

DENVER SHERIFF DEPARTMENT Office of the Director of Corrections/Undersheriff		Department Order 5011.II	Pages: 19 + Appendix
Date of Last Review: October 2009	Annual Review Date: March	Date Effective: 10-29-2009	
Related Standards: CRS: 17-20-122, 18-1-707, 18-8-111, 18-8-802, 18-8-803 ACA: 4ALDF 2B 01-08; 7B 10, 14-16 Case Law: Boykin v. People, 22 Colo. 496, 45 p. 419; Graham v. Connor, 490 U.S. 386, 397, 109 S. Ct. 1865, 104 L.Ed.2d 443			
Subject: <p style="text-align: center;">USE OF FORCE</p>			

1. **Purpose:** The purpose of this order is to prescribe policy and guidelines for the use of force within the Denver Sheriff Department (DSD).
2. **Policy:** It is the policy of the Denver Sheriff Department (DSD) that officers use physical force only as prescribed by the Colorado Revised Statutes (CRS) and internal Department standards to perform any legitimate law enforcement or detention related function. The amount of force used will be reasonable and appropriate in relation to the threat faced. In all cases, force will be de-escalated once the legitimate function is achieved or the resistance has ceased.

Physical force will not be used as a punishment, under any circumstances.

Officers should rely on departmentally approved use of force techniques that are taught in training.

Officers are responsible for justifying their actions and must report use of force incidents in accordance with departmental rules and CRS 18-8-111 and CRS 18-8-802 to command staff personnel or a supervisory officer as soon as the situation has stabilized.

Officers are responsible to ensure that medical screening is provided to any person who has been injured or alleges injury as a result of being subjected to the use of force.

Officers who are off-duty* and become involved in a use of force situation must report the circumstances, as soon as safely possible, to the following (preferably in the order listed):

- Local Law Enforcement Agency;
- Denver Sheriff Department Command Staff or On-Duty Supervisory Staff;
- Denver Sheriff Department Internal Affairs Bureau (IAB).

Note:

- *It is strongly recommended to contact the local law enforcement agency PRIOR to becoming involved or engaging in any use of force situation.

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- Refer to DO 2430 - Secondary Employment.

3. **Cancellation:** This order supersedes and cancels Department Order 5011.IH dated June 12, 2008. Please remove that order from your department order book.
4. **Explanation:** The Denver Sheriff Department (DSD) recognizes the value of all human life and is committed to respecting human rights and the dignity of every individual. The use of a firearm is in all probability the most serious act in which a Deputy Sheriff will engage. When deciding whether to use a firearm, officers shall act within the boundaries of law, ethics, good judgment, this use of force policy, and all accepted DSD policies, practices and training. With these values in mind, an officer shall use only that degree of force which is necessary and objectively reasonable under the circumstances. An officer may use deadly force in the circumstances permitted by this policy when all reasonable alternatives appear impracticable and the officer reasonably believes that the use of deadly force is necessary. However, the Denver Sheriff Department (DSD) recognizes that the objective reasonableness of an officer's decision to use deadly force must allow for the fact that Deputy Sheriffs are often forced to make split-second judgments in circumstances that are tense, uncertain, and rapidly evolving. Above all, the safety of the public and the officer must be the overriding concern whenever the use of force is considered.

It is important for officers to bear in mind that there are many reasons a suspect/inmate may be resisting or may be unresponsive. A person's reasoning ability, including but not limited to a mental condition, mental impairment, developmental disability, physical limitation, language, drug interaction, or emotional crisis, are some examples. An officer's awareness of these possibilities, when time and circumstances reasonably permit, should then be balanced against the facts of the incident facing the officer when deciding which tactical options are the most appropriate to bring the situation to a safe resolution.

Law enforcement requires that at times an officer must exercise control of a violent, assaultive, or resisting individual to make an arrest, to detain a person, or to protect the officer, other officers, or members of the general public from risk of imminent harm. Each situation is unique. Sound judgment and the circumstances of each situation will dictate the force option the officer deems necessary. Officers may either escalate or de-escalate the use of force as the situation progresses or circumstances change. Officers should recognize that their conduct immediately connected to the use of force may be a factor which can influence the force option necessary in a given situation. When reasonable under the totality of circumstances, officers should use advisements, warnings, verbal persuasion, and other tactics and recognize that an officer may withdraw to a position that is tactically more secure or allows an officer greater distance in order to consider or deploy a greater variety of force options. When a suspect is under control, either through the application of physical restraint or the suspect's compliance, the degree of force shall be de-escalated accordingly. It is not the intent of this policy to require officers to attempt to exhaust each option before moving to the next, so long as the force option is objectively reasonable and appropriate under the circumstances.

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The force option applied must reflect the totality of circumstances surrounding the immediate situation. The officer need only select a force option that is within the range of “objectively reasonable” options. Officers must rely on training, experience, and assessment of the situation in deciding an appropriate force option to be applied.

The Department will support the use of reasonable and appropriate force by officers in the performance of duty. Use of force that is not lawful, reasonable and appropriate will not be tolerated. Department policy as well as relevant federal, state and local laws shall govern use of force actions by officers at all times.

5. Compliance:

A. Related Colorado Revised Statutes (CRS):

17-20-122, 18-1-707, 18-8-111, 18-8-802, 18-8-803

CRS 17-20-122 (Justification of officer)

“If an inmate sentenced to any state correctional facility resists the authority of any officer or refuses to obey any officer’s lawful commands, it is the duty of such officer immediately to enforce obedience by the use of such weapons or other aid as may be effectual. If in so doing any inmate thus resisting is wounded or killed by such officer or such officer’s assistants, such use of force is justified and any officer using such force shall be held guiltless; but such officer shall not be excused for using greater force than the emergency of the case demands.”

CRS 18-1-707 (Use of physical force in making an arrest or in preventing an escape) states in the pertinent part:

“(1) Except as provided in subsection (2) of this section, a peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:

(a) To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or

(b) To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.

(2) A peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:

(a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or

(b) To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes:

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(I) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or

(II) Is attempting to escape by the use of a deadly weapon; or

(III) Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

(3) Nothing in subsection (2)(b) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody.

(4) For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances which if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsections (1) and (2) of this section unless the warrant is invalid and is known by the officer to be invalid.

...

(8) A guard or peace officer employed in a detention facility is justified:

(a) In using deadly physical force when he reasonably believes it necessary to prevent the escape of a prisoner convicted of, charged with, or held for a felony or confined under the maximum security rules of any detention facility as such facility is defined in subsection (9) of this section;

(b) In using reasonable and appropriate physical force, but not deadly physical force, in all other circumstances when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner from a detention facility.

(9) "Detention facility" as used in subsection (8) of this section means any place maintained for the confinement, pursuant to law, of persons charged with or convicted of an offense, held pursuant to the "Colorado Children's Code", held for extradition, or otherwise confined pursuant to an order of a court."

CRS 18-8-111 (False reporting to authorities) states in the pertinent part:

"(1) A person commits false reporting to authorities, if:

...

(b) He makes a report or knowingly causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern when he knows that it did not occur; or

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(c) He or she makes a report or knowingly causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when her or she knows that he or she has no such information or knows that the information is false; or

(d) He or she knowingly provides false identifying information to law enforcement authorities.

(2) False reporting to authorities is a class 3 misdemeanor.”

CRS 18-8-802 (Duty to report use of force by peace officers)

The law requires that an officer who witnesses another officer using excessive force must report it to a supervisor. CRS 18-8-802 states in part:

“(1) (a) A peace officer who... witnesses another peace officer... 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...”

...

(c) Any peace officer who fails to report such use of force in the manner prescribed in this subsection (1) commits a class 1 misdemeanor...”

CRS 18-8-803 (Use of excessive force)

The community expects and the Denver Sheriff Department (DSD) requires that peace officers use only the force necessary to perform their duties. Colorado law mandates the same and holds an officer accountable to do so in CRS 18-8-803; which states in part:

“(1) ... a peace officer who uses excessive force in pursuance of such officer's law enforcement duties shall be subject to the criminal laws of this state to the same degree as any other citizen...”

(2) ... "excessive force" means physical force which exceeds the degree of physical force permitted pursuant to section 18-1-707. The use of excessive 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.”

B. Related Case Law:

- Colorado law does not require an officer to retreat from an attack rather than resorting to physical force. A peace officer is expected to take appropriate action to handle a situation and is authorized to use the reasonable and appropriate force necessary to overcome resistance. The degree of force required may be different in different situations. (Boykin v. People, 22 Colo. 496, 45 P. 419).

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- Law enforcement officers are permitted to use force only to the extent that it is “objectively reasonable” under the circumstances (Graham v. Connor, 490 U.S. 386, 397, 109 S.Ct.1865, 104 L.Ed.2d 443).

6. Definitions and Concepts:

Edged Weapons – When confronted by a suspect/inmate armed with a deadly weapon, including edged weapons, an officer should weigh the totality of the facts and circumstances of each situation. Practical considerations may include, but are not limited to, the proximity of the suspect/inmate to the officer(s) and other persons, how rapidly the circumstances are evolving, and the use of force options that may be necessary, appropriate, and available. Officers should recognize that, when reasonable to do so with safety to officers and other persons in the vicinity, disengagement, repositioning, cover, concealment, barriers or retreat, whether or not required by law, may be a tactically preferable consideration to a confrontation.

Excessive Force – As stated in CRS 18-8-803 (2), “excessive force” means physical force which exceeds the degree of physical force permitted pursuant to section 18-1-707. The use of excessive 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.”

Objectively Reasonable – The reasonableness of an officer’s use of force is based upon the totality of the circumstances known by the officer at the moment the force is used. The force option employed must be objectively reasonable and appropriate to the threat posed by the suspect/inmate and the seriousness of the immediate situation. It is recognized and understood that circumstances are usually unpredictable and may change rapidly. Officers should rely on their training, experience and assessment of the situation in deciding on the appropriate force option.

Factors to determine “Objectively Reasonable” force options:

- Whether the subject poses an imminent threat of injury to an officer(s), themselves or others;
(The greater the threat, the greater the force option used may be justified.)
- Whether the subject is actively resisting a lawful command/order or attempting to evade by flight;
(Escalating the force option used may be justified when controlling a tense, uncertain and rapidly evolving circumstance.)
- The severity of the crime or act at issue.
(The more severe the crime, the greater the force option used may be justified.)

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Reasonable Belief – When facts or circumstances the officer reasonably believes, knows, or should know are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Types of Resistance:

- a) ***Psychological Intimidation** — Non-verbal cues in attitude, appearance, demeanor or posture that indicates an unwillingness to cooperate or a threat.
- b) ***Verbal Non-Compliance** — Verbal responses indicating an unwillingness to comply with officer's directions or threat to injure a person.
- c) ***Passive Resistance** — Physical actions that do not prevent the officer's attempt to control, for example, a person who remains in a limp, prone position.
- d) **Defensive Resistance** — Physical actions that attempt to prevent officer's control including flight or attempt to flee, but do not involve attempts to harm the officer.
- e) **Active Aggression** — A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent.
- f) **Aggravated Active Aggression** — A deadly force encounter.

Note:

- *Psychological Intimidation, *Verbal Non-Compliance and *Passive Resistance usually do not involve conduct sufficient to support criminal charges related to resistance.
- Types of Resistance can occur in combination with one another and are not mutually exclusive.

Use of Force/Control Options:

- a) Command Presence
- b) Verbal Commands/Voice
- c) Control Holds and/or Compliance Holds
- d) Strikes and/or Kicks
- e) Restraint Devices (i.e., OPN's, others)
- f) Carotid Restraint (Carotid Compression Technique)
- g) Chemical Agent (i.e., OC Spray, others)
- h) Electronic Restraint Devices (i.e., TASER, others)
- i) Deadly Force

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Note:

- This list is not intended to suggest the order in which these use of force/control options should be used in any situation or incident.

Types of Force:

- a) **Non-Physical Force** – Communication tools (verbal and non-verbal) used to help establish and maintain a controlled environment at any stage of a situation. These verbal and non-verbal tools are applied to a person or persons in order to achieve compliance with a legitimate objective.
 - **Command Presence** (body language; distance, stance, awareness; appearance; posture; etc.)
 - **Verbal Commands** (tactical communication; verbal skills; etc.)
- b) **Physical Force** – Force applied to a person or persons to achieve compliance with a legitimate objective.
 - **Less-Lethal Force** – Force which is unlikely, when properly used, to result in serious physical injury or death. This includes open hand or closed hand contact, the application of electronic devices, distraction devices, impact devices, batons, OPN's, chemical agents, or munitions designed for less-lethal impact.
 - **Deadly Physical Force** – CRS 18-1-901 (3)(d) (Definitions) “Force, the intended, natural and probable consequences of which is to produce death and which does, in fact, produce death.”

Types of Injury:

- a) **Bodily Injury** - CRS 18-1-901 (3)(c) (Definitions) “Physical pain, illness, or any impairment of physical or mental condition.”
- b) **Serious Bodily Injury** - CRS 18-1-901 (3)(p) (Definitions) “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.”

Custody of Injured Prisoners – It is the policy of the Denver Sheriff's Department to refuse custody of injured prisoners unless accompanied by reports indicating that they have been medically examined or treated.

Safety – Above all, the safety of the public and the officer must be the overriding concern whenever the use of force is considered.

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7. Duty to Report:

A. Officers shall report the circumstances of use of force incidents, excluding command presence or verbal command options, to the appropriate personnel as soon as the situation is stabilized. Appropriate personnel may consist of, but is not limited to, the local law enforcement agency, a duty supervisor or command officer, and the Internal Affairs Bureau (IAB). The duty supervisor or command staff and IAB shall ensure that all sections of the DSD orders, rules and regulations and Colorado Revised Statutes (CRS) (17-20-122, 18-1-707, 18-8-111, 18-8-802, and 18-8-803) have been followed.

1. Inside facilities or areas under the control of the DSD:

Officers shall report the use of force circumstances to the appropriate personnel and/or to a duty supervisor as soon as the situation has stabilized.

2. Outside facilities or areas that are not under the control of the DSD:

Officers shall report the use of force circumstances to the local law enforcement agency (911) and contact the Denver Sheriff Department Internal Affairs Bureau (IAB) and/or the duty supervisor as soon as the situation has stabilized.

B. When a reportable use of force incident occurs, regardless whether an officer is a witness to or participates in the use of force, written reports must be completed. The written reports must be submitted to the personnel in charge (i.e., the responding local law enforcement officer) at the time of the incident and the Division Chief or his/her designee no later than the conclusion of his/her tour of duty.

C. A report must be written for, but not limited to, the following circumstances:

1. A person is injured or complains of injury (whether or not the injury or claimed injury was a result of the use of force);
2. A person dies while apprehended or in custody;
3. An officer witnesses or participates in a use of physical force incident, as described in Section 6 (Definitions and Concepts), under the heading Use of Force/Control Options, items c-i;
4. An officer discharges a firearm or other weapon including less lethal weapons (exceptions may include – discharge(s) which occur for training or recreational purposes);
5. Firearm incidents that do not result in a discharge, but result in the pointing or aiming of a firearm at a third party will be reported the same as incidents involving discharge;

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6. A suspect/inmate is placed in restraints, except for normal operating procedures, such as but not limited to transports, movement to court, etc.;
7. A suspect/inmate is charged with resistance of a Deputy Sheriff;
8. A subject/inmate *assaults a Deputy Sheriff.

Note:

- *In cases involving an assault on a Deputy Sheriff, the local law enforcement agency will be contacted. The local law enforcement agency will investigate and file the necessary paperwork and appropriate charges.
- For additional information and guidance, refer to DO 2610 - Assault to an Employee by an Inmate.

8. **Medical Screening:** Any person, on whom physical force has been applied, regardless of the type or amount, shall be taken to or seen by medical personnel immediately following the incident.
9. **Less Lethal Force:** Use of less lethal devices shall be considered a use of force and must meet the requirements of all Department policies and procedures and Colorado Revised Statutes (CRS) 17-20-122, 18-1-707 and 18-8-803.

The less lethal devices that the Denver Sheriff Department (DSD) has authorized are listed below. This list is not intended to suggest the order in which the various categories of force should be used in any specific situation.

- Electronic Restraint Devices

[REDACTED]

- Impact Tools and Devices

[REDACTED]

- Chemical Agent Devices

[REDACTED]

- Specialized Deployment Devices

[REDACTED]

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Officers must be properly trained in the use of electronic restraints, impact tools, chemical agents and specialized deployment devices in order to carry or use these devices in the performance of their duties.

Each Division Chief will develop procedures on the use and deployment of less lethal devices at his/her facilities.

Less lethal devices shall be utilized in an appropriate manner consistent with procedures governing their use and if deployed, a Use of Force Report is required and shall be submitted.

Note:

- For additional information and guidance with the less lethal devices that the Denver Sheriff Department (DSD) has authorized, refer to DO 5013 - Use of Restraints, DO 5014 - Use of Tasers, DO 5015 - Use of OPN's, and DO 5016 - Use of OC Spray.
- Use of Force Report forms:

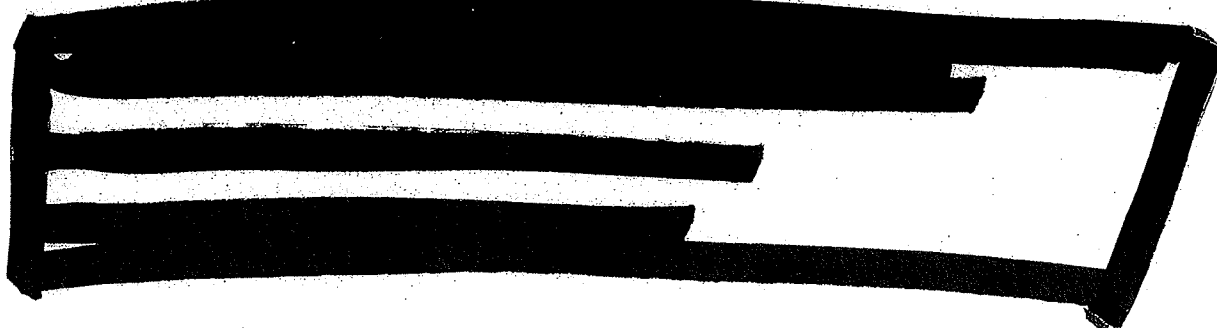
Involving an Inmate	T:/CAB (Conduct Adjustment) – CAB Incident Report.dot
Involving a Taser	T:/INCIDENT REPORTS – Taser Usage Report.dot
General	T:/DSD General – Interoffice Correspondence.dot
Other	Reports/Forms from other Agencies or Jurisdictions

10. Discharge of Firearms:

A. Officers shall not discharge any firearm in the performance of their duties except as provided in Section 5 (Compliance) of this order.

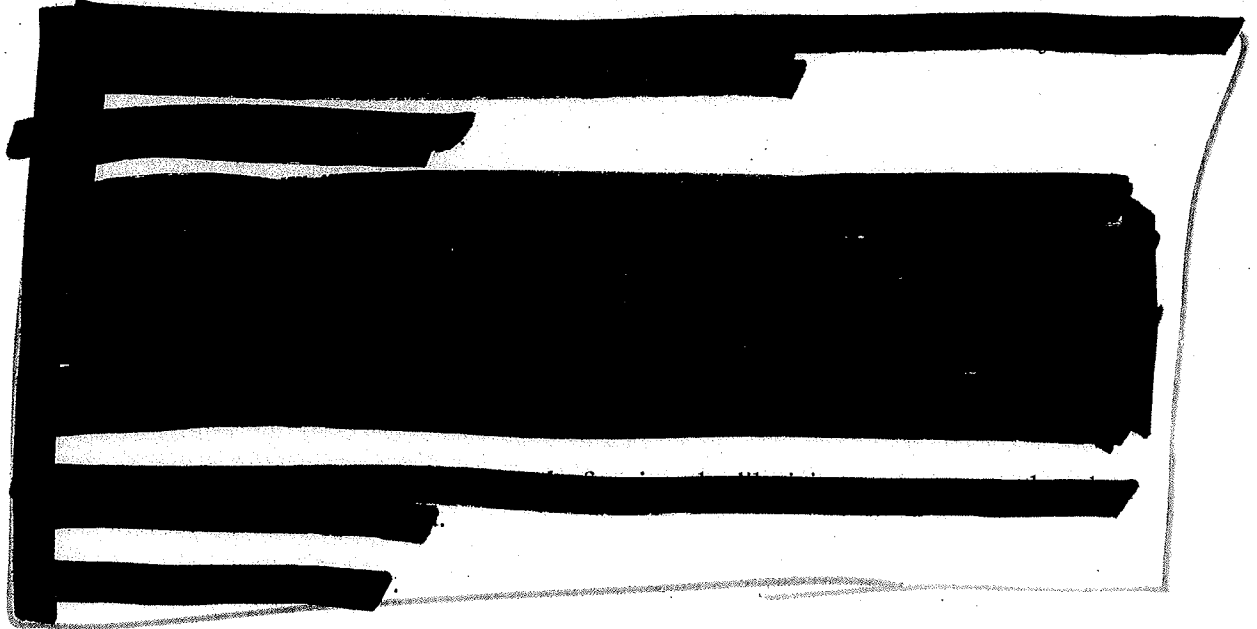
Note:

- It is necessary, "when feasible," to give some warning before engaging in the use of deadly force. If possible, the officer should identify him/herself as a Deputy Sheriff, give the command to be followed, and state the intention to shoot.
- B. Safe handling of firearms is required by all members of the Denver Sheriff Department (DSD) during the course of their duties and at all times by officers carrying a firearm while off duty.
- C. A Deputy Sheriff may resort to the lawful use of firearms under the following conditions when he/she reasonably believes that it is necessary:



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D. Officers will not discharge firearms under the following conditions:



E. When an officer discharges a weapon for any reason, other than 10.C. 2 or 3 above, and no person or animal is injured or killed, or if it is unknown if a person or animal is injured or killed, the following will occur:

1. Officers shall immediately contact the local law enforcement agency (911).
2. The officer shall also contact the DSD Internal Affairs Bureau (IAB), the DSD duty supervisor and/or dispatch immediately or as soon as the situation has stabilized. The duty supervisor will notify the DSD command staff. The DSD command staff is responsible for notifying the Manager of Safety and the Office of the Independent Monitor.
3. The officer will submit documentation (an individual statement or report) detailing his/her actions and observations and will comply with the requests of the local law enforcement agency.
4. The senior officer at the scene is immediately responsible for protection of the scene. Refer to Section 11 (Shooting by and/or of Deputy Sheriffs) C and D.

Note:

- When an officer discharges a weapon for any reason and it is known that a person or animal is injured or killed, the procedures in Section 11 (Shooting by and/or of Deputy Sheriffs) are in effect.

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Note:

- For additional information and guidelines for officers who are authorized to carry weapons, both on and off duty, refer to DO 2705 - Permissible Weapons.
- For additional information and guidelines for Civilian Employees who are authorized to carry a concealed weapon, refer to DO 2706 - Concealed Weapons Policy for Civilian Employees.
- For additional information and guidelines with training, inspection, qualification and maintenance of Handguns and Shotguns, refer to DO 5030 - Training, Inspection of Handguns and Shotguns.

11. Shooting by and/or of Deputy Sheriffs:

A. When an officer is wounded or killed or when an officer fires a weapon as a result of contact with a person, whether or not that person is killed or wounded:

1. Inside facilities or areas under the control of DSD:

Officers shall immediately contact the DSD duty supervisor and local law enforcement. The DSD duty supervisor will immediately contact DPD dispatch, DSD Internal Affairs Bureau (IAB) and DSD command staff. The DSD command staff is responsible for notifying the Manager of Safety and the Office of the Independent Monitor. Response will also be sent to the incident area to assist the officer and the shooting victim.

2. Outside facilities or areas that are not under the control of DSD (i.e., hospitals other than DHMC where an officer is supervising a prisoner):

Officers shall immediately contact the local law enforcement agency (911). The officer shall also contact the DSD Internal Affairs Bureau (IAB), the DSD duty supervisor and/or dispatch immediately or as soon as the situation is stabilized. The duty supervisor will notify the DSD command staff. The DSD command staff is responsible for notifying the Manager of Safety and the Office of the Independent Monitor.

Note:

- I-Call communication is prohibited when an officer is involved in an emergency situation.
- Radio, I-Call and telephone conversations are recorded and will be available for use in the investigation.

B. Activities relating to the person(s) or officer(s) who has been shot are as follows:

1. Secure and make safe all weapons.

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2. Use appropriate first aid.
 3. Arrange for the person/officer to get to the hospital, by ambulance, so that the proper medical screening can be obtained.
 4. The responding local law enforcement officer will accompany the victim/officer to the hospital. He/she should note any statements made, take possession of clothing or other evidence and protect personal property.
 5. If the victim is a suspect/inmate on whom a hold order is placed, notification needs to be made to the hospital where the person is being taken.
 6. If the victim is a Deputy Sheriff or Police Officer, notify his/her supervisory or command staff who will arrange for an officer to stand by and provide security for him/her.
- C. The senior officer at the scene is immediately responsible for crime scene protection. If this officer is a DSD officer, control will be turned over to the local law enforcement agency upon their arrival.
- D. The responsibilities of the ranking officer at the scene of an officer shooting include, but are not limited to, the following:
1. Protect the crime scene, using appropriate personnel and methods.
 2. Determine, through civilian or officer witnesses at the scene, what has occurred. If there are no civilian or officer witnesses present, the officer involved will be asked for general information which will indicate the area to be protected and the evidence to be sought.

Note:

- Detailed statements are inappropriate at this time.
3. Ensure that the involved officer maintains his/her weapon in its condition at the completion of the shooting event, making no changes to the weapon, except to make the weapon safe. However, empty magazines, speed loaders, spent shell casings, etc., shall remain where deposited for crime scene documentation. The involved officer shall maintain custody of his/her firearm until relinquished to the local jurisdiction's crime laboratory personnel or designee, who will make arrangements to loan the officer a replacement weapon. An investigator from the Homicide Unit or designee shall document this transfer. The weapon will be retained until released by the Homicide Unit or the Commander of the Crimes Against Persons Bureau or these agency's designee.

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4. Assign a DSD supervisor or designee to accompany the involved officer to headquarters and remain there with him/her. Those allowed access to the officer are investigators of the Police Shooting Team, the officer's command staff, his/her attorney and the District Attorney. All others must be approved by the Commander of Crimes Against Persons Bureau or designee.
5. Provide the dispatcher and responding detectives with all available information. This will generally be the responsibility of the local law enforcement agency personnel.
6. Ensure that all officers who respond to the scene or assist in anyway submit individual statements and/or reports detailing their duties and observations to the investigating jurisdiction and to the appropriate Denver Sheriff personnel (duty supervisor and/or designee) prior to the conclusion of their tour of duty.

In the event the officer is off duty, consider that the incident is not over or resolved until all reports and/or statements are submitted to the appropriate authorities as mentioned above.

E. The investigation of a shooting of a peace officer will be a cooperative endeavor between the Denver Sheriff Department (DSD), the local law enforcement agency and the District Attorney's Office. The investigation will be under the command of the local law enforcement Division Chief of Investigations or his/her designee. All normal and appropriate investigative techniques will be used including, but not limited to, the following:

1. The crime scene will be fully processed and documented using diagrams, photographs and video tape recordings.
2. Statements will be taken as soon as practical following the shooting. These statements may be written, formal, tape recorded or video taped. At the discretion of the commander of the investigation, the statements may be taken under oath. The order of taking statements is generally civilian witnesses first, followed by officer witnesses. The officer who fired the shots will usually be interviewed last.
3. The officer involved in the shooting may have an attorney present for legal assistance. The officer will be advised in accordance with federal, state and local decrees. The "Miranda Warning" or the DSD Internal Affairs Bureau (IAB) "Garrity Advisement" will generally not be used unless a crime or serious Department rule violation is suspected.
4. The Internal Affairs Bureau (IAB) will participate only at the request of the Division Chief of Investigations, his/her designee or the Director of Corrections and Undersheriff. This participation only involves those cases where a crime or serious rule violation is suspected.

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5. Media inquiries should be referred to the Division Chief of Investigations or his/her designee. This will generally be the Public Information Officer (PIO).
6. The command officer in charge of the investigation will prepare a synopsis of the incident. Copies will be sent to the Mayor, Manager of Safety, Chief of Police, Office of the Independent Monitor, Director of Corrections and Undersheriff, Division Chief of the involved officer and the Internal Affairs Bureau (IAB). The incident synopsis must be done prior to going off duty.
7. The determination of whether criminal charges are filed in a deputy shooting case is solely the responsibility of the local agency's District Attorney's Office. Officers are not to publicly speculate as to what this decision will be.

The District Attorney will inform the Chief of Police and the Director of Corrections and Undersheriff in writing of his/her decision following the completion of the investigation and a thorough review of the case. The District Attorney's review and filing decision is based on the criminal standard of proof beyond a reasonable doubt and does not address administrative remedies, which have a different legal level of proof.

Note:

- The Chief of Police and the Director of Corrections and Undersheriff are responsible for copying the District Attorney's decision and forwarding it to the Manager of Safety, the Office of the Independent Monitor and the Mayor.

F. Consideration for the involved officer following the investigation of the deputy shooting:

1. If a death has resulted, the officer will be removed from any line duty assignment, pending the results of an administrative review.
2. Excused days may be arranged by the Director of Corrections and Undersheriff and/or the Division Chief(s). Temporary or permanent assignment changes may be considered in cases with extenuating circumstances.
3. If serious injury or death has resulted, Psychological Services will be required within one week of the incident to contact the involved officer. The purpose of the Psychological Services interview is not to investigate the officer's actions or assess his/her fitness for duty. This will remain the prerogative of the involved officers' supervisor, command staff or the DSD Internal Affairs Bureau (IAB). Absolute confidentiality will be maintained and the officer has the option of not discussing anything he/she does not wish to discuss. The officer may include others in this interview such as family members, fellow officers, or members of the Peer Support Team (PST).

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4. The officer(s) involved in a shooting incident will be notified of the above provisions by their supervisor, their commanding staff and/or the DSD Internal Affairs Bureau (IAB). Additionally, the supervisor, command staff or IAB will provide Psychological Services with the names of those officers whom they must contact. If after one week Psychological Services has not been able to contact the officer, the supervisor, command staff or IAB will be notified by Psychological Services so that such arrangements will be made. No other exchange of information will be made without the express written consent of the officer before the interview.
5. In the event of a civil suit against the City and the officer, legal representation is provided by the City Attorney's office. Please note that legal representation may be refused if the officer was willful and wanton (knowing disregard) or was acting out of the scope of his/her employment or neglected to notify the Civil Liability Bureau of the potential action for a lawsuit.

Note:

- If a Deputy involved shooting occurs outside of Denver, the applicable local law enforcement agency and local District Attorneys Office will handle the investigation.

12. Provision Statement:

- A. Denver Sheriff Department (DSD) civilian employees who are authorized to carry a weapon will be governed by and must obey the same rules and regulations as stated in this policy.
- B. As officers commissioned with authority to use force to protect and serve the public, we must reach decisions that will ensure that the lives and rights of citizens are preserved when the use of force is necessary.
- C. It is imperative that officers have an understanding of exactly what authority they do have regarding the use of force in situations where resistance, interference, or threats to the physical well being of another or themselves exists. Officers must also be cognizant of what the limitations are with respect to their authority in use of force situations.

13. Accountability:

- A. It will be the responsibility of all employees, officers, and supervisors to be familiar with, and to comply with, this order.
- B. It is the responsibility of each Division Chief or his/her designee to establish procedures regarding the use of force options not covered in this Department Order (DO) as it would relate to their specific divisions.

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- C. It is the responsibility of each Division Chief or his/her designee to establish procedures governing the approval and use of all tactical weapons, including chemical agents (i.e., OC spray), impact tools/devices (i.e., OPN, baton), electronic restraint devices (i.e., Taser, stun shield, stun belt) and other weapons that are approved by the Department within their facilities.
- D. It is the responsibility of each Division Chief or his/her designee to establish procedures to track on a monthly basis:
1. The number of instances in which physical force was used, the type of physical force used, and the number of instances in which the use of physical force was found to be inappropriate.
 2. The number of inmate/suspect grievances filed alleging inappropriate use of force and the number of grievances found in favor of the inmate/suspect.
 3. The number of civilian complaints filed alleging inappropriate use of force and the number of complaints found in favor of the civilian.
 4. The number of injuries requiring medical treatment resulting from use of force.

Note:

- Please note that some of the above tracking may be performed by the Internal Affairs Bureau (IAB).

- E. It is the responsibility of the Training Division to ensure that:

1. All newly hired officers are appropriately trained in the use of weapons and physical force.
2. All officers receive periodic training in the use of weapons and physical force.
3. Training in the use of special weapons and tactics used by the Emergency Response Unit (ERU) will be the responsibility of the ERU Commander(s).

Note:

- This is in compliance with DO 5030 - Training, Inspection and Maintenance of Handguns and Shotguns and DO 2510 - Employee Training.

14. Responsibility:

- A. Training:** The Training Academy will ensure that the curriculum of all currently existing classes and any newly developed classes are compliant with this order.

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B. Management: The Division Chief/Unit Commander or Unit Manager of any division or unit affected by this policy will:

- Ensure that existing procedures and all newly developed orders are in compliance with this order.
- Ensure that all affected personnel are made aware of this policy.
- Ensure this policy is reviewed annually for compliance with all federal, state and local laws and standards.

C. Supervisors: All supervisors will ensure that the provisions of this policy are being followed.

D. Staff: All officers and employees will comply with the provisions of this policy.

15. Effective Date: This order will become effective immediately.

Approved:

Alvin J. LaCabe
Manager of Safety

William R. Lovingier
Director of Corrections and Undersheriff

USE OF FORCE REPORT
Involving an Inmate, if applicable

Access the T drive:
T:\CAB (Conduct Adjustment)
Select the template named:
CAB Incident Report.dot

USE OF FORCE REPORT
Involving the use of a TASER

Access the T drive:
T:\INCIDENT REPORTS
Select the template named:
Taser Usage Report.dot

USE OF FORCE REPORT
General Incidents (may or may not involve an inmate)

Access the T drive:
T:\DSD General
Select the template named:
Interoffice Correspondence.dot

USE OF FORCE REPORT
Incidents involving other Agencies or Jurisdictions

Reports / Forms / Statements
for other
Agencies or Jurisdictions
as requested