injured? <input type="checkbox"/> Yes <input type="checkbox"/> No   |          |  |   |
| Subject Treated for Injury? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A             |          |  |   |
| Nature of Injury:   |          |  |   |
| Was Subject Rendered Unconscious? <input type="checkbox"/> Yes <input type="checkbox"/> No                                    |          |  |   |
| Medical Facility:   |          |  |   |
| Transported By:   |          |  |   |
| Treating Physician:   |          |  |   |
| Mental Health Hold Initiated? <input type="checkbox"/> Yes <input type="checkbox"/> No  |          |  |   |
| Photographs of Injury Taken? <input type="checkbox"/> Yes <input type="checkbox"/> No   |          |  |   |
| Subject Suspected of Being Under the Influence Of:  |          |  |   |
| <input type="checkbox"/> Alcohol (Br.A.C.: ) <input type="checkbox"/> Drugs <input type="checkbox"/> Both If Drugs, Describe: |          |  |   |
| Description of Treatment Given:   |          |  |   |

**Leadville Police Department  
Combined De-Escalation Techniques/ Use of Force Incident Review**

|   |      |
|---|------|
| Anyone Else Injured During Use of Force: <input type="checkbox"/> Yes <input type="checkbox"/> No | Who? |
| Describe Injury:  |      |

|  |   |  |  |
|--|---|--|--|
| <b>Taser Only</b>  |   |  |  |
| Taser Deployment Successful? <input type="checkbox"/> Yes <input type="checkbox"/> No      | Subject Wearing Heavy Clothing? <input type="checkbox"/> Yes <input type="checkbox"/> No    | Number of Cartridges Fired:  |  |
| Number of Cycles Applied:  | Duration of Drive Stun, If Applicable:      sec   | Approx. Distance at Time of Dart Launch:                                     |  |
| Distance Between Probes:      in.  | Did Darts Penetrate Skin? <input type="checkbox"/> Yes <input type="checkbox"/> No          |  |  |
| Darts Removed By:  | Where:  |  |  |
| Need For Additional Applications? <input type="checkbox"/> Yes <input type="checkbox"/> No | Did Device Respond Satisfactorily? <input type="checkbox"/> Yes <input type="checkbox"/> No | Notifications Made? <input type="checkbox"/> Yes <input type="checkbox"/> No |  |
| Describe Subject's Behavior After Device Was Used or Displayed:                            |   |  |  |

|  |          |   |  |
|--|----------|---|--|
| <b>K-9 Only</b>  |          |   |  |
| <input type="checkbox"/> Bite Report <input type="checkbox"/> Recall Report  |          | Notifications Made? <input type="checkbox"/> Yes <input type="checkbox"/> No  |  |
| K-9 Response Initiated By: <input type="checkbox"/> Involved Handler <input type="checkbox"/> Other Handler <input type="checkbox"/> Agent/Detective <input type="checkbox"/> Supervisor |          | Agency/Rank/Name:   |  |
| <input type="checkbox"/> Deputy/Officer <input type="checkbox"/> Other Agency <input type="checkbox"/> Other   |          |   |  |
| Primary Reason for K-9 Deployment:   |          | <input type="checkbox"/> Officer Protection <input type="checkbox"/> Building Search <input type="checkbox"/> Evidence Search |  |
| <input type="checkbox"/> Suspect Track: <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Felony <input type="checkbox"/> Other:   |          |   |  |
| Type of Structure Searched:  |          | Type of Area Searched:  |  |
| Announcement Made? <input type="checkbox"/> Yes <input type="checkbox"/> No  |          | Witnesses to Announcement:  |  |
| If No Announcement, Why Not?   |          |   |  |
| <input type="checkbox"/> On Leash <input type="checkbox"/> Off Leash   | Handler: | K-9:  |  |

|  |  |  |
|--|--|--|
| <b>Reason For Use of Force:</b>                                |  |  |
| <input type="checkbox"/> Necessary to Defend Reporting Officer | <input type="checkbox"/> Necessary to Defend Another | <input type="checkbox"/> To Prevent Violent, Forcible Felony |
| <input type="checkbox"/> To Restrain for Subject's Safety      | <input type="checkbox"/> Escape                      | <input type="checkbox"/> Arrest                              |
| <input type="checkbox"/> Other (Describe):                     |  |  |
| Type of Weapon Used by Subject, If Any:                        |  |  |

