

<b>DOUGLAS COUNTY SHERIFF'S OFFICE</b>		<b>Policy and Procedure</b>
<b>Specific Policies</b>		<b>P&amp;P-B-100</b>
<b>Physical Force / Deadly Physical Force</b>		
Effective Date: 02-04-22 Supersedes 09-30-21	Approval: Sheriff	Number of Pages: 15
References: 16-2.5-402(1)(e) & (2)(a), 16-2.5-403, 18-1-703, 18-1-704, 18-1-707, 18-1-901, 18-8-802, 18-8-803, 18-8-804, 24-31-905, 25-1-310, 27-10-105, 27-65-101 C.R.S., SB15-219, SB20-217, Tennessee v. Garner & Graham v. Connor	Reevaluation Date: Annually	Standards: CALEA LE 1.2.2, 1.2.10, 1.3.1, 1.3.2, 1.3.3, 1.3.4, 1.3.5, 1.3.6, 1.3.7, 1.3.8, 1.3.12, 1.3.13, 4.1.1, 4.1.2.3 ACA 4-ALDF-2B-01, 2B-04, 2B-07, 2B-08, 7B-10, 7B-10-1, 7B-16

**I. RELEVANT STATUTES AND COURT RULINGS**

- 16-2.5-402 C.R.S. *Definitions*
- 16-2.5-403 C.R.S. *Peace officer-involved shooting or fatal use of force policy*
- 18-1-703 C.R.S. *Use of physical force – special relationships*
- 18-1-704 C.R.S. *Use of physical force in defense of a person*
- 18-1-707 C.R.S. *Use of physical force by peace officers*
- 18-1-901 C.R.S. *Definitions*
- 18-8-802 C.R.S. *Duty to report use of force by peace officers – duty to intervene*
- 18-8-803 C.R.S. *Use of excessive force*
- 18-8-804 C.R.S. *Approved policy or guidelines*
- 24-31-905 C.R.S. *Prohibited law enforcement action in response to protests*
- 25-1-310 C.R.S. *(27-81-111 Emergency commitment)*
- 27-10-105 C.R.S. *(27-65-105 Emergency Procedure)*
- 27-65-101 C.R.S. *Legislative declaration*
- [SB15-219 Concerning Measures to Provide Additional Transparency to Peace Officer-Involved Shootings](#)
- [SB20-217 Enhance Law Enforcement Integrity](#)
- [Tennessee v. Garner, 471 U.S 1 \(1985\)](#)
- [Graham v. Connor 490 U.S. 386 \(1989\)](#)

**II. PURPOSE**

To provide sworn members with guidelines in the use of force, in the reporting of the use of force, and in post-incident support in trauma situations.

**III. POLICY**

Members are authorized to use the necessary physical force and deadly physical force only when justified and legally appropriate. 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. <LE1.2.2><LE1.3.1><LE1.3.4><LE4.1.1>  
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. <2B-01><2B-04><2B-08><LE 1.2.10>

This policy is for Office use only and does not apply in any criminal or civil proceeding. The Office policy should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Only violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

The value of human life is immeasurable in our society. Peace officers have been delegated the responsibility to protect life and property and apprehend criminal offenders. The apprehension of criminal offenders and protection of property must at all times be subservient to the protection of life. The officer's responsibility for protecting life must include his own.

It is the policy of this Office that peace officers should never use more force than is objectively reasonable to protect life, or property, or to affect an arrest. <LE1.3.1><2B-08> A peace officer, 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 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.

Sworn deputies 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. <LE1.3.12><7B-10><7B-10-1><7B-16>

#### IV. DEFINITIONS

##### ***Bodily Injury***

Physical pain, illness, or any impairment of physical or mental condition. 18-1-901(3)(c) Definitions

##### ***Deadly Physical Force***

Force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death. 18-1-901(3)(d) Definitions <1.3.2>

##### ***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. <1.3.4>

##### ***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. 18-1-901(3)(p) Definitions <1.3.2>

### ***Choke Hold***

**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.

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. 18-1-707 Use of force by peace officers (2.5) (a)(b)(I)(II) <4.1.7>

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

### ***Qualified Mental Health Professional***

A person in good standing as a police and public safety psychologist by the American Board of Police and Public Safety Psychology; or its successor organization; or a person who is a licensed mental health clinician in good standing with his or her licensing board; and has demonstrated to DCSO's satisfaction through a combination of training and experience that the person is trauma informed, experienced in responding to acute trauma events, and culturally competent in understanding law enforcement work, challenges, and stressors. 16-2.5-402(2)(a-b) Definitions

## **V. USE OF FORCE** <1.2.2><1.3.4>

When de-escalation techniques are not effective or appropriate, deputies 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 to:

- A. A supervisor or other authorized official of a jail, prison, or correctional institution may, in order to maintain order and discipline, use objectively reasonable and appropriate physical force when and to the extent that he or she reasonably believes it

necessary to maintain order and discipline. 18-1-703(b). Use of physical force - special relationships

- B. 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. 18-1-707(1) Use of force by peace officers
- C. 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. 18-1-703(d) Use of physical force - special relationships

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. <1.3.6d>
  2. Use of Electric Restraint Devices (ERD). <1.3.4>
  3. Use of less-lethal weaponry. <1.3.4><1.3.6c>
  4. Use of oleoresin capsicum (OC). <1.3.4>
  5. Use of the Tactical Vehicle Intervention technique (TVI).
  6. Use of the baton. <1.3.4>
  7. The intentional or accidental discharge of a firearm (except during training and recreational shooting). <1.3.6a><1.3.6c>
  8. Use of a canine (K9), when the use results in an injury.
  9. Any incident that results in a bodily injury. <1.3.6b>
- D. Peace officers 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. 18-1-707 (1.5)(a) Use of force by peace officers
- E. In response to a protest or demonstration, a law enforcement agency and any person acting on behalf of the law enforcement agency shall not:
- a. discharge kinetic impact projectiles and all other non or less-lethal projectiles in a manner that targets the head, pelvis, or back;
  - b. discharge kinetic impact projectiles indiscriminately into a crowd;

- c. 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 heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order. 24-31-905 Prohibited law enforcement action in response to protests

**VI. USE OF DEADLY PHYSICAL FORCE** <1.2.2><1.3.2><1.3.6c>

In accordance with the statutory justifications, a member is justified in using deadly physical force in the following circumstances:

- A. A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:
  - a. the arrest is for a felony involving conduct including the use or threatened use of deadly physical force;
  - b. the suspect poses an immediate threat or serious bodily injury to the peace officer or another person;
  - c. the force employed does not create a substantial risk of injury to other persons. 18-1-707 (3) Use of force by peace officers
- B. Members shall identify themselves as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury, would create a risk of death or injury to other persons. 18-1-707 (4) Use of force by peace officers
- C. Notwithstanding any other provisions, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or receiving serious bodily injury. 18-1-707(4.5) Use of force by peace officers
- D. A superintendent or other authorized official of a jail, prison, or correctional institution may use deadly physical force only when he or she objectively reasonably believes the inmate poses an immediate threat to the person using deadly force or another person. 18-1-703 (b) Use of physical force – special relationships
- E. Tennessee v. Garner, 471 U.S 1 (1985) and Graham v. Connor 490 U.S. 386 (1989)

The Fourth Amendment prohibits the unreasonable use of deadly force to seize citizens. In deciding *Tennessee v. Garner* and *Graham v. Connor*, the Supreme Court ruled, “use of deadly force to prevent escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable.” The Court pronounced that “deadly force” can be used when (1) the officer has probable cause to believe that the suspect poses a threat of serious physical harm to the officer or others, the suspect uses a

weapon to threaten the officer, or there is probable cause to believe that the suspect committed a crime involving the infliction or threatened infliction of serious physical harm; (2) it is necessary to prevent escape; and if where feasible, (3) some warning has been given. <2B-01><2B-08>

## VII. GUIDELINES FOR USE OF FORCE

- A. 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. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at the center of mass of the target provided.
- B. Members shall not fire at moving or fleeing vehicles, unless that vehicle is itself being used as a deadly weapon, or if any occupant of the vehicle is using a deadly weapon against any person. In such circumstances, members must attempt to target only the person using the weapon. <41.2.3ab>
- C. Members are strictly prohibited from discharging a firearm as a “warning” shot. <1.3.3>
- D. Members shall not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense. 18-1-707 (2) (a) Use of force by peace officers
- E. Use only a degree of force consistent with the minimization to others. 18-1-707 (2)(b) Use of force by peace officers
- F. Ensure that assistance and medical aid are rendered to any injured or affected person as soon as practicable. 18-1-707 (2)(c) Use of force by peace officers
- G. The Office 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. 18-1-707 (1.5)(d) Use of force by peace officers
- 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. <1.3.8>
- 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 clergy person.** 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.
- K. Members may use deadly physical force on any animal that presents a serious and imminent danger to the member or others.

- L. 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.

**VIII. PROVIDING MEDICAL AID AFTER USE OF FORCE** <1.3.5>

- A. It is the Sheriff's Office 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. Any deputy who may have caused injury by lethal force, after the immediate threat has ceased and it is safe to do so, may approach the suspect to determine if life-saving measures and/or appropriate medical aid should be initiated. Should the deputy determine immediate medical aid should be rendered, or is not absolutely sure death has occurred, the deputy will notify responding medical units, make the scene safe, and provide appropriate medical first aid to the suspect.
- C. Notwithstanding any other provisions, a peace officer is justified in using deadly force if the peace officer has an objectively reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or receiving serious bodily injury. 18-1-707(4.5) Use of force by peace officers
- D. For the rendering of medical aid due to the use of less-lethal weapons, see P&P-B-107 Use of Authorized Less-Lethal Weapons.

**IX. DUTY TO REPORT USE OF FORCE – DUTY TO INTERVENE**

- A. Members will immediately report to a supervisor, both verbally and later in writing by their shift's end, all circumstances involving the use of force as defined in sections (V) and (VI) of this policy. <1.3.6bcd><2B-07>
- B. The on-duty supervisor should respond to the scene of any reported application of force and conduct an inquiry if it is deemed necessary and/or required by law and or office policy. The supervisor will report their findings according to Professional Standards SOP A-905 <2B-07>
- C. If the member who is involved in any use of force, is hospitalized, fatally injured, or incapable of filing the report required, the on-duty supervisor is responsible for filing as complete a report as soon as possible, pending further investigation.
- D. Excessive physical force shall be presumed when a peace officer continues to apply physical force, in excess of the force permitted by section 18-1-707, to a person who

has been rendered incapable of resisting arrest. 18-8-803 Use of excessive force. The use of such excessive physical force shall be reported in accordance with this section of the policy manual. <LE 1.2.10>

- E. A peace officer who, in the pursuance of such officer's law enforcement duties, witnesses another peace officer, in the pursuance of such other peace officer's law enforcement duties in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, or in the process of crowd control or riot control, use physical force which exceeds the degree of physical force permitted pursuant to section 18-1-707, must report such use of force to such officer's immediate supervisor 18-8-802(1)(a) Duty to report use of force by peace officers – duty to intervene, or to Internal Affairs immediately. **Any employee witnessing another employee using excessive force shall intervene immediately within their scope of authority and training.** <LE 1.2.10>
- F. A peace officer who is on duty shall intervene to prevent or stop another peace officer from using physical force that exceeds the degree of force permitted, if any, by section in 18-1-707 in pursuance of the other peace officer's law enforcement duties in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, or in the process of crowd control or riot control, without regard for chain of command. 18-8-202 (1.5)(a) Duty to report use of force by peace officer – duty to intervene

A peace officer who intervenes as required by subsection (1.5) (a) of this section shall report the intervention to his or her immediate supervisor. 18-8-202 (1.5)(b) Duty to report use of force by peace officer – duty to intervene

At a minimum, the report required by this subsection (1.5)(b) must include the date, time, and place of the occurrence; the identity, if known, and description of the participants; and a description of the intervention actions taken. This report shall be made in writing within ten days of the occurrence of the use of such force and shall be appended to all other reports of the incident. 18-8-202 (II)(b) Duty to report use of force by peace officer – duty to intervene

A member of a law enforcement agency shall not discipline or retaliate in any way against a peace officer for intervening as required by subsection (1.5) (a) of this section, or for reporting unconstitutional conduct, or for failing to follow what the officer reasonably believes is an unconstitutional directive. 18-8-202 (1.5)(c) Duty to report use of force by peace officer – duty to intervene **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 section (1.5) commits a class 1 misdemeanor. 18-8-802 (1.5)(d) Duty to report use of force by peace officers – duty to intervene <LE 1.2.10>



- G. Failure to report such use of force by another peace officer may result in subsequent criminal charges or discipline. Any peace 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 subjected to criminal charges, a possible Brady material notification letter provided to the District Attorney, and Office discipline.
- H. Members will report as soon as possible to a supervisor, both verbally and later in writing by their shift's end, any discharge of a firearm for other than training or recreational shooting (i.e. hunting, sports competitions). See section (XI) of this policy below for detailed instructions.

If the member has to discharge a firearm to kill an animal, then the following reporting requirements shall be followed: <1.3.6a>

1. If the animal that is killed by the deputy is killed because it is a danger to citizens, or is a domesticated animal such as a dog, horse, cow, etc., then the deputy shall verbally report the incident to his/her immediate supervisor as soon as practical, and in writing with an incident report by shift's end.
2. If the animal is considered wildlife, and is killed because it is wounded, a CAD notation with appropriate information will serve as documentation of the incident.

## **X. DISPLAY OF FIREARM**

- A. The policy of this Office is that members shall not draw their firearms unless there is a likelihood of danger to the officer or other persons. This order shall not be construed in its most narrow sense and is not intended to include the drawing of weapons on an approved range.
- B. Unless authorized by other general orders, personnel shall only draw or otherwise display their firearms when the suspect is armed with a deadly weapon, they are arresting or attempting to arrest any person who they believe is about to commit or is in the process of committing, or who has recently committed a felonious crime, or when entering a structure, area, or approaching a vehicle, or any situation in which there is a likelihood of danger to the officer or other people.
- C. The introduction or use of firearms within a detention facility (except in the sally port) will only occur in the most extreme circumstances. For example, an inmate has disarmed an officer and is within the detentions facility using, or threatening to use the firearm against others, or an inmate has a dangerous weapon and is using it or threatening to use it against others. The only personnel who are authorized to allow the introduction of firearms within the detention facility are the Sheriff, Undersheriff, Chief Deputies, or the Detention Division Captain. <2B-04><2B-08>
- D. A member shall report verbally to the member's immediate supervisor any incident involving an on or off-duty member intentionally aiming a firearm at another person (not in the performance of their official duties). The supervisor will assess the

circumstances of the incident and will take appropriate actions to include documentation and Staff notifications if necessary.

## **XI. DISCHARGE OF A FIREARM**

A. A member must report as soon as possible the discharge (intentional or accidental/negligent) of any firearm (including less-lethal firearms), which occurs on-duty or off-duty, to their immediate supervisor or the on-duty Watch Commander (contact must occur with the supervisor or Watch Commander, a message or text does not satisfy this reporting requirement). Discharges that occur during approved training or recreational sporting events where no injury, death, or property damage occurs do not require reporting. <2B-04><2B-07>

When a firearm discharge occurs, members are required to check the welfare of any possible victims and render appropriate aid which, may include calling for medical and local law enforcement, if applicable. The following procedures will occur if a firearm discharge occurs (exemptions excluded):

1. If the firearm discharge occurred (**non-injury**):
  - a. **On Duty**, the Watch Commander of the member involved, will respond to the incident and begin an investigation to include photos and the Blue Team report. This will be turned over to Internal Affairs to complete. If no personal injury has occurred as a result of a firearm being discharged, Executive Command Staff will be notified by a staff page immediately about the discharge and that there were no injuries.
  - b. **Off Duty**, then the on-duty Watch Commander will conduct the initial investigation. Command Staff will be notified by a staff page immediately about the discharge and that there were no injuries. If the firearm discharge scene is beyond a reasonable distance for the on-duty Watch Commander to respond to then, the on-duty Watch Commander will quickly collect the pertinent information verbally and notify the on-call Command Staff member. If this is the case, Internal Affairs will take over this administrative investigation with the on-duty supervisor starting the Blue Team report.
2. After the initial investigation of a **non-injury** firearm discharge, the Watch Commander will contact the on-duty Division member's Captain and the on-call Command Staff member. Internal Affairs will be notified and depending on actions already taken, may respond to the scene to conduct an administrative investigation.
3. If the discharge has resulted in **any personal injury** the on-duty Division member's Captain and/or the on-duty Watch Commander will immediately have Executive Command Staff notified by a staff page about the discharge and that it has resulted in injuries and call the on-call Command Staff member who will gather additional details quickly, and assist by notifying Executive Command

Staff in greater detail. When sending out the initial page to Executive Command Staff, if more details become appropriate, update Executive Command Staff. The Sheriff and Undersheriff may consult with the involved chief deputies and will decide whether the Use of Force Response Team should also investigate the incident. The Sheriff or Undersheriff make(s) the final determination on calling out the Use of Force Response Team.

4. After conducting a thorough investigation of the circumstances surrounding the discharge of the firearm, the assigned member of Internal Affairs will complete the required administrative reports, and the Commander of Internal Affairs will brief the Undersheriff and Sheriff on the entire incident. The Sheriff or Undersheriff may request a presentation from Internal Affairs to Executive Command Staff or an audience of their choosing. The completed administrative investigation shall be sent through the member's Chain of Command (COC) for award consideration, corrective, and/or disciplinary actions. The report will include recommendations for supervision, command staff, training, procurement, and policy and procedure recommendations.
5. Supervisory personnel may obtain the firearm from the member for testing or evaluation purposes. If there is any question that the firearm is unsafe, defective, or damaged, the firearm must be wholly armored and tested before allowing it back in service.

**NOTE:** If the incident is still under investigation, this is only to be done at and under the direction of the member of Internal Affairs investigating the incident. The firearm should never be manipulated and/or broken-down in an attempt to diagnose the issue on the scene. This must be done only by an Office armorer at the direction of the incident investigator. Unless suspended, a member shall have use of an Office replacement firearm until the member's firearm is returned. An Office owned replacement firearm will be provided by a designated member of Professional Standards. Professional Standards will coordinate a qualification with the replacement weapon.

6. Members discharging their firearm to kill a gravely disabled animal will advise their supervisor as soon as possible after the incident. Deputies will make sure to follow the reporting requirements concerning documenting the killing of an animal, see section (IX), paragraph (C) above. <1.3.6a> No investigation by the supervisor, watch commander, or Internal Affairs is required unless the circumstances of the incident warrant it.

## **XII. USE OF FORCE REVIEW** <1.3.7>

- A. 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. The supervisor shall ensure that all

members involved submit reports. This should include peripheral deputies at the scene and their duties. The Blue Team Use of Force (UOF) report will be completed by the on-duty supervisor and submitted to the supervisor's lieutenant (watch commander). All of the available reports and if equipped, in-car cameras, bodycams, facility cameras, and dispatch records need to be uploaded into the Blue Team UOF. Once the UOF is reviewed by the lieutenant, the report will then be sent to the division captain for review and a decision documented if the UOF is within Office policy. After being reviewed by the division captain, the UOF is sent to the correct bureau chief and Internal Affairs for final reviews. All UOF reports are available in IAPro to select members of Internal Affairs, Professional Standards (training review), the bureau chiefs, Undersheriff, and Sheriff.

As a note: If the division captain feels that the UOF is not within the Office policy or would like a timely opinion from outside their division, Internal affairs must be contacted and advised that an urgent UOF case is pending their review.

- B. Internal Affairs will review and may make additional recommendations about situations involving the Use of Force that do not involve serious bodily injury or death. These recommendations can be to the member(s), supervision, command, training, procurement, and policy and procedure editors and writers.
- C. Internal Affairs or assigned members will focus on three Major Factors and three Standard Observations during a review:
- 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.
- 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 officewide or an individual member training circumstance?
- D. If the review indicates a possible violation of law or major violation of Office policy and procedure by an involved member, or if at any point it is deemed that the member may be in legal or civil jeopardy, Internal Affairs will advise the member, their division commander, their bureau chief, and the Undersheriff and Sheriff when officially starting an administrative investigation.
- E. Once the review is complete the Use of Force (UOF) report will be closed if it is found to be within Office policy. Internal Affairs will review all reports and if

equipped, in-car cameras, Body Worn Cameras (BWCs), facility cameras, and dispatch records. These records are uploaded and a Use of Force (UOF) file number is assigned.

- F. The Internal Affairs commander will analyze, prepare, and submit to the Sheriff an annual report on all incidents of Use of Force (UOF) and will recommend timely changes in policy when indicated by UOF trends. <1.3.13>

### **XIII. USE OF FORCE RESPONSE TEAM: OFFICER INVOLVED USE OF DEADLY PHYSICAL FORCE**

[SB 15-219 Concerning measures to provide additional transparency to peace officer-involved shootings](#) requires each law enforcement agency to develop protocols for participating in a multi-agency team involving another law enforcement agency in the investigation of a peace officer-involved shooting. The Office participates in the use of a Use of Force Response Team. The decision to use a Use of Force Team or another Law Enforcement agency to assist in the investigation will be initiated at the discretion of the Sheriff or Undersheriff. Training will be accomplished in both the Field Training Officer (FTO) and Field Training Supervisor (FTS) programs in the member's assigned Division. <11.3.4>

### **XIV. IMMEDIATE RESPONSIBILITIES OF INVOLVED MEMBERS**

Members of the Office who are on-scene and involved in the incident have the following immediate responsibilities:

- A. Notify Dispatch of the location and nature of the situation. Request emergency medical assistance, additional patrol units, and supervisory response as appropriate.
- B. As soon as safety allows, render lifesaving assistance to anyone needing it. <1.3.5>
- C. The scene must be immediately secured with a perimeter of sufficient distance away to safeguard evidence. As soon as resources allow, an inner and outer perimeter should be established. Access to the inner perimeter must be very tightly controlled. A "Crime Scene Log" should be started as soon as resources permit, to establish documentation and control of the scene.
- D. In the event there are no other members present that can give an adequate overview, the involved member may be required to provide a brief administratively ordered Public Safety Statement (see (XIV)(B) below).
- E. When not needed for lifesaving efforts, entry by fire or other rescue personnel should be restricted to the absolute minimum required.
- F. Witnesses should be separated and kept at the scene. Ideally, keep the witnesses within the outer perimeter to minimize their exposure to media, other members, and the public.

- G. No items shall be moved inside the scene or removed from the scene without the approval of the Use of Force Response Team and the criminalistics laboratory unless absolutely necessary for public or officer safety or for the preservation of evidence.
- H. If at all possible, have a member photograph the scene from all angles right away. This may be the best evidence later of what the scene looked like immediately after the incident.
- I. The physical and psychological wellbeing of the involved member(s) and other peripheral personnel present at the scene is an important and significant consideration. Without discussing the facts of the case, other non-involved members should offer emotional support. To avoid cross-contamination, physical contact with members and other persons who may have fired weapons should be avoided.

## **XV. SUPERVISOR RESPONSIBILITIES**

- A. The ranking supervisor will ascertain that responding members have rendered aid as needed, secured the crime scene to include an inner and outer perimeter and identified and separate all witnesses. Involved individuals and witnesses will be kept at the scene until directed by an executive officer, investigations, or the Use of Force Response Team.
- 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?*
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?*

- C. 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.
- D. Supervisors are responsible for dispelling any rumors by communicating with their subordinates through roll calls or special member meetings. Facts that can be released concerning the incident and the investigation should be released at this time.

## **XVI. CHIEF DEPUTY RESPONSIBILITIES**

The Chief Deputy will be responsible for ensuring that all the involved Office members have the opportunity to secure legal representation, confer with a psychologist and their clergyperson before the Use of Force Response Team interviews the member, after the initial Public Safety Statement.

The involved member(s) should be permitted to privately and briefly communicate with their spouse. Not intended to discuss the specifics of the event; however, to assure their condition.

The involved member will be put on administrative leave with pay pending the Use of Force Response Team interview and will be provided with the services of a confidential post-incident Qualified Mental Health Professional in a timely manner. These services from the Qualified Mental Health Professional will be made available to the involved member(s) and are expected to be utilized as needed by the member, the member's significant other, and family on an ongoing basis, without cost.

The Commander of Professional Standards will appoint a "SO Family Representative" for each involved member and their family. The "SO Family Representative" will establish open lines of communication with the family to answer questions, dispel rumors, and see to their immediate and possibly extended needs. The "SO Family Representative," once assigned, will have direct communication with the Sheriff, Undersheriff, and the Commander of Professional Standards, unless otherwise ordered by the Sheriff or Undersheriff. If the member is hospitalized, arrangements shall be made to transport the member's family to the hospital.

## **XVII. PROFESSIONAL STANDARDS DIVISION RESPONSIBILITIES**

- A. The Professional Standards Division or designee shall arrange a debriefing from a Qualified Mental Health Professional for all involved personnel within the Office.

- B. The Commander of Professional Standards or designee(s) will respond with replacement weapons and duty gear for involved members if requested by an Executive Command Staff member.
- C. Administrative leave with pay is authorized for the time period that the Sheriff deems reasonable in matters of post-incident trauma.
- D. Professional Standards, after consultation with the involved member(s), and the Qualified Mental Health Professional(s), may utilize the Wellness Coordinator to assist with placing the member(s) in the appropriate temporary duty reassignment during the members' reintegration. The Wellness Coordinator will work with the Profession Standards Commander to validate a proper temporary duty reassignment.
- E. The Sheriff's Office has a peer support program that is available to all members of the Office.
- F. Professional Standards assigned personnel will conduct an assessment of an involved member's fitness for return to modified, temporary, or full duty in conjunction with the Qualified Mental Health Professional utilized. A note authorizing a to return to modified, temporary, or full duty from the Qualified Mental Health Professional will be needed. If this note is for modified or temporary duty, the Qualified Mental Health Professional will be asked to add any restrictions (such as maximum hours a workday) or other recommendations for reintegration.
- G. Reintegration plans for member(s) should be carefully and considerately planned with the goal of minimization of future trauma from the event(s). These plans can include range time for the member, an escorted return to the scene of the incident with a Qualified Mental Health Professional, and the ability to ride with a partner temporarily. All of these and approved additional requests are to assist with the involved members return to full duty.
- H. It is recognized that adverse reactions to traumatic events and cumulative incidents may remain suppressed and surface later. All members are encouraged to seek assistance by contacting the Wellness Coordinator, Peer Support, and the Qualified Mental Health Professionals who are under contract with the Sheriff's Office. All of the current information is on DCSONet under Wellness.

### **XVIII. PROFESSIONAL CRITICAL INCIDENT DEBRIEFINGS**

The physical and mental health of Sheriff's Office employees is very important. Considering this and the sometimes very difficult nature of law enforcement, there may be times that employees are involved in on-duty life-threatening situations or other on-duty incidents that cause severe emotional distress.

In those instances, affected employees may be required to visit an Office-designated Qualified Mental Health Professional for a debriefing of the critical incident. A supervisor or command officer who believes that such action is necessary will contact the



Professional Standards commander, who will arrange for the debriefing and notify the member. This is intended as a positive and helpful resource for the affected member so that they may better deal with the difficult nature of the serious incident.

Group debriefings may also be held at the direction of the Executive Command Staff and the Professional Standards Commander.

Sheriff

By Order of the