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**EFFECTIVE DATE: JULY 1991**

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**SUBJECT: USE OF FORCE**

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### **5.01.01 PURPOSE**

This policy establishes guidelines for the lawful and appropriate use of force by sworn members of the Wheat Ridge Police Department. It emphasizes safety and compliance with constitutional and state law requirements.

1. Officers are expected to exercise sound judgment, maintain professionalism, and ensure all actions are legally justified and fully documented in accordance with this policy.
2. This policy strives to ensure that all actions are lawful and comply with applicable statutes. The Wheat Ridge Police Department strives to be transparent and promote public trust whenever force must be used.
3. Objective Reasonableness
  - a. While no policy can anticipate every conceivable situation, officers may only use a level of force that is objectively reasonable given the totality of circumstances
  - b. “The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Terry v. Ohio* 392 U.S. 1 (1968).
  - c. “The Fourth Amendment “reasonableness” inquiry is whether the officers’ actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The “reasonableness” of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.” *Graham v. Connor* 490 U.S. 386 (1989).

### **5.01.02 LEGAL REQUIREMENTS**

Officers shall follow all applicable federal, state, and municipal statutes and laws, including but not limited to:

- C.R.S. § 18-1-707 Use of Force by Peace Officers

- C.R.S. § 18-8-801/805 Offenses relating to use of force by peace officers
- C.R.S. § 18-8-802 Duty to report use of force by peace officers or law enforcement animals – duty to intervene
- C.R.S. § 18-8-803 Use of excessive force
- C.R.S. § 18-8-805 Prohibition on using or directing administration of ketamine – duty to report – duty to intervene - definition

### **A. Colorado Law Prohibitions**

1. Chokeholds: A peace officer is prohibited from using a chokehold upon another person.
  - a. A “chokehold” means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible. This includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing or reduce intake of air.
  - b. “Chokehold” 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 (C.R.S. § 18-1-707(2.5)).
2. **Use of Ketamine:** A peace officer shall not use, direct or unduly influence the use of ketamine upon another person (C.R.S. § 18-8-805).

### **B. Additional Prohibited Actions**

1. WRPD officers shall not use, direct, or unduly influence the use of ketamine or any other drug upon another person.

## **5.01.03 POLICY CONDITIONS FOR USE OF FORCE**

Officers shall use only the minimum amount of force objectively reasonable and necessary to:

1. Bring an incident under control.
2. Overcome resistance.
3. Prevent the commission of an offense.
4. In defense of themselves or others.
5. Affect or maintain a lawful arrest or detention or prevent escape of a person in custody.
6. To gain compliance with a lawful order.

## **A. Operational and Administrative Requirements**

1. Officers should attempt to de-escalate situations and use nonviolent means, when feasible, before resorting to the use of physical force (C.R.S. § 18-1-707).

Officers are expected to continuously assess the totality of circumstances and modify their response accordingly.

2. Officers should use de-escalation strategies, including time, distance, shielding, alternative tactics, disengagement when reasonable, and communication techniques tailored to the subject's behavior or condition.
3. Officers 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 or would create a risk of death or injury to other persons (C.R.S. § 18-1-707(4)).
4. Officers shall consider the environment, backdrop, and other surroundings, including the potential risk to uninvolved persons, before discharging a firearm. WRPD officers shall not fire warning shots.
5. Officers shall maintain a professional demeanor and use communication skills to encourage voluntary compliance whenever feasible. Officers shall avoid the use of profanity, provoking comments, or unneeded threats.
6. Animal Euthanasia is covered by WRPD Policy 13.02 Police Officer Response to Animal Calls.

## **B. Philosophy**

1. Force must be objectively reasonable, necessary, and proportional to the threat or resistance encountered, given the totality of the circumstances. The totality of the circumstances includes but is not limited to the facts known to the officer at the time, the subject's actions prior to the use of force, and may also include the officer's own actions leading up to the use of force.
2. An officer's use of physical force shall end immediately when the officer perceives, or should have perceived, that resistance has ceased, or the lawful police objectives are met.
3. Officers should apply the safety priorities model when making decisions during incidents.
  - a. Safety Priorities Model:
    1. The safety of victims/hostages
    2. Innocent bystanders/witnesses/the public

3. Public safety personnel/self
4. The suspect
5. Property

b. Preservation of life is the ultimate goal of the police department; however, officers are expected to prioritize the safety of an individual's potential jeopardy with their ability to control the overall outcome of the situation. The greater the potential danger or lesser the ability to control the outcome, the higher that entity rests in the safety priorities.

4. Officers shall consider the totality of the circumstances, balancing the need for taking a subject into immediate custody with the potential risk to innocent persons/the public as well as the likelihood of safely apprehending the subject at a later date.

| <b>Table 1: Definitions</b> |   |
|-----------------------------|---|
| <b>Term</b>                 | <b>Definition</b>   |
| <b>Use of Force</b>         | Any physical action used by an officer or employee to control a subject or influence their actions.   |
| <b>De-escalation</b>        | Techniques or tactics, primarily communication-based, that are used by officers to reduce conflict intensity. These methods can involve tactical communication, calm body language, active listening, building rapport, and allowing time and distance to defuse conflict, in an effort to enhance officer and public safety. |
| <b>Passive Resistance</b>   | Non-compliant actions of a subject which <b>do not prevent</b> the officer from controlling the subject or situation.   |
| <b>Active Resistance</b>    | Non-compliant actions of a subject, generally without deliberate attempts to injure the officer, that <b>prevent the</b> officer from controlling the subject or situation.   |
| <b>Active Aggression</b>    | Actions or statements by a subject that generate a threat of injury towards the subject themselves, the officer, or another person, coupled with the officer's articulable perceptions of the subject's ability to carry out the threat.  |
| <b>Less-Lethal Force</b>    | Force that is intended to control a subject or situation while attempting to minimize the risk of death or serious bodily injury to the subject or any other person.  |

|                                       |   |
|---------------------------------------|---|
| <b>Deadly Force</b>                   | Deadly physical force or “deadly force” means force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death. C.R.S. § 18-1-901  |
| <b>Positional Asphyxia</b>            | A form of asphyxia that occurs when a person’s position restricts their ability to breathe, particularly during prone restraint or prone position.  |
| <b>Vulnerable Populations</b>         | Individuals who may lack the ability to comply or respond to officer’s actions. Vulnerable populations may require modified response due to their age, physical condition, (e.g. pregnancy, disability, etc) mental status, developmental disabilities, or other factors.   |
| <b>Designated Reporting System(s)</b> | <b>Brazos:</b> The department’s system for the entry, submission, and retention of all Stop Data and select use of force incidents.<br><b>Administrative Investigations Management (AIM):</b> The department’s system for documenting, reviewing, and managing select use of force incidents and related administrative investigations. |

#### 5.01.04 GENERAL PRINCIPLES

##### A. Preservation of Life

1. Officers shall prioritize preserving human life and use de-escalation techniques whenever feasible.

##### B. Medical Assistance

1. As soon as feasible, officers shall provide and/or arrange for medical care whenever force is used that may cause injury or upon request.
2. Continuous monitoring (until EMS arrival/evaluation) is required for subjects that are in or have been in prone position/prone restraint. See WRPD Policy 6.24 WRAP for specific procedures related to use of the WRAP Restraint.
3. Officers shall request medical response (and notify a supervisor) for any use of force of administrative level 5 and above. (See Table 2).

##### C. Body-Worn Cameras (BWC)

1. Officers must comply with WRPD Policy 9.39 Body Worn Camera (BWC), C.R.S. § 24.31.902 and all applicable statutes and policies during calls for service and use of force incidents.

#### **D. Prone Position & Vulnerable Populations**

1. Officers shall avoid prolonged prone restraint/prone position and shall reposition subjects as soon as practical.
2. During any prone restraint/prone position, officers shall continuously monitor the subject's breathing and level of consciousness and reposition as soon as feasible to reduce the risk of positional asphyxia.
3. Officers must continuously monitor subjects in physical or mental crisis for medical deterioration and adjust tactics accordingly.
4. When feasible, and when an officer knows they are interacting with a vulnerable population, the officer shall adjust tactics as appropriate.
5. Officers should consider whether a subject's noncompliance is the result of inability to comply, rather than refusal to comply, and modify tactics when feasible.
6. See WRPD Policy 6.24 WRAP for specific procedures related to use of the WRAP Restraint.

#### **E. Weapons of Last Resort**

1. The department recognizes that use of force situations are volatile and rapidly evolving and that in some extreme circumstances, the situation may dictate using other tactics or implements as weapons.
  - a. Such tactics or weapons should be viewed as weapons of last resort.
  - b. Use of such tactics or weapons will be closely examined within the totality of circumstances, and the existence or absence of other applicable alternatives.

### **5.01.05 USE OF FORCE OPTIONS**

Table 2 outlines various force options available to officers. Table 2 is not an exhaustive list.

#### **A. Selection of Force**

1. Officers shall only use the amount of force necessary to accomplish the legitimate law enforcement purpose.
2. Officers may select the force option that is objectively reasonable based on the totality of circumstances. Officers must continually monitor and reassess the situation and adjust their tactics and force accordingly.
3. There is no requirement for officers to progress sequentially through the options.

## B. Supervisor Notification

1. Officers shall notify their supervisor of a use of force incident as required in Table 2.
2. Nothing in Table 2 prohibits an officer from notifying their supervisor of any use of force option used. Officers are expected to exercise sound judgement and notify their supervisor of any use of force that is unusual, outside of normal practices, unexpected, questionable, or could bring scrutiny on the officer or agency.

| <b>Table 2: Use of Force Options</b> |   |   |  |   |
|--------------------------------------|---|---|--|---|
| <b>Administrative Level</b>          | <b>Force Option</b>   | <b>Description/Examples/Prohibitions</b>  | <b>Reporting Requirements</b>  | <b>Mandatory Supervisor Notification &amp; Response</b> |
| 1                                    | <b>Officer Presence</b>                                     | Uniformed presence of officer or police vehicle to establish control  | 1. None  | No  |
| 2                                    | <b>Verbal Commands, unholstering or brandishing weapons</b> | Audible commands given to a subject; displaying firearm, taser, knives, or other weapons  | 1. None for verbal commands only<br>2. <b>Brazos report mandatory for any unholstering or brandishing of weapons</b> | No  |
| 3                                    | <b>Escort Techniques</b>                                    | Physical guidance for compliant or minimally resistant subjects.  | 1. None  | No  |
| 4                                    | <b>Passive Control &amp; Compliance Holds</b>               | Joint locks, pressure points, handcuffing techniques  | 1. None<br>2. Document in police report if taken   | No  |
| 5                                    | <b>Active Control &amp; Compliance Holds</b>                | Joint locks, pressure points, handcuffing techniques or other methods that result in: <ol style="list-style-type: none"> <li>1. Injury to the subject</li> <li>2. Injury to the officer</li> <li>3. Complaint of injury by the subject, officer, or any other person or;</li> </ol> Any takedowns to overcome resistance. | 1. Document in police report.<br>2. Complete AIM report.   | Yes   |
| 6                                    | <b>OC Spray</b>   | Use of Department issued OC Spray.  | 1. Document in police report.<br>2. Complete AIM report.   | Yes   |
| 7                                    | <b>Chemical Munitions</b>                                   | Chemical Agents for crowd or riot control shall ordinarily be authorized by an officer of the rank of commander or higher.<br><br>West Metro SWAT team members are authorized to deploy a variety of chemical munitions in conformance with SWAT SOPs.  | 1. Document in police report.<br>2. Complete AIM report.   | Yes   |

|    |                           |  |  |     |
|----|---------------------------|--|--|-----|
| 8  | ECW/Taser                 | <p>Use of Department Issued Taser.</p> <p>Each activation of the ECW must be objectively reasonable given the totality of the circumstances.</p> <p><b>Although not strictly prohibited, officers are strongly cautioned about using an ECW on a subject that is only passively resisting.</b> As in all other use of force incidents, Officers must be able to articulate why an ECW was the appropriate tool to use based upon the totality of the circumstances.</p> <p>Officers should avoid using an ECW on subjects who are part of a vulnerable population, in a dangerous position (elevated, near or in water or flammable substances, etc), or detained.</p> | <p>1. Document in police report.<br/>2. Complete AIM report.<br/>3. Complete Brazos Report</p>     | Yes |
| 9  | Less-Lethal Weapons       | <p>Launched or thrown projectiles whose purpose is to distract or deter suspects so they may be arrested safely. Examples include 40mm foam baton, Pepperball, NFDDs, and Sting-Balls.</p>   | <p>1. Document in police report.<br/>2. Complete AIM report.<br/>3. Complete Brazos Report</p>     | Yes |
| 10 | Unarmed Defensive Strikes | <p>Proportional strikes with hands/elbows/knees/feet or other body parts against a subject.<br/><b>Prohibited against subjects who are passively resisting.</b></p>  | <p>1. Document in police report.<br/>2. Complete AIM report.<br/>3. Complete Brazos Report</p>     | Yes |
| 11 | Police Baton              | <p>Strikes or attempted strikes with a baton or ASP. <b>Prohibited against subjects who are passively resisting</b></p>  | <p>1. Document in police report.<br/>2. Complete AIM report.<br/>3. Complete Brazos Report</p>     | Yes |
| 12 | Police Canine             | <p>Any injury caused by a Police K9</p>  | <p>1. Document in police report.<br/>2. Complete AIM report.</p>                                   | Yes |
| 13 | Deadly Force              | <p>See Definition in Table 1.</p>  | <p>1. Document in Case Report/CIRT Interview.<br/>2. Complete AIM report.<br/>3. Brazos report</p> | Yes |

## **5.01.06 PROCEDURES - REPORTING REQUIREMENTS**

### **A. Administrative Reporting**

1. Uses of force must be documented in the appropriate administrative program of record (BRAZOS or AIM) as required in Table 2 above.
2. BRAZOS reports shall be completed by officers prior to the end of their normally assigned shift.
3. AIM reports shall be completed and tracked to a supervisor prior to an officer going on their weekend or within 72 hours, whichever is sooner. This requirement can only be waived by a supervisor holding the rank of commander or above.
4. BRAZOS and AIM reports are required to have demographic (race, ethnicity, sex, approximate age) information entered on both the subject and officer when required.
5. Documentation in these programs are administrative in nature. Police use of force incidents shall be fully documented and articulated in the official written police report.

### **B. Use of Force Related Police Reports**

1. Officers shall write detailed police reports that fully document the use of force incident when required in Table 2.
2. Written police reports shall be completed by officers prior to the end of their normally assigned shift. Supervisors may approve an extension of this requirement not to exceed 24 hours.
3. Delaying the completion of a report for more than 24 hours can only be approved by a supervisor holding the rank of commander or above.
4. Use of force incidents requiring written police reports should include the following, at minimum:
  - a. Specific and detailed description of the circumstances leading up to the use of force.
  - b. Information known to the officer(s) prior to force being used.
  - c. The officer's perceptions of the subject/situation, including what the officer reasonably thought would occur if they did not use force.
  - d. De-escalation efforts by the officer(s) or articulation why de-escalation was not feasible
  - e. Statements and identification of witnesses.
  - f. Specific actions/statements by the subject before, during, and after the use of force.

- g. Specific actions or statements made by the officer(s) before and during the use of force.
- h. The officer's perceptions about if the subject(s) was part of a vulnerable population (if applicable).
- i. Articulation of any tactical modifications or adjustments to using force due to vulnerable populations, environmental factors, or other factors (if applicable).
- j. The type of force used and specific behaviors/risks that made it reasonable and necessary.
  - 1. Medical treatment and evaluation of the subject, other officers, or bystanders.
  - 2. Evidence collected on scene (e.g. damaged police uniform, photographs of injuries, witness statements, etc).
  - 3. Steps taken to secure the scene and preserve evidence.
- k. The crime the subject was charged with and probable cause supporting the charging decision.
- l. Explanation if the officer's BWC was not used in accordance with WRPD Policy 9.39 Body Worn Camera (BWC).

#### **5.01.07 SUPERVISORY DUTIES AND RESPONSIBILITY**

- 1. Supervisors shall respond in person to the scene/location of the use of force incident in accordance with Table 2.
- 2. Supervisors shall respond in person to incidents involving an outside jurisdiction and contact the supervisor of that jurisdiction.
- 3. Supervisors shall ensure that officers complete administrative reports and police reports as required.
- 4. When there is a questionable use of force or evidence suggests falsification or intentional misreporting, supervisors shall notify the duty commander without delay.
- 5. In multi-officer incidents, supervisors must ensure every involved officer submits an individual report reflecting their own observations and actions.

#### **5.01.08 TRAINING & COMPLIANCE**

##### **A. Initial and Annual Training**

Officers shall maintain continuous compliance with C.R.S. § 24-31-315, POST standards, and all applicable laws. This includes annual training in legal updates, de-escalation, and operational reporting. Continued authorization to carry weapons is contingent upon demonstrated proficiency (annual for lethal; biennial for less lethal). Personnel failing to meet these standards are prohibited from carrying such weapons or performing related duties until remedial training is completed and

documented. Supervisors and the Training Unit share responsibility for ensuring total departmental compliance.