

Public Safety, Courts & Civil Service (PSCCS) Meeting

June 18, 2020

11:00 AM

WebEx Meeting

Access information provided to Internal Staff

Public Participant Dialing Instructions

Dial Access Number: 1-877-820-7831

Enter Participant Code: 254610#

Council Member Allison Hiltz, Chair
Council Member Curtis Gardner, Vice Chair
Council Member Angela Lawson, Member

Assure a safe community for people

- | | |
|--|--|
| 1. Approval of May 21, 2020 Draft Minutes | Council Member Gardner |
| 2. Consent Items | (None) |
| 3. ISO Update | Commander Allen Robnett |
| 4. Technical Rescue Teams | Commander Rod Weber |
| 5. Use of Force Policy & Training | Division Chief Lee Condrey
Commander Marcus Dudley |
| 6. Court Updates | Presiding Judge Shawn Day
Court Administrator Dr. DeBoyes |
| 7. Chokehold and Carotid Hold Ordinance | Council Member Marcano
Council Member Lawson |
| 8. Miscellaneous Matters for Consideration | |
| 9. Confirm Next Meeting | Council Member Hiltz |

Next Meeting: 7/16/2020 @ 11am – TBD

PUBLIC SAFETY, COURTS & CIVIL SERVICE MEETING
MAY 21, 2020

Members Present: Council Member Curtis Gardner, Vice Chair
Council Member Angela Lawson, Member

Others Present: J. Batchelor, D. Parker, F. Gray, I. Evans, J. Heckman, J. Campbell, J. Schneebeck, L. Condreay, M. Fassio, M. Dudley, M. Longshore, M. Moore, N. Rodgers, R. Cutbirth, S. Day, S. Stowell, T. Brown, T. Buneta, T. Alscher, V. Wilson, Z. DeBoyes

REVIEW/APPROVAL OF MINUTES

April minutes approved and signed.

ANNOUNCEMENTS

None.

CONSENT ITEMS

None.

FIRST RESPONDER RECOGNITION

Summary of Issue and Discussion

Director of Human Resources, Dianna Giordano and Public Safety Communications Director, Tina Buneta presented the proposed resolution to the committee. The resolution purpose is to recognize public safety communications employees under the Federal Standard Occupational Classification System (SOCS) as Protective Service Occupations alongside police, firefighters, security guards, lifeguards and others to better reflect the work they perform; the current Office and Administrative Support Occupation fails to recognize their central role in public safety and homeland security, and their specialized training and skills in a stressful environment. It's important to promote efforts to recognize the value the individual provides to the citizens and the city. It's also an attraction and retention tool for essential functions where this is normally a high turnover rate due to the stresses of the job.

Public Safety Communication Professionals are the nerve center for public safety, everything related to life-safety passes through them. Aurora was the first PSC answering point in Colorado to go live on ESINet, which allows 911 to use multi-media such as texts, photos and eventually live streaming videos. It takes a lot of specific training and particular skillsets to communicate with citizens who are in distress, harm, fear, or injury effectively. They are exposed to trauma including emotional distress, and active violence, hostage situations and kidnapping. They are also exposed to emotional and physical impacts of the nature of the job compounded by long shifts. In 2019, Aurora Public Safety received 478,448 calls for service. Of those, 30,432 required emergency medical dispatching.

The current classification for public safety professionals is equivalent to clerical workers and doesn't accurately categorize this profession and is believed to be more aligned with police and fire personnel. The proposed designations would provide increased access to mental health services and grants for training.

There would be no budget impact or additional costs to city outside of enhanced workers compensation coverage for situations that might arise.

CM Gardner asked if staff would be submitting letters of support for the legislation. D. Giordano confirmed the proposal would be advocating in support of the federal legislation. CM Gardner and CM Lawson support the spirit of the resolution but think the federal legislative priorities list is the proper mechanism though they approve the item to go before the rest of council for a vote. CM Lawson asked if a letter would need to be provided. D. Giordano advised they would need to connect with the office that handles these matters to get confirmation about providing a letter.

Outcome

Committee supports moving the item to the next Study Session.

Follow-up Action

Staff will add to the next available Study Session agenda.

AURORA FIRE RESCUE COMMUNITY ENGAGEMENT

Summary of Issue and Discussion

Community Engagement Coordinator, Sherri Jo Stowell presented this update to the committee. In May of 2018 Fire Chief Gray restructured the department to include the Community Engagement Division. The division is led by a career service employee to provide structure and stability for a division that sees turnover approximately every 24 months. The division offers a benefit of growth and perspective about what it takes to run the department. A community health officer was recently added to the program. The recruiter receives support from the public information officers who manage social media and promotional activities. There is cross-training and teamwork that allows for participation in recruiting events, Camp Spark, car seat installations and Shots for Tots. Recruitment efforts include attracting entry level candidates, experienced lateral level candidates, and creating community-based programs offering a short-term and long-term strategy for attracting well qualified and diverse candidates. Currently the AFR is comprised of approximately 4.4% African American while the national average is 7.6%. The NFPA shows that women make up approximately 4% of the fire service nationally and AFR consists of approximately 8%. Recruiting efforts focus on identifying target audiences such as ready-to-work application, those that are in Aurora's own backyard with a passion for serving their community, and those that match the organizational values.

Public information efforts include supporting the Operations Division in large incidents where public alerts and media briefings are necessary, develop outreach campaigns for recruiting and community risk reduction and safety, build relationships with local journalists, and manage community engagement activities like station tours and AFR involvement at events. Cultivation of audience relationships through social media such as Facebook, Twitter, and Instagram to ensure accurate and timely information is relayed to the public.

The Community Health Officer is relatively new to the program that focuses on 911 high-user interventions. This position manages a client list of over 20 patients that are enrolled in the program. Contact is initiated by reviewing high user data or referrals from crews. The interventions have proven successful with more than 70% of patients showing a significant reduction in use and abuse of 911 after the first visit. Patients are asked to sign a commitment to participate in the program as a form of accountability. The assigned officer connects the patients to the care they need, such as prescriptions, nutritional needs, and transportation to care. This position also oversees the Shots for Tots clinics, manages files of life giveaways, and assists with the certified car seat checks.

Some of the Community Engagement group successes for 2019 include the adoption of 55 schools,

participation of 18 young women in the inaugural Camp Spark program, installation of 175 car seats and gave away 20 to those in need, installation of 687 smoke alarms in homes, 655 clients were seen at the Shots for Tots program for immunizations. Some program issues and operations concerns include supplies and services funding. They are applying for grants for their smoke alarms and home fire safety and their car seat program. Recruiting materials and advertising saw a drastic increase due to one-time funding in 2018 that was not replaced. Staff is preparing for a turnover this summer due to retirements and rotation. Next steps include the development of playbooks for each position to provide continuity, enhancing the lateral hiring process to find cost and time efficiency for background investigations, and build upon the Community Health program foundation with new possible partnerships.

CM Lawson asked how the community engagement will change or be modified with the concerns of COVID-19 to make sure people are still engaged. S. Stowell advised they have created virtual stations tours so people can still feel connected. Recruiters are looking for opportunities to host virtual career fairs. They hope to get back to smoke alarm and car seat installations soon. CM Lawson noted the large margins and lack of diversity in the workforce and asked if there was any speculation about the reason for it such as testing or requirements and if there is something that can be done with preparation or pre-testing. S. Stowell noted that the workforce of women is satisfactory, but it has been difficult to recruit people of color or those that speak more than one language. They are working hard to meet that challenge. Current marketing efforts include connecting with those in who live in Aurora, who have a passion for their community, who go to Aurora schools, and already represent a diverse community.

CM Gardner asked at what point an ROI can be generated for programs like Camp Spark. S. Stowell explained Camp Spark starts at age 13 and their goal is to collect data and follow-up by tracking the kids through schools and create ongoing relationships. They hope to build the program by converting some of those in the 15-year old and up age category into volunteering at the smoke alarm and car seat events to keep them engaged. Chief Gray added that a lot of the programs are long-term strategies for which they are capturing the data and following-up. Staff plans to continue to make sure they have people coming into AFR that are from the community, that are diverse, qualified and share the same values. CM Gardner asked what the biggest challenges for recruitment have been. S. Stowell explained that time efficiency for the recruiters is a challenge in that they spend a large majority of their time being a hiring manager instead of traditional recruiting efforts such as the relationship building. They are working on streamlining efficiencies for background investigations and medical/physical assessments for the hiring of laterals. Funding for outreach has been a challenge since the one-time funding from 2018 hasn't been replenished.

Outcome

Information Only.

Follow-up Action

None.

DOMESTIC VIOLENCE INVESTIGATION UNIT UPDATE

Summary of Issue and Discussion

Sergeant Todd Alscher presented this Domestic Violence Investigation Unit update to the committee. The DVIU is committed to the victim's safety, ending the cycle of violence, and presenting a thorough investigation case for prosecution. The DVIU will be comprised of one sergeant, five investigators comprised of agents and officer investigators, and one DRAT officer. At least one investigator will be on call at all times, including nights, weekends and holidays. The DVIU investigator will respond when the victim is unable to follow a safety plan, the suspect is a credible and immediate threat to the victim if not arrested, victim sustains serious bodily injury as a result of a weapon, victim is admitted to a hospital due to injuries, or anytime a firearm is used during the criminal act. Nothing limits the access to DVIU for guidance

or review of the case. Investigations will be mainly on felony level cases where the suspect and victim are or have been in an intimate relationship but will exclude sex assaults and homicides. Other investigations will include misdemeanor cases and protection order violations that may lead to stalking cases, if the suspect has three or more misdemeanor convictions or has been identified as a Habitual Domestic Violence Offender, or cases referred to DVIU by the Municipal Courts, County Courts, Victim Services, or other department investigative units. Partnerships, consultations, and visits have taken place with Arapahoe and Adams District Attorneys, Denver Police, Douglas and Jefferson County Sheriff Departments, Gateway Domestic Violence Services, University of Colorado, Centura Health, Lorna Leader, and Crime Free Colorado. Together, they have been working on process efficiencies and training officer investigators how to identify and investigate cases of strangulation. Sgt. Alscher has also been working with agencies from other large cities and states to establish best practices. Sgt. Alscher is working closely with Victim Services to update DV forms, assessments, and resources to aid in training patrol officers while investigating calls of Domestic Violence to include Trauma Informed interviewing and strangulation investigations. The use of soft interview rooms with comfortable seating and soft lighting has been established. Staff is working on providing resources to victims who do not want police intervention, working with IT to collect and track statistics, and in the process of drafting Standard Operating Procedures for the Unit. Unit goals and timeline include selecting five investigators and begin training internally and with outside agencies by early August 2020, test run by November 2020, and full implementation by January 2021. Resource cards and QR Codes will be made accessible through business and community partners for victims. Domestic Violence statistics for the weeks during COVID were provided to the committee.

CM Lawson noted the stats show calls for service statistics are up, but arrests are down. She asked if that meant the responding officers couldn't determine if the suspect was a threat or criminal behavior had occurred. She was concerned that should the suspect go back it could be more damaging to the victims. Sgt. Alscher explained reports could be taken for non-criminal issues if it meets a standard threshold. As to her questions specifically related to the reports noted, he noted a review of all the reports would need to take place. CM Lawson inquired on the threshold mentioned. Sgt. Alscher explained there is a threshold for reports; If it's not a criminal complaint, there is a process for notes to be added to calls. Any allegation of a crime would require a report. CM Lawson explained this is concerning because a person is calling for a reason and could be the difference between life or death. Chief Wilson explained the unit is working with IT to identify calls for service and the threshold mentioned is related to officers being able to determine probable cause. Stay at Home orders related to COVID has led to people spending a lot more time together resulting in arguments and verbal disputes that may not be determined to be criminal in nature. Officers are aware of the law for mandatory arrests and the risks of domestic violence and it is taken very seriously. CM Lawson asked if police directives include a definition for probable cause. Sgt. Alscher noted that officers use the legal definition of probable cause. He also noted that Gateway has seen higher calls for counseling services but sheltering services have gone down since COVID. People don't know who else they can call so they call the police and when officers arrive they determine there is nothing criminal in nature. CM Lawson noted that could be a matter of opinion for the victim.

CM Gardner asked if the need for services is being met by the community partners. Sgt. Alscher explained he believes the community partners are reporting that referral needs are being met and noted that there is always room for improvement. CM Gardner added that he appreciates the social media campaign taking place on this topic noting that you never know who will see it that may need help.

Outcome

Information Only.

Follow-up Action

None.

INTERNAL AFFAIRS COMPLAINT AND BIASED-BASED POLICING REVIEWSummary of Issue and Discussion

Commander Marcus Dudley presented this item to the committee. The Internal Affairs Bureau (IAB) is comprised of one commander, one lieutenant, two agents, two sergeants, and one administrative specialist. IAB reports directly to the Chief of Police and only conducts investigations when directed to do so by the Chief or designee. The role of IAB is to ensure the integrity of the police department by reviewing and tracking complaints involving department members, both sworn and non-sworn, conduct a fair and impartial formal investigation of allegations of misconduct that would result in discipline over a 40-hour suspension, and conduct drug and alcohol testing on department members involved in critical incidents, reasonable suspicion, and mandatory drug and/or alcohol testing.

Complaints are received in multiple ways; Citizens can contact an officer in person or make the complaint directly to IAB, by phone, or provide letter, email or fax. Complaints online come through the public web report on the APD website. All complaints are entered and tracked in the AIM system. Anonymous complaints can be submitted to IAB online through the Public Web Report, by phone call, written letters, or through the Ethical Advocate system located on the city's website. If a complaint is likely to result in discipline equal to or less than a 40-hour suspension they would be investigated by line level supervisors. If the supervisors feel that the discipline would be greater than a 40-hour suspension they would then be referred to IAB for investigation. There were 236,646 calls for service in 2018. Of those, there were 519 total complaints. For 2019, there were 75 internal complaints and 273 external complaints for a total of 348. Supervisors on the front line may correct minor performance issues and are documented in AIM. Correction can include Verbal counseling, training, negative performance appraisal entries, and/or correction action reports. For comparison purposes, there were 49 formal IAB investigations resulting in 44 sustained findings that members violated APD Directives in 2018 and 44 formal IAB investigations resulting in 42 sustained findings that the member violated APD Directives in 2019. Typically, cases referred to IAB are serious and, as such, do result in sustained findings.

APD Directive 8.32 prohibits bias-based policing based solely on a person's race, ethnicity, gender, national origin, language, religion, sexual orientation, gender identity, age, or disability. IAB is responsible for an annual review of bias-based policing complaints to make sure there was proper use of the system, quality information is provided, and adherence to directives, and that there is documented steps or measures to resolve the concerns. Racial profiling complaints received by year were 16 in 2016, 12 in 2017, 15 in 2018, and 25 in 2019. When profiling complaints are received they are reviewed for articulable reason for the contact. The member must be able to articulate that the person has, is or is about to commit a violation of the law; or is a threat to the safety of themselves or others. During traffic stops, if a citation is not issued or no arrest is made, officers are required to provide a business card. The business card contains information including a phone number for which the driver may provide comments to the Department regarding the traffic stop. IAB's findings of the bias-based policing complaints received 2016 to 2019 is that none of them resulted in sustained findings, body-worn camera video was available in most cases, the majority resulted from traffic stops, most resulted from lawful contacts based on reasonable suspicion, probable cause, or a dispatched call for service. Other directive violations were addressed appropriately when they were discovered. There are occasions where mediation is recommended although not commonly used. Three of the 68 bias-based policing complaints were recommended to mediation. Of those, only one was successfully mediated.

CM Lawson asked for clarification that complaints are received and reviewed by IAB staff to determine if they should be investigated by IAB. Cmdr. Dudley explained that was the process prior to some recent policy changes. The modification of policy allows for complaints that do not appear to reach a level of significant

suspension or discipline to be handled by a frontline supervisor. However, the annual review ensures IAB will see each complaint eventually. CM Lawson asked what the racial diversity ratio is for review board that determines findings and discipline. Cmdr. Dudley explained there is a Chief's Review Board that is comprised of the top-ranking division chief for the section or unit the member belongs to, the IAB Commander, legal advisor and Deputy Chief. Complaints made directly to the supervisor will be reviewed by that supervisor and they are allowed to independently make the decision on how the complaint will be handled. The complaints that come to IAB will be reviewed by an IA investigator to conduct the initial review. He further added that he is the only person of color in IAB. However, movement of an investigator to the unit will add another racially diverse member to the unit. CM Lawson asked if the increase of bias-based policing complaints could be a result of what's happening in society. She understands PD goes by the directive, but a person may still feel they were profiled but not reported of what truly happened. She asked for confirmation that none of the 25 complaints reported in 2019 were substantiated that a person truly felt profiled. Cmdr. Dudley explained due to the policy, as it exists, they have been unable to substantiate that the person feeling the way they felt had to do with bias. There were some other policy violations but none that could be established as being due to their race. The way to change the way a person feels about a contact is perhaps to better explain officers' actions and how they do things, if the situation allows for it. CM Lawson asked if evidence could be collected from the complainant to substantiate their complaint. Cmdr. Dudley confirmed that was possible and all evidence available would be reviewed. CM Lawson asked if internal complaints are reviewed by IAB prior to going to the Chief and how is fear of retaliation addressed. She further asked if any internal complaints have been substantiated. Cmdr. Dudley explained his short tenure prevents him from answering that question about substantiated internal complaint at this meeting. Regarding her first question, he explained the review would depend on how the complaint is received. Ethical Advocate complaints are received and reviewed by city HR. They can choose to forward it to IAB or investigate it themselves. IAB would review and if they recommend a formal review then it would be brought to the Chief's attention for authorization of a formal investigation.

Outcome

Information Only.

Follow-up Action

Staff will provide follow-up information requested.

MISCELLANEOUS ITEMS FOR CONSIDERATION

None.

NEXT MEETING AGENDA ITEMS

The next meeting was confirmed for June 18 at 11am. June items will include ISO Update and Technical Rescue Teams from AFR, Detox and Mental Health Services from Dr. DeBoyes, and Court Updates from Judge Day. A Campus update from AFR will be placed on the July agenda.

Meeting adjourned at 12:30pm

APPROVED: _____
Curtis Gardner, Vice Chair



Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title: ISO Public Protection Classification
Item Initiator: Danelle Carrel
Staff Source: Commander Allen Robnett
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for peopl

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Fire Chief Gray upon his appointment to the City of Aurora reached out to ISO regarding the feasibility to conduct an analysis of our community due to the fact it had been an extended period since the last assessment. Chief Gray met with the ISO representative, Brian Nichols, on October 23, 2017 to apprise that Aurora Fire Rescue wanted an assessment in the near future. Mr. Nichols advised that there were several communities ahead of Aurora, but he would add us to his schedule. Public Safety has been provided several updates related to the engagement. AFR was apprised on May 11, 2020 that the City of Aurora would be classified as a Class 1 community effective September 1, 2020.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

AFR will provide an update on the 2019/2020 ISO engagement.

QUESTIONS FOR Committee

Update only

EXHIBITS ATTACHED:



Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title: Technical Rescue Team Presentation
Item Initiator: Commander Rod Weber
Staff Source: Scott Mills, Special Operations Chief, 303-326-8962
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for peopl

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

Public Safety and Courts requested a presentation covering the Aurora Fire Rescue Technical Rescue Team. The AFR Technical Rescue Team responds to complex incidents and provides expertise in emergencies involving confined space, trench or rope rescue.

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

A presentation will be delivered by SOC Mills which will provide context about the team, background/history and where the team is heading in the future.

QUESTIONS FOR Committee

EXHIBITS ATTACHED:



Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title: Use of Force Policy and Training
Item Initiator: Danelle Carrel
Staff Source: Division Chief Lee Condreay
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for peopl

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

The request is for information related to several areas dealing with the use of force; De-escalation, chokeholds and strangleholds, warnings before discharging a weapon, and the use of force continuum. Other areas to be covered are the required training hours for problem solving, mediation and mental illness. Policies on intervening when witnessing excessive force and when an individual is in handcuffs. There is also questions about deployment of “quasi-military” equipment on calls for service and the execution of no-knock warrants and the associated protocols. This request also asks for information related to complaints dealing with, excessive forces, de-escalation, chokeholds, BWC, and warnings prior to discharging a weapon.

QUESTIONS FOR Committee

EXHIBITS ATTACHED:

TOC Policy Updates Binder 06.10.2020.pdf
UoF Policy and Training PP.pptx

Aurora Police Department Use of Force Policy and Training

June 18, 2020 PSCCS Presentation



Division Chief Lee Condrey
Commander Marcus Dudley

De-Escalation and the Use of Force Continuum

- APD DM 5.3 When practicable officers will attempt to de-escalate their use of force and/or the situation so that lesser force, or possibly no force, is required.
- APD DM 5.8 Department has adopted a less lethal force philosophy to assist in the de-escalation of potentially violent confrontations



Chokeholds and Strangleholds Ban

- Prior to June 9, 2020 APD DM 5.8.3 Members may utilize the carotid control hold when they are met with violent resistance. This method should be used when other means have been tried unsuccessfully or other means are not feasible.
- A proper carotid control hold should not restrict the airway. Members are strictly prohibited from using any choke hold that restricts the airway, unless the use of deadly force is authorized.
- DM 7.2.1 called for annual training on the carotid control.
- As of June 9, 2020, members are not authorized to use the carotid control hold, or any choke hold that restricts the airway.



Required Warnings Before Shooting

- APD has trained with firearms and less lethal options to give verbal warnings if possible for decades.
- As of June 9, 2020: An officer must identify himself/herself as an officer and give a clear verbal warning of the intent to shoot with sufficient time for the warning to be observed unless doing so would place the officer(s) at risk of injury, create a risk of death or injury to others, or would be clearly inappropriate or ineffective under the circumstances.



Failure to Intervene

As of June 9, 2020: Any sworn member who, while acting in his/her official capacity as a law enforcement officer, witnesses another member (regardless of rank or tenure) acting in his/her official capacity, use force that is clearly beyond that which is objectively reasonable, and lawful, given the totality of the circumstances shall, when in a position to do so, safely and immediately intervene to prevent and/or discontinue the use of force.



Metric or Standard Recruit Training Hours

De-escalation training, problem solving, mediation, mental illness:

- Community Policing and Partnerships 2 hours
- Victim's Rights 2 hours
- Bias motivated hate crimes 2 hours
- Use of Force Considerations 2 hours
- De-escalation of Force 2 hours
- Alternatives to Use of Deadly Force 2 hours
- Decisional Shooting 11 hours
- Verbal Communication Techniques 8 hours
- Interaction with Special Populations 2 hours
- Implicit Bias Training 2 hours
- Scenario Based Training 28 hours



Return to Work Protocol

- APD does not currently have a policy that calls for an officer to be removed from an assignment just based upon a complaint. Those decisions are made on a case by case basis.
- If involved in a Tier three UOF they are pulled to Administrative Leave with pay APD DM 05.06.07.
- The Wellness and Employee Support Unit assists members through the re-integration program after a critical incident as defined in APD DM 02.08.11



Permitted Tactics on Handcuffed Parties

- APD DM 05.03 refers to CRS statutes 18-1-704 and 18-1-707.
- (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.



Permitted Tactics on Handcuffed Parties cont.

- (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:



No-Knock Warrants

- No-knock warrants are written in conjunction with the District Attorney's Office. They are reviewed by a Chief DA and then approved by a Judge. They consider two factors in their determination.
- Likelihood of evidence being destroyed. (Rarely granted for this reason)
- Likelihood that occupants are armed and the likelihood they will utilize their weapons. (Safety of occupants and officers)



Deployment of “Quasi-Military” Equipment

- APD DM 05.05.07 Members may deploy patrol rifles when they reasonably believe:
- There is a strong likelihood they have encountered, or are about to encounter, an armed suspect or, the number of suspects, and/or the nature of the crime (likelihood of weapons present) creates an immediate disadvantage to the officer.
- The suspect(s) possesses a tactically advantageous position (such as a fortified location) for which deployment of rifles may increase the likelihood of neutralizing the threat and minimize the risk of death or serious injury to officers or members of the community.
- Patrol rifles should not be deployed in routine circumstances where there is no indication a party is armed (i.e. pedestrian contacts or simple traffic stops).



Deployment of “Quasi-Military” Equipment Cont.

- DM 04.09.4 The B.E.A.R was acquired through grant funds and is intended to serve the region in the event of a Chemical, Biological, Radioactive, Nuclear, Explosive (CBRNE) event, other major or catastrophic events, active shooter events or events that require a secure vehicle to rescue citizens and public safety personnel and or to carry personnel to a location where ballistic protection is desired or required.
- The B.E.A.R. is a Regional Asset, it may be deployed in accordance with existing Inter-Governmental Agreements.



Use of Force Complaints

(Individual Officer Count)

2018-2020

Total Complaints (Internal Complaints/PWR) – **69**

Internal Complaints (by Officer Race) = **53**

37 (W) **2** (B) **6** (H) **1** (Amer. Indian) **7** (2 or more)

Race of involved parties provided for two cases:

-Subject (Black) / Officer (White)

-Subject (White) / Officers (1 White & 1 Black)

Public Web Reports (by Officer Race) = **16**

11 (W) **3** (B) **1** (H) **1** (2 or more)

Race of involved parties not provided.



APD Directive 14.2.21

Police – Community Relations

- A member who is aware of any actions, practices or attitudes on the part of any member that may be contributing to community or racial tensions, should bring that matter to the attention of his/her immediate supervisor...
- Members will be courteous to the public. Members will be tactful in the performance of their duties, will control their tempers and exercise the utmost patience and discretion and will strive to avoid engaging in argumentative discussions...
- When any person requests assistance or advice, makes complaints, or reports either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon, consistent with established departmental procedures.



Police Community Relations Complaints

Complaints:	2015	2016	2017	2018	2019	2020
Internal	3	7	12	18	27	14
PWR	5	6	2	7	22	4
Sustained Findings (# officers)	1	6	7	8	10	1
Formal IA	0	3	3	2	0	1
Officers	11	17	15	27	62	20



Chokehold/Stranglehold/Carotid Control Hold

Complaints (Received by Year)

2015	2016	2017	2018	2019	2020
1 Complaint	1 Public Web Report	2 Complaints	0	0	98 Elijah McClain 2019 In-Custody Death (CCH applied)



Complaints: Death of Elijah McClain

To date 06/10/2020

- Emails (7)
- Voice Messages (55)
- Public Web Reports (36)

Total Complaints - 98



QUESTIONS?



Aurora Police Department Use of Force Policy and Training

June 18, 2020 PSCCS Presentation



Division Chief Lee Condrey
Commander Marcus Dudley

De-Escalation and the Use of Force Continuum

- APD DM 5.3 When practicable officers will attempt to de-escalate their use of force and/or the situation so that lesser force, or possibly no force, is required.
- APD DM 5.8 Department has adopted a less lethal force philosophy to assist in the de-escalation of potentially violent confrontations



Chokeholds and Strangleholds Ban

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- A proper carotid control hold should not restrict the airway. Members are strictly prohibited from using any choke hold that restricts the airway, unless the use of deadly force is authorized.
- DM 7.2.1 called for annual training on the carotid control.
- As of June 9, 2020, members are not authorized to use the carotid control hold, or any choke hold that restricts the airway.



Required Warnings Before Shooting

- APD has trained with firearms and less lethal options to give verbal warnings if possible for decades.
- As of June 9, 2020: An officer must identify himself/herself as an officer and give a clear verbal warning of the intent to shoot with sufficient time for the warning to be observed unless doing so would place the officer(s) at risk of injury, create a risk of death or injury to others, or would be clearly inappropriate or ineffective under the circumstances.



Failure to Intervene

As of June 9, 2020: Any sworn member who, while acting in his/her official capacity as a law enforcement officer, witnesses another member (regardless of rank or tenure) acting in his/her official capacity, use force that is clearly beyond that which is objectively reasonable, and lawful, given the totality of the circumstances shall, when in a position to do so, safely and immediately intervene to prevent and/or discontinue the use of force.



Metric or Standard Recruit Training Hours

De-escalation training, problem solving, mediation, mental illness:

- Community Policing and Partnerships 2 hours
- Victim's Rights 2 hours
- Bias motivated hate crimes 2 hours
- Use of Force Considerations 2 hours
- De-escalation of Force 2 hours
- Alternatives to Use of Deadly Force 2 hours
- Decisional Shooting 11 hours
- Verbal Communication Techniques 8 hours
- Interaction with Special Populations 2 hours
- Implicit Bias Training 2 hours
- Scenario Based Training 28 hours



Return to Work Protocol

- APD does not currently have a policy that calls for an officer to be removed from an assignment just based upon a complaint. Those decisions are made on a case by case basis.
- If involved in a Tier three UOF they are pulled to Administrative Leave with pay APD DM 05.06.07.
- The Wellness and Employee Support Unit assists members through the re-integration program after a critical incident as defined in APD DM 02.08.11



Permitted Tactics on Handcuffed Parties

- APD DM 05.03 refers to CRS statutes 18-1-704 and 18-1-707.
- (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.



Permitted Tactics on Handcuffed Parties cont.

- (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:



No-Knock Warrants

- No-knock warrants are written in conjunction with the District Attorney's Office. They are reviewed by a Chief DA and then approved by a Judge. They consider two factors in their determination.
- Likelihood of evidence being destroyed. (Rarely granted for this reason)
- Likelihood that occupants are armed and the likelihood they will utilize their weapons. (Safety of occupants and officers)



Deployment of “Quasi-Military” Equipment

- APD DM 05.05.07 Members may deploy patrol rifles when they reasonably believe:
- There is a strong likelihood they have encountered, or are about to encounter, an armed suspect or, the number of suspects, and/or the nature of the crime (likelihood of weapons present) creates an immediate disadvantage to the officer.
- The suspect(s) possesses a tactically advantageous position (such as a fortified location) for which deployment of rifles may increase the likelihood of neutralizing the threat and minimize the risk of death or serious injury to officers or members of the community.
- Patrol rifles should not be deployed in routine circumstances where there is no indication a party is armed (i.e. pedestrian contacts or simple traffic stops).



Deployment of “Quasi-Military” Equipment Cont.

- DM 04.09.4 The B.E.A.R was acquired through grant funds and is intended to serve the region in the event of a Chemical, Biological, Radioactive, Nuclear, Explosive (CBRNE) event, other major or catastrophic events, active shooter events or events that require a secure vehicle to rescue citizens and public safety personnel and or to carry personnel to a location where ballistic protection is desired or required.
- The B.E.A.R. is a Regional Asset, it may be deployed in accordance with existing Inter-Governmental Agreements.



Use of Force Complaints

(Individual Officer Count)
2018-2020

Total Complaints (Internal Complaints/PWR) – **69**

Internal Complaints (by Officer Race) = **53**

37 (W) **2** (B) **6** (H) **1** (Amer. Indian) **7** (2 or more)

Race of involved parties provided for two cases:

-Subject (Black) / Officer (White)

-Subject (White) / Officers (1 White & 1 Black)

Public Web Reports (by Officer Race) = **16**

11 (W) **3** (B) **1** (H) **1** (2 or more)

Race of involved parties not provided.



APD Directive 14.2.21

Police – Community Relations

- A member who is aware of any actions, practices or attitudes on the part of any member that may be contributing to community or racial tensions, should bring that matter to the attention of his/her immediate supervisor...
- Members will be courteous to the public. Members will be tactful in the performance of their duties, will control their tempers and exercise the utmost patience and discretion and will strive to avoid engaging in argumentative discussions...
- When any person requests assistance or advice, makes complaints, or reports either by telephone or in person, all pertinent information will be obtained in an official and courteous manner and will be properly and judiciously acted upon, consistent with established departmental procedures.



Police Community Relations Complaints

Complaints:	2015	2016	2017	2018	2019	2020
Internal	3	7	12	18	27	14
PWR	5	6	2	7	22	4
Sustained Findings (# officers)	1	6	7	8	10	1
Formal IA	0	3	3	2	0	1
Officers	11	17	15	27	62	20



Chokehold/Stranglehold/Carotid Control Hold

Complaints (Received by Year)

2015	2016	2017	2018	2019	2020
1 Complaint	1 Public Web Report	2 Complaints	0	0	98 Elijah McClain 2019 In-Custody Death (CCH applied)



Complaints: Death of Elijah McClain

To date 06/10/2020

- Emails (7)
- Voice Messages (55)
- Public Web Reports (36)

Total Complaints - 98



QUESTIONS?





The Aurora Police Department

Updated 06.10.2020

Initial request of information (06.04.2020)

	Topic	8CantWait Verbiage from their website	Addressed	Directives	Notes
1	Bans Chokeholds and Strangleholds	Allowing officers to choke or strangle civilians, in many cases where less lethal force could be used instead, results in the unnecessary death or serious injury of civilians.	Y	DM 05.08, DM 05.08 RL	Prohibits the use.
2	Requires De-escalation	Require officers to de-escalate situations, where possible, by communicating with subjects, maintaining distance, and otherwise eliminating the need to use force.	Y	DM 05.03, DM 05.08, DM 05.09, DM 05.10, DM 08.48	See links
3	Requires Warning Before Shooting	Require officers to give a verbal warning, when possible, before shooting at a civilian.	Y	DM 05.01, DM 05.01 RL	See links
4	Requires Exhausting Other Means Before Shooting	Require officers to exhaust all other reasonable means before resorting to deadly force.	Y	DM 05.01, DM 05.01 RL, DM 05.03	See links
5	Duty to Intervene	Require officers to intervene and stop excessive force used by other officers and report these incidents immediately to a supervisor.	Y	DM 05.09, DM 05.10	See links
6	Shooting at Moving Vehicles	Restrict officers from shooting at moving vehicles, which is regarded as a particularly dangerous and ineffective tactic.	Y (Strict)	DM 05.01	Not allowed except in very limited situations.
7	Has Use of Force Continuum	Develop a Force Continuum that limits the types of force and/or weapons that can be used to respond to specific types of resistance.	Y (Guidance)	DM 05.03	Directives gives guidance based on CRS as to how and when force may be used. APD does not have a specific force continuum.
8	Requires Comprehensive Reporting	Require officers to report each time they use force or threaten to use force against civilians.	Y	DM 05.04, UoF Matrix	Entire directive 5.4 applies.

Second request of information (06.06.2020)

	Topic	Addressed	Directive	Notes
9	What policies exist around other officers intervening if they witness another officer using excessive force? What is the policy wording? (question 3 from email)	Y	DM 05.04, DM 05.09, DM 05.10	See links
10	What is return-to-work protocol after an excessive force complaint? (question 4 from email)	N		DM 05.06.07 for OIS, but doesn't reference anything about complaints.
11	What are specific policies around force tactics an officer can employ once an individual is in handcuffs? (question 5 from email)	N		DM 05.03 uses CRS statute to dictate force used and when.
12	I am also curious about our deployment of "quasi-military" equipment when responding to a call for service - what protocols exist to make that determination. (question 8 from email)	Y	DM 05.05, DM 04.09	See links

**AURORA POLICE DEPARTMENT
DIRECTIVES MANUAL**

4.9	EFFECTIVE: September 24, 2008	_____ Daniel J. Oates, Chief of Police
	REVISED: November 23, 2013	
SUBJECT: BALLISTIC ENGINEERED ARMORED RESPONSE VEHICLE (B.E.A.R.)		
REFERENCES:		
		PAGE: 1 of 4
Annual Review	Police Emergency Services Coordinator	

4.9 BALLISTIC ENGINEERED ARMORED RESPONSE VEHICLE (B.E.A.R.)

The B.E.A.R. is an armored response/rescue vehicle which is assigned to the Operations Support Section. All maintenance to the vehicle will be the responsibility of the Section Commanding Officer or designee.

4.9.1 Internal Deployment

The B.E.A.R. may be deployed by certified officers under circumstances which would coincide with normal SWAT or ERT Team Deployment.

The B.E.A.R. may also be deployed by non-SWAT officers under circumstances which would meet the criteria for an Active Critical Incident per APD Directive 12.09. In these cases, the non-SWAT officer may obtain access to the vehicle through the Duty Lieutenant. The Duty Lieutenant will be responsible for the vehicle and will document in the Duty Lieutenant log the justification for the vehicle's use, and will include the name of the driver. Following the use of the vehicle, the Duty Lieutenant will visibly inspect the vehicle, note any damage in the log and forward all information to the OSS Commanding Officer. The Duty Lieutenant will ensure that a SWAT officer, trained in the use of the vehicle is notified and responds to conduct the maintenance required to properly store the vehicle.

Since the B.E.A.R. is a Regional Asset, it may be deployed in accordance with existing Inter-Governmental Agreements. When a request for the vehicle is made by a participating agency, the vehicle shall be driven by a trained SWAT officer. Following a request of this nature, the Duty Lieutenant shall document the request in the Duty Lieutenant log. The designated SWAT driver shall inspect the vehicle following the deployment and follow the steps for the return of the vehicles as prescribed in the IGA.

When operating the B.E.A.R. in conditions other than prescribed above, the driver shall possess a Class B Commercial Driver's License. The B.E.A.R. shall not be used as a patrol vehicle, and shall not be deployed strictly due to its four-wheel drive

capability during a weather emergency. Drivers shall adhere to the vehicle's specific operating procedures.

4.9.2 Storage

The B.E.A.R. shall be stored inside a structure when possible. Efforts should be taken to ensure that the vehicle is stored with a full tank of fuel. Drivers shall perform any cleaning and required maintenance procedures prior to storing the vehicle and will ensure that proper shutdown procedures are followed. Failure to follow shut down procedures can cause the main battery system to drain and will leave the vehicle inoperable.

4.9.3 Modifications/Equipment

No modifications shall be made to the B.E.A.R. without the permission of the OSS Commanding Officer. Modifications approved by the Commanding Officer shall meet guidelines set forth by the vehicle's manufacturer and shall not interfere with the vehicle's warranty. Approved modifications shall not hinder the safe operation of the vehicle.

No equipment shall be attached to, stored in or removed from the B.E.A.R. without the permission of the OSS Commanding Officer.

4.9.4 Interagency Use

The B.E.A.R. was acquired through grant funds and is intended to serve the region in the event of a Chemical, Biological, Radioactive, Nuclear, Explosive (CBRNE) event, other major or catastrophic events, active shooter events or events that require a secure vehicle to rescue citizens and public safety personnel and or to carry personnel to a location where ballistic protection is desired or required.

- a. During a CBRNE or other unplanned event, use of the B.E.A.R. will be provided at no charge. After the first operational period, up to 12 hours, if the requesting agency does not have trained personnel to operate the B.E.A.R., the requesting agency will pay the Aurora P.D. for personnel costs associated with operation of the vehicle in accordance with any applicable Inter Governmental Agreements. Requesting agencies will attempt to utilize all available forms of reimbursement for the incident (i.e. DERA).
- b. Planned events that are regionally sanctioned, i.e. regional exercise or training, the Aurora P.D. will provide the B.E.A.R. and trained personnel to operate it for the duration of the event. The B.E.A.R. must be an integral part of the exercise, formally written into the master scenario events list and utilized for

the operational capabilities that it offers. The event must include reimbursement of personnel costs in its plan documents.

- c. Planned events that are NOT regionally sanctioned, i.e. local fair or local exercise, the requesting agency will provide trained staff to operate the B.E.A.R.. If the requesting agency does not have trained staff, Aurora P.D. will be reimbursed for personnel costs in accordance with any applicable Inter Governmental Agreements.

4.9.5 Aurora P.D. Requirements

- a. Make the B.E.A.R. available to other participants within the region in the event of CBRNE or other major or catastrophic events
- b. Maintain the B.E.A.R. in good working order, following the preventive maintenance schedule as per the manufacturer, for the expected life-cycle of the vehicle. The expected Life cycle is 15 years.
- c. Provide training and retraining of personnel within their jurisdiction as well as other interested personnel within the region
- d. Ensure a certified driver will deploy and redeploy the B.E.A.R. when possible
- e. Ensure that proper dispatch procedures are in place to assure an effective response when requested
- f. Ensure that the B.E.A.R. is listed, maintained and current in ROSS
- g. Preparation for mobilization, including inspection, licensure, insurance, cleaning and fueling
- h. Participation in regionally sanctioned exercises
- i. Transporting the vehicle to the site of a declared CBRNE or other major or catastrophic events
- j. Staff the vehicle for one operational period however, the provision of existing mutual aid agreements will prevail
- k. Participation in non emergency events or locally directed exercises as referenced in 4.9.4
- l. Conduct an inventory and take such steps as are necessary to prepare the equipment for future mobilization at the conclusion of each event


4.9.6 Requesting Agency Requirements

The requesting agency of the B.E.A.R., whether for incident response, training or other appropriate use will:

- a. Participate in appropriate training
- b. Undertake such maintenance as is normally required during operation of the vehicle
- c. Clean and refuel / replenish the vehicle at the conclusion of use to include:
 1. Replace any and all items used during event
 2. Clean interior and exterior of vehicle
 3. Fuel the vehicle
 4. identify and repair any broken equipment or other problems experienced prior to return of the vehicle
 5. notify host agency to retrieve the vehicle
 6. conduct a pre/post inventory and take such steps as are necessary to prepare the equipment for future mobilization

During any training or other planned event, priority exists for CBRNE or other major or catastrophic incidents and will be the responsibility of the requesting agency to coordinate delivery to the emergency incident.

AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

05.01	Title: AUTHORIZED FIRING OF A WEAPON		Duty Honor Integrity
	Approved By: Vanessa Wilson, Interim Chief of Police		
	Effective: 09/01/1998	Revised: 06/09/2020	
	Associated Policy:		
	References:		
Review: Compliance and Professional Standards Division, Division Chief			Page 1 of 2

5.1 Authorized firing of a Weapon

The policies regarding authorized firing of a weapon may not cover every situation. At the discretion of the Chief of Police, any deviation from these policies will be evaluated on a case-by-case basis.

Members (sworn and non-sworn) are permitted to fire their weapons where firing a weapon is lawful and in compliance with directives.

Warning required before shooting: An officer must identify himself/herself as an officer and give a clear verbal warning of the intent to shoot with sufficient time for the warning to be observed unless doing so would place the officer(s) at risk of injury, create a risk of death or injury to others, or would be clearly inappropriate or ineffective under the circumstances. These warning do not apply to the exceptions as listed in directive 5.6.1.

5.1.1 Firearms Safety

Members are required to handle the weapons in a safe manner at all times. When having to discharge a weapon, members will follow the firearms safety rules to best of their ability under the relevant circumstances of the event. The firearms safety rules are:

1. All weapons must be treated as if they are always loaded
2. Never let the muzzle of a weapon point at anything you are not willing to destroy
3. Keep your finger off the trigger and out of the trigger guard until the sights are on the target and you are prepared to shoot
4. Always be certain of the target and beyond

5.1.2 Shooting at or from a Moving Vehicle

For the purposes of this directive, a moving vehicle alone will not presumptively constitute a threat that justifies a member's use of deadly or potentially deadly force.

Members should not discharge a firearm at a moving vehicle unless a person in the vehicle is immediately threatening the member or another person with deadly force by a means other than the vehicle. A member in the path of an approaching vehicle will attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle. A member will not discharge a firearm from a moving vehicle, except in exigent circumstances warranting the immediate defense of life. The prohibitions regarding moving vehicles exist for the following reasons:

- Bullets fired at moving vehicles are extremely unlikely to disable or stop a moving vehicle.
- Disabling the driver of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure other members or innocent citizens.
- Shooting accurately from a moving vehicle is extremely difficult and therefore unlikely to successfully stop a threat to a member or other person.
- Moving to cover to gain and maintain a superior tactical advantage maximizes officer and public safety while minimizing the need for deadly or potentially deadly force.


Shooting at or from moving vehicles is highly discouraged and must be the only objectively reasonable and necessary option under the circumstances. Any time a member shoots at or from a moving vehicle, their actions and decision-making will be subjected to strict scrutiny.

5.1.3 Other Unauthorized firing of a Weapon

In addition to the limitations described in 5.1.2, members should not discharge a firearm:

- As warning shots, unless, in exceptional cases where no lesser degree of force would be effective or practical and the firing of a warning shot is the only alternative to the use of deadly force. Warning shots will not be fired when such discharge would pose a danger to any person.
- At persons who have committed only a misdemeanor or traffic violation.
- To prevent the destruction of property or theft.
- When such a discharge is a result of carelessness or the negligent handling of a firearm.

**AURORA POLICE DEPARTMENT
DIRECTIVES MANUAL**

05.01	Title: AUTHORIZED FIRING OF A WEAPON		Duty Honor Integrity
	Approved By: Vanessa Wilson, Nick Metz, Interim Chief of Police		
	Effective: 09/01/1998	Revised: 06/3/09 202016	
	Associated Policy:		
	References:		
Review: Compliance and Professional Standards Division, Division Chief			Page 1 of 32

5.1 Authorized firing of a Weapon

The policies regarding authorized firing of a weapon may not cover every situation. At the discretion of the Chief of Police, any deviation from these policies will be evaluated on a case-by-case basis.

Members (sworn and non-sworn) are permitted to fire their weapons where firing a weapon is lawful and in compliance with directives.

Warning required before shooting: An officer must identify himself/herself as an officer and give a clear verbal warning of the intent to shoot with sufficient time for the warning to be observed unless doing so would place the officer(s) at risk of injury, create a risk of death or injury to others, or would be clearly inappropriate or ineffective under the circumstances. These warning do not apply to the exceptions as listed in directive 5.6.1.

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Members are required to handle the weapons in a safe manner at all times. When having to discharge a weapon, members will follow the firearms safety rules to best of their ability under the relevant circumstances of the event. The firearms safety rules are:

1. All weapons must be treated as if they are always loaded
2. Never let the muzzle of a weapon point at anything you are not willing to destroy
3. Keep your finger off the trigger and out of the trigger guard until the sights are on the target and you are prepared to shoot
4. Always be certain of the target and beyond

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- Bullets fired at moving vehicles are extremely unlikely to disable or stop a moving vehicle.
- Disabling the driver of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure other members or innocent citizens.
- Shooting accurately from a moving vehicle is extremely difficult and therefore unlikely to successfully stop a threat to a member or other person.
- Moving to cover to gain and maintain a superior tactical advantage maximizes officer and public safety while minimizing the need for deadly or potentially deadly force.

Shooting at or from moving vehicles is highly discouraged and must be the only objectively reasonable and necessary option under the circumstances. Any time a member shoots at or from a moving vehicle, their actions and decision-making will be subjected to strict scrutiny.


5.1.3 Other Unauthorized firing of a Weapon

In addition to the limitations described in 5.1.2, members should not discharge a firearm:

- As warning shots, unless, in exceptional cases where no lesser degree of force would be effective or practical and the firing of a warning shot is the only alternative to the use of deadly force. Warning shots will not be fired when such discharge would pose a danger to any person.
- At persons who have committed only a misdemeanor or traffic violation.
- To prevent the destruction of property or theft.

- When such a discharge is a result of carelessness or the negligent handling of a firearm.

AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

05.03	Title: USE OF PHYSICAL FORCE		Duty Honor Integrity
	Approved By: Nick Metz, Chief of Police		
	Effective: 09/01/1998	Revised: 01/01/2016	
	Associated Policy:		
	References: CRS 18-1-704; 18-1-707; 18-1-901(3)(d)		
Review: Professional Standards Section Commanding Officer			Page 1 of 3

5.3 USE OF PHYSICAL FORCE

Use of physical force is defined as the application of physical force by members of the Department. Members will only use reasonable and appropriate force; and only when legally justified. When practicable officers will attempt to de-escalate their use of force and/or the situation so that lesser force, or possibly no force, is required. It is understood that the policies regarding use of force may not cover every situation. At the discretion of the Chief of Police, any deviation from these policies will be evaluated on a case-by-case basis.



5.3.1 Use of Physical Force

Physical force may be used as allowed by State statutes, CRS 18-1-704 and CRS 18-1-707. These two statutes are copied below from CRS.

18-1-704 Use of physical force in defense of a person:

(1) Except as provided in subsections (2) and (3) of this section, a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.

(2) Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and:

(a) The actor has reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury; or

(b) The other person is using or reasonably appears about to use physical force against an occupant of a dwelling or business establishment while committing or attempting to commit burglary as defined in sections 18-4-202 to 18-4-204; or

(c) The other person is committing or reasonably appears about to commit kidnapping as defined in section 18-3-301 or 18-3-302, robbery as defined in section 18-4-301 or 18-4-302, sexual assault as set forth in section 18-3-402, or in section 18-3-403 as it existed prior to July 1, 2000, or assault as defined in sections 18-3-202 and 18-3-203.

(3) Notwithstanding the provisions of subsection (1) of this section, a person is not justified in using physical force if:

(a) With intent to cause bodily injury or death to another person, he provokes the use of unlawful physical force by that other person; or

(b) He is the initial aggressor; except that his use of physical force upon another person under the circumstances is justifiable if he withdraws from the encounter and effectively communicates to the other person his intent to do so, but the latter nevertheless continues or threatens the use of unlawful physical force; or

(c) The physical force involved is the product of a combat by agreement not specifically authorized by law.

18-1-707 Use of physical force in making an arrest or in preventing an escape:

(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:

(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.


Members will attempt to utilize those control techniques and tactics that are departmentally approved. Those control techniques and tactics should employ maximum effectiveness with the minimum force needed to control the incident.



5.3.2 Rendering Aid

Members using any force that results in injury will arrange for reasonable, timely, and appropriate medical treatment. An exception will be made if the officer is physically unable to fulfill these duties.

AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

05.04	Title: REPORTING AND INVESTIGATING THE USE OF TOOLS, WEAPONS AND PHYSICAL FORCE		Duty Honor Integrity
	Approved By: Nick Metz, Chief of Police		
	Effective: 09/01/1998	Revised: 11/21/2019	
	Associated Policy: DM 05.06; 08.10		
	References: CRS 18-8-802; 18-1-704; 18-1-707; 29-5-112; 29-5-112(4)		
Review: Compliance and Professional Standards Division, Division Chief			Page 1 of 11

5.4 REPORTING AND INVESTIGATING THE USE OF TOOLS, WEAPONS AND PHYSICAL FORCE

Members must notify a supervisor whenever the member uses restraints, or physical force as soon as practicable. The use of deadly force requires the immediate notification of a supervisor.

The requirement to report as stated in this Directive is not a voluntary statement, but is compelled by this Directive and by Directive 08.10. Reporting the use of tools, weapons and physical force must be truthful. Failure to report as required by this Directive may subject a member to disciplinary action, up to and including termination.

5.4.1 Reporting Excessive Force

Peace officers are required to report what they believe to be the use of excessive force, to a supervisor, pursuant to CRS 18-8-802, before their end of shift. All officers who witness the alleged use of excessive force must prepare a written report. The supervisory officer will determine in what form written reports will be submitted, e.g., offense report, memorandum, etc.

Excessive physical force will be presumed when a peace officer continues to apply physical force, in excess of the force permitted by CRS 18-1-704 and CRS 18-1-707, to a person who has been rendered incapable of resisting arrest.

5.4.2 Incidents that Require Notification and Reporting

Whenever reporting a use of force in a criminal report or administrative report, members should focus on describing the specific behavior that occurred. Members will describe their use of physical force and reason for using such force in detail.

a. Tier Zero, Gunpoint/Handcuffing

Tier Zero is not considered a use of force.

Tier Zero notifications apply when a member, intentionally points a firearm or projectile launcher at another person, or when a person is handcuffed but is ultimately not arrested. Tier Zero does not include a situation when a person is handcuffed and transported to a confinement facility such as the jail or the JAC, or released on a summons.

Tier Zero notifications are conducted in the form of Computer Aided Dispatch (CAD) notation. When a member points a weapon at another person, or handcuffs then releases a person; before clearing the call the member will add @TZG for firearm, @TZL for a less lethal shotgun or projectile launcher, and/or @TZH for handcuffing, to the CAD notes in the call. @TZG, L, or H only need be added one time per call no matter how many members pointed their weapon(s) or people handcuffed. Members should add specific notes in the CAD call as to why they pointed their weapon(s) and/or released the person. If no MDC is available, members will ask dispatch to add the appropriate code and notes. When a G.O. or supplemental report is completed, explanation for the pointing of the weapon, or handcuffing and releasing should be documented there also.

If members engage in activity that requires a Tier Zero notification, but are not on a CAD call, (i.e. assist, or arrest outside the city) they will create the appropriate call, and add the appropriate codes and notes either on a computer or through dispatch.

b. Tier One, Use of Force with No or Minor Injury/Use of Restraint

Tier One notifications and reporting apply when a member uses physical force to overcome resistance by using techniques such as twist locks, takedowns, and throws; and such force does not result in injury requiring professional medical treatment. Determination if professional medical treatment was required or not is based on the status of the person when released from police custody, such as released to a detention facility or on a summons. The supervisor will document his/her reason for this determination in the Tier One report.

Tier One notification and reporting applies to the use of the SD1, baton, or other instrument as leverage, or pressure (not strikes or thrusts), and to the use of restraints, a capture pole, or a restraint chair by a member, to overcome resistance. It is not considered a Tier One situation when restraining persons solely for medical, emotional, or mental health purposes. These situations do not involve an application of the criminal law; rather, such restraint is viewed as assisting an ambulance or other EMS crew who is on scene or while in the emergency department and is at the direction, or request of medical personnel. However, any

injury incurred due to the member's actions shall result in the appropriate tier UOF report.

Use of twist locks and other control techniques or holds to safely search, move, or escort a person that is otherwise not resisting, and/or the only resistance is a temporary reaction to the pressure of the control hold, is not a use of force to overcome resistance. Should a subject or suspect be found to have required professional medical treatment after a Tier One report is initiated, the report will be changed in the reporting system to reflect the proper tier.

A G.O. is also required when a Tier One report is completed. Tier One notifications are conducted through notification of the member's supervisor, or other supervisor if the member's is not available, and reported on a Use of Force Report in the electronic tracking system. The supervisor will conduct an investigation of the use of force and document his/her own observations/actions. Supervisors will respond to the location of the subject/suspect, check for injuries, photograph any areas when the use of force might have caused injuries (to document no injury exists) and add copies of the photos and their notes, along with any other supporting documentation in the Department's electronic tracking system. For purposes of this directive, photographs are to be treated as any other photographic evidence as per Directive 15.15.

The initial entry is expected within seven (7) days of the event barring an exception authorized by a command or executive officer. The completed Use of Force Report will be routed through the chain of command (one level at a time) to the involved member's deputy commander or division/bureau commanding officer where there is no deputy commander for review. Final recommendation(s), determinations, comments, and closure are expected to be completed within seven (7) days of the electronic tracking entry. If the deputy commander/commanding officer believes the actions of the member(s) may have been inappropriate or excessive, he/she will forward the Use of Force Report to the Compliance and Professional Standards Division Chief for determination through the Force Review Board (FRB). If the FRB believes the actions of the member(s) may have been inappropriate or excessive, they will forward the Use of Force Report to the Internal Affairs Bureau for investigation.

c. Tier Two, Use of Force/Weapons or Injury

Tier Two notifications and reporting apply when a member uses weapons, other than a deadly weapon, to overcome resistance, when force not covered in Tier One or Tier Three is used, or when a subject is injured by the member's application of force and such injury requires professional medical treatment. Weapons and force for Tier Two reporting are the use of pepper spray, Taser, baton, police canine, launchable impact weapons, or pitting a vehicle, and/or the use of a carotid control hold, punches, strikes, kicks and knees. It also includes any action, including Tier

One actions that result in injury requiring professional medical treatment, but does not require hospitalization.

Tier Two notifications are conducted through notification of the member's supervisor, or other supervisor if the member's is not available, and reported on a Use of Force Report in the electronic tracking system within seven days (7) of the event, barring an exception authorized by a command or executive officer. The supervisor will conduct an investigation of the use of force, including a review of body worn camera(s) and document the statements of witnesses, and his/her own observations/actions concluding with rendering an opinion on whether the use of force was policy compliant (using the tracking window drop down recommendation choices). Supervisors will not summarize or recite the facts of the incident they did not personally observe, only what witnesses, whom did not do a report, tell the investigating supervisor.

In addition, supervisors will assess whether issues or concerns ancillary to the use of force exist including but not limited to body worn camera violations, officer safety or training concerns. Such issues will be addressed by noting within the supervisor's tracking notes, that the issue was discovered and the action taken to address the issue.

Supervisors will respond to the location of the subject/suspect, check for injuries, ensure medical treatment is provided as needed, photograph any areas when the use of force might have caused injuries (to document no injury exists) and add copies of the photos and their notes, along with any other supporting documentation in the Department's electronic tracking system. For purposes of this directive, photographs are to be treated as any other photographic evidence as per Directive 15.15.

All members in the chain of command, including the appropriate division chief, will be added to tracking once the completed Use of Force Report is entered in the electronic tracking system. The Compliance and Professional Standards Division Chief will be tracked for review by the FRB. Members within the chain of command will have an opportunity to render an opinion (in their tracking window) on whether the use of force was policy compliant. Once the FRB meets and deliberates on the matter, all tracking will be closed and any opportunity for member(s) of the chain of command to comment will be lost. If the FRB believes the actions of the member(s) may have been inappropriate or excessive, they will forward the Use of Force Report to the Internal Affairs Bureau for investigation.

d. Tier Three, Use of Force/Critical Event

Tier Three notification and reporting applies to the use of a deadly weapon, or deadly force, or potentially deadly force. It also applies to the use of any degree of force or action, tools, or weapons, **which results in hospitalization or death;** or

when a supervisor in conjunction with the Duty Executive, believes a use of force or action, weapons, or tools warrants a Tier Three notification and response. The Duty Executive will immediately notify the on duty/on call Investigations Bureau Commander who will assess the situation and, based on the available information, call out the appropriate investigative unit(s). Tier Three notifications, are conducted through the immediate notification of the member's supervisor, or other supervisor if the member's is not immediately available, and reported on a Use of Force Report in the electronic tracking system. The initial entry may be limited but should include all information available at the time. The initial entry is expected within seven days (7) of the event barring an exception authorized by a command or executive officer. The supervisor will notify or cause another supervisor to notify the Duty Executive when any Tier Three critical event is reported. The Duty Executive will determine which, if any, investigative unit(s) respond to investigate.

Except in incidents involving a firearm, when the use of a tool or weapon that is considered potentially deadly force is used to overcome resistance **resulting in no injury, or injury not requiring professional medical treatment**, the Duty Executive, may direct that the incident be investigated as a Tier Two use of force. It is imperative that the Duty Executive be informed as soon as practical to ensure that a proper determination is made and affected members' rights are protected appropriately and in a timely manner. At no time will the use of a firearm to overcome resistance, (not including less lethal weapons), be treated as anything less than a Tier Three use of force.

In addition, when a person is hospitalized due to uses of force that would otherwise be considered a Tier Two use of force such as but not limited to Taser, K9 or less lethal deployment, the Duty Executive may determine that a Tier Two response (including all reporting) is appropriate. The Duty Executive will consult with a commander or division chief prior to making such a determination if the Duty Executive is a captain.

Any Officer Involved Shooting (OIS) when another person is struck by a bullet, will result in a response by the Duty Executive, Investigations Bureau Commander, MCU Investigators and Supervisor, Crime Scene Investigators, Crime Lab Commanding Officer, Public Information Officer, and Internal Affairs Investigator. The Investigations Bureau Commander or MCU Supervisor will notify the Denver Major Crimes Commander, or other partner agency to begin the joint investigation as required by CRS 16-2.5-301.

Any training accident involving a firearm when another person is struck by a bullet requires notification to the Duty Executive. Any training accident involving a firearm that results in death will require the same response as an OIS.

Supervisors will not conduct an investigation into a Tier Three critical event. However, for public safety, supervisors will gather enough information to

determine if any persons, especially persons not readily visible, were injured in any way and the trajectory of any rounds fired if a firearm was involved. The supervisor will enter enough information to start a Use of Force Report in the electronic tracking system. This is the involved member(s) name, date, time, and location of incident, type of force used if known, subject information if known, and case number, and forward it directly to the Internal Affairs Bureau Commander.

If there are no criminal charges against the member after the investigation and DA review, the IAB Commander will track the report, with any additional administrative paperwork attached, to the Compliance and Professional Standards Division Chief who will assemble a Force Review Board (FRB) to review the use of force for policy compliance. If the FRB deems the actions of the member(s) were inappropriate or excessive, they will forward the Use of Force Report to the Internal Affairs Bureau for investigation.

5.4.3 Incidents that Require General Offense Reporting

In addition to the notification and reporting listed in 5.4.2 above, incidents that require notification and documentation on a General Offense Report include, but are not limited to the following:

- (a) Death or serious bodily injury.
- (b) The intentional discharge of a firearm.
- (c) Use of the carotid control, whether the subject is rendered unconscious or not.
- (d) Use of potentially deadly force.
- (e) Use of Taser, or other less lethal device.
- (f) Use of the baton upon the body of another.
- (g) Use of chemical irritants (OC & CN).
- (h) Injuries inflicted by Police Canine.
- (i) Use of Personal Weapons (defined as fist strikes, knee strikes, foot strikes or other use of body parts as a weapon).
- (j) Use of restraints (not including handcuffs).
- (k) Injuries for which medical treatment is required.
- (l) Other incidents as requested by a supervisor.

(m) Tier One and Tier Two Uses of Force.

(n) Destruction of an injured or vicious animal (see special instruction in 5.4.10).

The unintentional/negligent discharge of a firearm, when no injuries occur, will be handled as a complaint through the current electronic reporting system. The unintentional/negligent discharge of a Taser will be handled in the same manner. Neither automatically requires a G.O.

5.4.4 Reports Required by the Member Involved

When a member uses physical or potentially deadly force (Tier Three), and it does not result in death or hospitalization, that member may file a written report detailing the justification for the use of such force, type of force used, resulting effect of the force used and subsequent actions taken by the member.

The member involved is not required to make a report where the use of physical or deadly force results in the death or hospitalization of another person. Notification, however, is always required.

5.4.5 Reports Required by Responding Officers

On a Tier Two or Three type incident, responding officers performing any duties connected with the case who have participated in an audio/video taped interview with an investigator will not be required to complete a written report regarding the incident. Any responding officer performing duties connected with the case, but who did not participate in an audio/video taped interview with investigators, will complete a report detailing the action taken.

A supervisory officer may require any responding officer to complete a report on any use of force incident.

5.4.6 Report Responsibilities of Supervisory Officer Notified

The supervisor initially notified of a Tier Two or Three use of force is responsible for ensuring that a thorough investigation and a report of the incident are completed. The investigating supervisor(s) will respond to the location of the subject if possible. The supervisor will ensure the following items are completed and/or documented:

- Initiate a Use of Force Report via the current electronic system.
- A description of the reporting supervisor's actions and observations.
- Information provided by a witness that did not write a statement or report.
- The Taser download report (if applicable).
- If medical treatment was offered and/or needed.

- The response to the offer of medical treatment.
- Photographs of the injuries or lack of injuries. Proper handling of photographic evidence as per Directive 15.15 as well as sections 5.4.2 (b) and (c) of this directive.
- For Tier Two and Three uses of force, any relevant reports by other members.

If a supervisor is not available to respond to the location of the subject/suspect, he or she may assign another officer not involved in the use of force to perform the supervisory duties on scene, but the actual supervisor ranked person will complete the report. The supervisor may rely on body camera footage to document the injuries or lack thereof on a subject or suspect. The Use of Force Report will be tracked to the Bureau / District Commanding Officer or the FRB. The chain of command for the involved member will be tracked on the Use of Force, but their tracking will immediately be closed by the supervisor entering the complaint. This ensures the chain of command is notified, but does not delay processing the complaint.

The supervisor will ensure the General Offense report is completed as well as all supplemental reports. The investigating supervisor will ensure that all the reports are completed, within seven (7) days of the event, barring an exception authorized by a command or executive officer. General offense and/or supplemental reports should contain a description of the events leading up to, during, and after the use of force, which are relative to the use of force, along with a record of any medical treatment or first aid rendered. Supervisors should implement appropriate reviews or intervention when patterns develop with individual members within his/her command.

The Bureau / District Captain / Commander will ensure that all members in the chain of command have completed their tracking on the Use of Force Report. Each level of review will provide a brief rationale for their findings/recommendations. The Bureau / District Captain / Commander will forward Tier Two and Three reports to the appropriate Division Chief, and ultimately to the Force Review Board.

Should the Division Chief or FRB recommend further investigation by the Internal Affairs Bureau, the case will be routed to the Internal Affairs Bureau. Referrals to the Internal Affairs Bureau will be handled in accordance with Department Directive 10.2 Complaint and Discipline Procedures for Sworn Members.

The Business Services Division Manager is responsible for the annual analysis of use of force reports/reviews. He or she will submit the analysis to the Command Staff for suggestions regarding revisions to policy or training needs based on issues or trends identified in the analysis.

5.4.7 Force Review Board

The Force Review Board (FRB) shall meet regularly to review Use of Force Reports. It shall be chaired by the Compliance and Professional Standards Division Chief or designee and shall consist of at least one (1) representative from the Training Section, one (1) representative from the Professional Standards Section, one (1) other command officer, one (1) sergeant and one (1) officer or agent. For consistency, members on the FRB should remain for at least an entire year. Other Chiefs may attend FRB reviews at their discretion. Any member of the FRB may be excused from a particular use of force review because of a conflict of interest and decided by the Chair, Deputy Chief, or Chief of Police.

Members of the Department are invited and encouraged to attend in an observation status subject to approval of the Compliance and Professional Standards Division Chief or designee.

Representatives of the labor organizations are invited and encouraged to attend in an observation status subject to approval of the Compliance and Professional Standards Division Chief or designee.

Labor organization observers, will adhere to observer conditions as defined in Directive 10.2.4 to avoid a conflict of interest or the appearance of a conflict of interest.

All members who are assigned to the FRB as well as observers, are required to read, understand and sign the City of Aurora – Chief’s Office Acknowledgement of Confidentiality Requirements form (APD Form 236, located in Power DMS).

FRB members not selected due to their duty assignment (Training and Professional Standards) will be selected by the Chief of Police or designee. The Chief will determine the qualifications and selection process for members and may rely on the members’ knowledge and/or experience with use of force.

The FRB will review all Tier Two and Three Use of Force Reports for compliance with Standard Operating Procedures, Department Directives and applicable law. The FRB may call in experts or other informed individuals to help it determine if a use of force was policy compliant. Should the FRB determine a use of force was in violation of policy, or that there is insufficient information to make a determination, the FRB will send the Use of Force Report to the Internal Affairs Bureau. The Internal Affairs Bureau commanding officer will initiate an investigation and assign it to the appropriate level in the organization.

The FRB will make determinations through a consensus process when possible. If consensus cannot be achieved, the FRB Chair will determine if the use of force was appropriate or not.

5.4.8 Administrative Actions in Death and Hospitalization Incidents

Other than officer-involved shootings as outlined in Directive 5.6 Officer Involved Shootings, any employee (sworn or non-sworn) whose official action(s), including but not limited to traffic accidents, use of force, and/or industrial accidents, results in the death of, serious physical injury or hospitalization of another person will be relieved of front-line duty (i.e., any assignment involving direct contact with the community), pending an administrative review. This review will, at a minimum, involve the supervisor and a command level officer and will be forwarded to the member's Division Chief or Deputy Chief for determination of duty status. The Duty Executive or IAB commanding officer may make an interim determination on duty status after the review by the supervisor and command officer on uses of force that do not result in death.

Any member who uses deadly, potentially deadly force, that results in death, serious physical injury or hospitalization will be placed on administrative leave by the Chief of Police or designee, pending a Departmental criminal investigation and an internal administrative review. In situations when a member uses potentially deadly force and no injury is sustained, the Duty Lieutenant will notify the Duty Executive. The Duty Executive or IAB commanding officer, acting as the designee for the Chief of Police, will determine whether the member involved should continue with regular duty, be removed from front-line duty, or placed on administrative leave. The decision of the Duty Executive and/or the IAB commanding officer will be reported in writing to the Chief of Police or designee as soon as practical. The Chief of Police will determine the appropriate action from that point. Administrative leave will end at the order of the Chief of Police or designee.

5.4.9 Reporting the Use of Physical Force Off Duty and on Secondary Employment

Off duty members, and members on secondary employment who handcuff and release a person, or display any weapon under color of authority, or use any degree of reportable force, are required to notify the Watch Commander as soon as practical. All tier levels of reporting and notification apply to off duty and/or secondary employment.

Tier Two or greater uses of force occurring outside the city of Aurora will require an adjusted response based on location and level. The Duty Captain will determine the level of response for incidents occurring outside Aurora.

5.4.10 Reporting Use of Force to Destroy a Vicious or Injured Animal

Domestic Animal (Canine)

Colorado State law requires officers to whenever feasible, seek alternative methods prior to using deadly force on canines. Officers should allow the canine owner or an Animal Protection Officer, if present and it is feasible, the opportunity to control or remove the dog from the immediate area in order to allow the officer to discharge his/her duties (CRS 29-5-112).

Officers should assess the situation to determine a need to enter the area containing the canine and if alternative methods would be timely and effective. Alternative methods can include:

- An owner or person familiar with the dog or an Animal Protection Officer to control or remove the dog from the area.
- Use of treats to calm and distract the dog.
- Uses items to block or restrain the dog from lunging at the officer.
- Use of less lethal weapons, pepper spray, or Taser.

Sworn members will complete the POST required training related to the Dog Protection Act (C.R.S. § 29-5-112(4)), in an effort to limit the use of deadly force against a canine.

For all other domestic or farm animals, officers should attempt to locate and contact the owner to take control of the animal or contact Aurora Animal Services whenever feasible before using force to destroy the animal.


A member should notify his or her supervisor and the Public Safety Communications Department (PSCD) before using force to humanely destroy a vicious or injured animal. If not practical to notify before, the member will notify as soon as possible after. The supervisor will review the circumstances and ensure the force was necessary and performed safely.

The supervisor will notify the Watch Commander of the incident. The member will report the circumstances of the incident in a General Offense report (clearance code 7637, Animal Destruction). Absent the potential of a criminal, internal, or need for a Risk Management investigation, destruction of animals will not require the processing of evidence or photographs of the scene. The supervisor or Watch Commander may require additional investigation and/or reports as needed.

Wildlife

If the animal is not domesticated, the member will notify the Colorado Department of Wildlife. The member will assist in arranging for the removal of the carcass through the animal owner, Aurora Animal Services or the Colorado Department of Wildlife.

AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

05.05	Title: AUTHORIZED WEAPONS AND AMMUNITION	
	Approved By: Nick Metz, Chief of Police	
	Effective: 09/01/1998	Revised: 06/01/2020
	Associated Policy: DM 07.03	
	References:	
Review: Training Section Commander		Duty Honor Integrity
		Page 1 of 10

5.5 AUTHORIZED WEAPONS AND AMMUNITION

5.5.1 Ownership Requirement

Every sworn member is required to own and maintain a weapon meeting the specifications described in this directive. This weapon will be considered the sworn member's primary duty weapon.

Effective January 1, 1991, all sworn members hired by the department will be trained in and authorized to carry only semi-automatic pistols as their primary duty weapon except as otherwise permitted, in writing, by the Chief of Police. Revolver familiarization training will also be provided to those members. All sworn members may carry revolvers as secondary or off-duty weapons that comply with this directive.

All weapons utilized by members must adhere to manufacturer and department specifications (see section 5.5.22)

5.5.2 Secondary Weapon Requirement

Effective January 1, 2018, members, when working street enforcement functions such as: Patrol; Traffic; SWAT; SRO; PAR; and similar functions wherein the member is expected to take enforcement action in the normal course of their duties, the member is required to have immediately available, a secondary weapon in addition to their primary duty weapon. This weapon may be a back-up pistol or revolver, patrol rifle or patrol shotgun complying with specifications listed in this directive.

Officers working in a secondary employment capacity are exempted from this requirement.

5.5.3 Revolver Specifications

Prior to January 1, 1991, sworn members were trained and authorized to carry revolvers as a primary duty weapon. Only those sworn members who have continuously carried a revolver since January 1, 1991 are authorized to carry a revolver as a primary duty weapon.

Members desiring to carry a revolver as a primary off-duty weapon must provide proof of training from a course specifically for revolvers and demonstrate functional ability with the revolver by completing a practical test and range qualification course.

Members authorized to carry weapons, and electing to carry a revolver, may only carry revolvers that are of a caliber .357 Magnum or .38 special and have a barrel length of 3 1/2 to 6 inches. In the case of sworn members in non-uniform assignments or for off-duty carry, the revolver's barrel will be at least 2 inches in length. The revolver must be double action and have a hammer with a positive safety block and a side break cylinder. The grips, whether standard factory or after market, must allow for the use of speed loaders and must not interfere with the safe and efficient functioning of the revolver. The trigger pull will conform to the manufacturer's specifications.

5.5.4 Semi-Automatic Pistol Specifications

Sworn members authorized to carry weapons, may only carry semi-automatic pistols that are 9mm, .40, or .45 caliber. Sworn members hired after July, 2016 are only permitted to carry Glock 9mm pistols as outlined by the Authorized Firearms, Accessories and Ammunition Master list.

In addition to the weapon, sworn members carrying a semi-automatic pistol must purchase a minimum of three magazines.

A list of authorized semi-automatic pistols and the manufacturer and departmental specifications will be maintained by the Training Section. Members may only attach optics that are specifically listed in the Authorized Weapons and Equipment list.

5.5.5 Automatic/Semi-Automatic Patrol Rifles

It is the policy of the Aurora Police Department to allow qualified sworn officers the use of automatic or semi-automatic patrol rifles (hereafter referred to as "patrol rifles") in accordance with this directive and all applicable state and federal laws. Patrol rifles are AR-15 based platforms as opposed to sniper or specialty rifles.

5.5.6 Patrol Rifle Specifications

Sworn members will only be allowed to carry and deploy department authorized and supplied patrol rifles; or, individually purchased department approved patrol rifles.

A list of authorized patrol rifles and the manufacturer and departmental specifications will be maintained by the Training Section.

Members electing to carry a patrol rifle must carry a minimum of three, department approved magazines with a minimum capacity of 20 rounds and a maximum capacity of 30 rounds. Magazines carried with the patrol rifle will be “light-loaded” by two rounds (20 round magazines loaded only to 18 rounds and 30 round magazines loaded only to 28 rounds). Members may only attach optics that are specifically authorized by the Authorized Firearms, Accessories and Ammunition Master List.

5.5.7 Deployment of Patrol Rifles

Members may deploy patrol rifles when they reasonably believe:

- a. There is a strong likelihood they have encountered, or are about to encounter, an armed suspect or, the number of suspects, and/or the nature of the crime (likelihood of weapons present) creates an immediate disadvantage to the officer.
- b. The suspect(s) possesses a tactically advantageous position (such as a fortified location) for which deployment of rifles may increase the likelihood of neutralizing the threat and minimize the risk of death or serious injury to officers or members of the community.
- c. Patrol rifles should not be deployed in routine circumstances where there is no indication a party is armed (i.e. pedestrian contacts or simple traffic stops).

Members should make an attempt to notify the Public Safety Communications Department on a primary channel that he / she is deploying a patrol rifle.

5.5.8 Patrol Shotguns

It is the policy of the Aurora Police Department to allow qualified sworn officers the use of pump action patrol shotguns in accordance with this directive and all applicable state and federal laws. Patrol shotguns are Remington 870 based platforms.

5.5.9 Patrol Shotgun Specifications

Sworn members will only be allowed to carry and deploy department authorized and supplied patrol shotguns; or, individually purchased department approved patrol shotguns.

A list of authorized patrol shotguns and the manufacturer and departmental specifications will be maintained by the Training Section.

Members electing to carry a patrol shotgun must carry a minimum of 10 rounds, 4 loaded in the weapon and 6 in the side-saddle.

5.5.10 Patrol Rifle and Shotgun Storage and Transport

When not in use, members are responsible to properly secure patrol rifles and shotguns, whether department or personally owned, in a manner that protects it from damage, theft or misuse. Examples of secure storage includes, but is not limited to, district station lockers secured with a lock, home gun safes secured with a locking mechanism, or trunks of properly secured vehicles. Patrol rifles and shotguns will be unloaded and cleared each time they are stored for extended periods.

With the exception of units listed in 5.5.14 and 5.5.15, only the range will assign department owned patrol rifles and shotguns to authorized members. The Range Sergeant or designee will verify a member's qualification status prior to assignment of a patrol rifle or shotgun. Members authorized to carry department owned patrol rifles or shotguns will complete the sign-out log to include the name of the member, the serial number of the firearm and the date and time the weapon was checked out and returned.

When administratively transporting a patrol rifle or shotgun, it should be stored in the weapon's carrying case with an empty chamber and closed bolt. Weapons should be transported in a manner to prevent damage to vehicles, equipment and the weapon.

Members who are on-duty and transporting a patrol rifle or shotgun as part of that assignment should carry the weapon in their assigned vehicle in a weapon rack, or if not available, in the trunk of the vehicle in its carrying case. When being used on-duty, patrol rifles and shotguns will be in a "cruiser safe" condition, with a loaded magazine, empty chamber and closed bolt.

Members are responsible for notifying supervisors they are carrying a patrol rifle or shotgun as part of a duty assignment. Supervisors will verify a member's qualification status prior to authorizing a member to carry a patrol rifle or shotgun on duty.

5.5.11 Procedure for Approving Weapons and Ammunition for Use

Members wishing to purchase a weapon or accessory for use on-duty should check the Authorized Firearms, Accessories and Ammunition Master List before purchasing such weapon to ensure it is authorized. Members are not authorized to carry or use a weapon or accessory that is not approved and on the Authorized Firearms, Accessories and Ammunition Master List.

If the department is purchasing a weapon, the appropriate approving command officer will ensure the weapon is on the Authorized Firearms, Accessories and Ammunition Master List.

If a weapon is not on the list, members may suggest specific weapons or ammunition for consideration by the department for authorization. The recommendation will be in writing, directed to a Training Section commanding officer, accompanied by a sample of the suggested weapon. The Training Section commanding officer will ensure the weapon is inspected and tested by appropriate Training Section personnel. The Training Section commanding officer will prepare a response through the chain of command to the Compliance & Professional Standards Division Chief, with a copy of the response sent to the suggesting member.

The Compliance & Professional Standards Division Chief may disapprove the request or present the request to the Executive Staff for consideration. The Compliance & Professional Standards Division Chief will notify the suggesting member of the action taken.

Based on the conclusions of the Executive Staff, the recommendation with the approval or disapproval of the Chief of Police or designee will be returned to the Compliance & Professional Standards Division Chief. The Training Section commanding officer will notify the member of the final disposition of the request. If the weapon or ammunition was approved, the Training Section commanding officer will ensure the weapon or ammunition is included on the Authorized Firearms, Accessories and Ammunition Master List.

SWAT is authorized to test and evaluate specialized weapons, accessories and ammunition unique to its mission and function. After testing and inspection by certified SWAT armorers, in accordance with current department standards, the request for authorization for the weapon, accessory or ammunition will be submitted for approval to the SWAT commanding officer in accordance with SWAT SOPs as well as departmental weapon safety and serviceability standards.

A list of approved weapons, accessories and ammunition specifically for SWAT use, will be maintained by the SWAT commanding officer and available for review upon request.

5.5.12 Weapons Training

All members are required to successfully complete a department approved firearms training course for the weapon they wish to carry, before carrying that weapon, as specified in Directive 7.3 Firearms Training and Qualifications.

5.5.13 Authorization to Carry Weapons

The authority to carry authorized weapons is granted to all sworn members and to certain non-sworn members while on duty.

It is the member's responsibility to qualify with an approved duty pistol, as specified in Directive 7.3 Firearms Training and Qualifications. In addition, certain special assignments may require members to train and qualify with additional weapon systems. If a member is unable to qualify with an approved weapon, the Chief of Police may revoke that member's privilege to carry that weapon.

5.5.14 Special Weapons

Members in certain special assignments, such as SWAT, ERT, FAST, etc. may carry special or less lethal weapons in which they are trained and have qualified on. These weapons will be inspected by a department armorer annually to ensure safety and serviceability. The commanding officer in charge of the special assignment is responsible for submitting requests for special or less lethal weapons through the approval process before the weapon is authorized for use.

Special weapons used by SWAT will be detail stripped, cleaned and inspected annually by a certified SWAT armorer to ensure safety and serviceability. SWAT specialized or less lethal weapons will be pre-approved by the SWAT commanding officer prior to use. The above mentioned functions will be performed in accordance with departmental standards for safety and serviceability as well as SWAT SOP standards.

5.5.15 A list of approved weapons, accessories and ammunition specifically for SWAT use, will be maintained by the SWAT commanding officer and available for review upon request. Exceptions to Authorized Weapons

The Narcotics Section commanding officer may authorize sworn members assigned to the Narcotics Section to carry other handgun brands and types that may be more easily concealed. These handguns will be inspected by a department armorer for safety and

serviceability prior to being employed, and be inspected by the department armorer annually to ensure continued safety and serviceability. The Training Section commanding officer based on the advice of the department armorer or range staff may prohibit certain handguns based on reliability or functionality.

The Narcotics Section commanding officer will maintain a list of all weapons that are exceptions to the Authorized Firearms, Accessories and Ammunition Master List that he/she has authorized for carry and use by members of his/her command. A copy of the list will be forwarded to a Training Section commanding officer when updated.

5.5.16 Back-up Weapons

Back-up weapons may be of other types, brands and calibers but are not authorized nor carried as the primary weapon either on or off-duty, unless the secondary weapon meets the specifications for a primary weapon as enumerated in this directive and the member has complied with all training and authorization requirements. Back-up weapons will be concealed when carried. Back-up weapons must be on the Authorized Firearms, Accessories and Ammunition Master List.

5.5.17 Off-Duty Weapons

Sworn members may carry authorized primary duty weapons and back-up weapons and ammunition off-duty when it is legal to do so and they are both physically and mentally fit to carry a weapon. Sworn members may also carry specific off-duty weapons authorized by the department. A list of authorized off-duty weapons and the manufacturer's specifications will be included in the Authorized Firearms, Accessories and Ammunition Master List maintained by the Training Section. The approval process for adding off-duty weapons to the Authorized Firearms, Accessories and Ammunition Master List is identical to that of other firearms.

5.5.18 Ammunition

Only department issued or approved ammunition will be carried in a member's primary duty weapon, off-duty weapon, back-up weapon, rifle, shotgun or ammunition carriers. No member will alter in any way department issued or approved ammunition.

Members carrying revolvers will use only .38 special or .357 magnum ammunition. Members carrying semi-automatic pistols will use only 9mm, .40 caliber or .45 caliber ammunition. Ammunition in .380 caliber will be approved only for off-duty and back-up weapon use.

Members, while on duty in uniform, are required to carry a fully loaded weapon and enough ammunition to fully reload the weapon twice, unless specifically exempted by

the Chief of Police or designee. While performing administrative functions in uniform, command officers in the rank of captain or above may carry their service weapon in a black basket weave holster worn on the inner belt of the duty uniform. In this capacity, all other equipment normally worn on the leather duty belt is optional.

For a revolver, fully loaded means each chamber contains a live round; for a semi-automatic pistol fully loaded means a full magazine will be in place and a live round will be chambered.

5.5.19 Weapon Inspection

All weapons carried on-duty, off-duty or as secondary weapons are subject to random inspections and are required to be safe and serviceable. All firearms information, including inspection records, maintenance and repair records will be maintained by the Training Section. All weapons carried on-duty or off-duty, including rifles and secondary weapons, must meet or exceed the manufacturer's minimum standards for safety and performance. Weapons will be inspected and approved by a department armorer before being carried, and once each calendar year, in order to certify the weapons are in good working order and conform to departmental standards.

Any modification of a weapon must be approved by the Training Section commanding officer or designee. The weapon will be inspected and test fired by the department armorer for accuracy after the modification(s) and prior to being carried on-duty or off-duty. See Section 5.5.22 of this directive regarding SWAT weapon modification(s).

Weapons used by SWAT will be detail stripped, cleaned and inspected annually by a certified SWAT armorer to ensure safety and serviceability. SWAT specialized or less lethal weapons will be pre-approved by the SWAT commanding officer prior to use. The above mentioned functions will be performed in accordance with departmental standards for safety and serviceability as well as SWAT SOP standards.

When an officer separates from SWAT, the officer's duty weapons will be inspected by the department armorer prior to reporting for duty.

5.5.20 Unsafe Weapons

Any weapon found to be unsafe by design or by condition will immediately be removed from service and not placed back into service until inspected by a department armorer and found to be safe.

If a weapon is found to be unsafe by design, the armorer will advise the Training Section commanding officer who will make a recommendation to the Chief of Police

on whether or not the weapon should be removed from the Authorized Firearms, Accessories and Ammunition Master List or if the design flaw can be mitigated.

5.5.21 Authorized Firearms, Accessories and Ammunition Master List

The Training Section is required to maintain the Authorized Firearms, Accessories and Ammunition Master List. This list will include authorized duty firearms, off-duty firearms, back-up firearms, patrol rifles, patrol shotguns and less-lethal firearms. In addition, it will include department authorized sighting systems for the above firearms and authorized ammunition.

Due to the large number of manufacturer and after-market parts that may be approved, this list will not include each potentially authorized part or modification. Members who would like to alter any firearm should first contact the Training Section armorer for approval and advice. The Training Section has the authority to add and remove firearms, accessories and ammunition from this list at any time circumstances warrant.

Any time a change is made to the Authorized Firearms, Accessories and Ammunition Master List, a copy will be forwarded to the Professional Standards Section.

The SWAT commanding officer will maintain a list of authorized weapons, accessories and ammunition for SWAT-specific use. Any changes to this list will be pre-approved by the SWAT commanding officer in accordance with departmental and SWAT SOP standards,

5.5.22 Firearm Modifications and Repair

All weapons utilized by members must adhere to manufacturer and department specifications. Prior to making any modification, it must be approved by a department armorer or gunsmith. After any modification or repair is performed by a person other than a department armorer or gunsmith, the weapon must be inspected by a department armorer or gunsmith. Modifications to department owned weapons may only be performed by a department armorer or gunsmith.


Modifications are considered to be any removal, addition, alteration or change of any part of a firearm. Repairs are considered to be the replacement of any damaged or broken part of a firearm.

Members are authorized to perform general maintenance as specified by the manufacturer or department training.

Any modification to a weapon used by SWAT must first be approved by the SWAT commanding officer in accordance to departmental standards governing such

modifications. The Training Section commanding officer or designee (with advice from the range staff) must concur with the requested modification based on the same department standards. Once approved by these reviewing authorities, a certified SWAT armorer may then modify, inspect and test the weapon in accordance with departmental standards.

AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

05.06	Title: OFFICER INVOLVED SHOOTINGS	
	Approved By: Nick Metz, Chief of Police	
	Effective: 09/01/1998	Revised: 07/18/2019
	Associated Policy: DM 05.04; 08.10; 10.2; 14.05, APD Forms 226, 227	
	References: CRS 16-2.5-301	
Review: Compliance and Professional Standards Division, Division Chief		Duty Honor Integrity
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5.6 OFFICER INVOLVED SHOOTINGS

This directive outlines the procedure to be followed in the event sworn and non-sworn personnel, who are authorized to carry weapons, are involved in a shooting. The non-sworn member authorized to carry a weapon involved in the shooting will assume the role and responsibilities of the "officer involved" in this directive. In accordance with CRS 16-2.5-301, the Aurora Police Department has partnered with the Denver Police Department to investigate Officer Involved Shootings.

5.6.1 Discharge of a Firearm

Whenever a member discharges a firearm while on duty or acting under the color of authority in an off-duty capacity, regardless of the member's intent, the incident will be handled as an officer involved shooting (OIS). Three exceptions to this standard exist:

- a. During training exercises, approved qualification courses or authorized firearms practice sessions conducted by the Aurora Police Department unless injury occurs.
- b. Unintentional/Negligent discharges, outside of item "a" above, where only City property, or no property was damaged, will be investigated in accordance with directive 10.2.
- c. Intentional discharges for the purpose of destroying a critically injured or vicious animal. These situations will be handled in accordance with current directives.

When injuries related to any discharge are involved or a person is placed in an unreasonable likelihood of harm, the incident will be treated as an officer involved shooting and handled by the Major Crimes Homicide Unit. If the incident occurs outside of Aurora, the agency with jurisdictional authority will be notified and they will handle according to their policy. However, an unintentional/negligent discharge outside of item "a" and "b" above, where only property damage occurs, may, at the Duty Captain's discretion, be investigated by detectives. The Duty Captain will also

have the discretion to have detectives investigate the firearms discharge if unusual circumstances exist.

5.6.2 Officer Involved

For purposes of this specific directive, “involved officer” refers only to the officer(s) who actually discharged their firearm during the course of the event under investigation.

Other officers identified as having been impacted by the event under investigation to such a degree that assistance is required shall be provided that assistance.

Any officer involved in a shooting must immediately notify a supervisory officer of the incident and location. This notification should be done through the Public Safety Communications Department. A delay in the required notification is allowed, if necessary, to render first aid, maintain an arrest or prevent an escape of a subject, protect a crime scene or when the officer is incapacitated.

Until relieved by the next arriving officer, the involved member will remain responsible for protecting the crime scene, rendering first aid and requesting necessary emergency medical aid. An exception will be made if the officer is physically unable to fulfill these duties.

It is suggested the officer involved advise the relieving officer, supervisor and the Major Crime Homicide Unit (MCHU) detective of the location of occurrence, witnesses, suspects and evidence. Although it is requested that the officer involved provide this information, he/she is not compelled to provide it.

The officer involved is required to protect his/her firearm for examination. When the scene is secured and safe, officers will keep their firearms in their holsters until they are transported to headquarters and met by a member of MCHU or CSI. The involved officer(s) is to keep his/her firearm in the condition that it was in at the conclusion of the incident. No unloading of weapons will be done until directed by a member of the MCHU. The firearm will be safely unloaded in an interview room and video/audio recorded. Still photographs will be taken by CSI.

In circumstances where the involved member is incapacitated and transported to a medical facility or otherwise unable to respond directly to headquarters, the scene supervisor will be responsible for ensuring that all of the involved officer’s firearms still on his/her person be removed. The firearm will remain in the condition in which it was received until transferred to the control of a member of MCHU or CSI for processing and safekeeping.

The involved officer will not access media in any form until after his/her interview with MCHU detectives or when advised by a command officer from the Investigations Bureau.

5.6.3 On-Scene Supervisors

The patrol supervisor on the scene will ensure that all responding patrol officers complete their responsibilities with regard to reports, evidence and the crime scene.

The on-scene supervisor will have the officer involved transported to the waiting area in the Investigations Bureau at headquarters as soon as he/she is no longer needed at the scene. The shooting should not be discussed between the person assigned to transport the officer and the officer involved.

5.6.4 Personnel Assigned to Transport the Officer Involved

- a. The officer involved will be transported to the Investigations Bureau and taken to a private room. The Major Crime Homicide Unit detectives will be advised of the officer's location.
- b. The officer involved should not be allowed to wash his/her hands. If an officer has biohazards on his/her person, he/she may be allowed to de-contaminate themselves for safety reasons. Any other evidence that is observed or suspected will be preserved.
- c. The officer involved should be provided with an Involved Officer Resource Advisement form (APD # 226) and a Trauma Response Team Packet.
- d. Visitation to the involved officer(s) will be limited to an attorney and/or any member outlined in the Involved Officer Resource Advisement form approved by the involved officer(s). All other individuals requesting visitation with an involved officer will first receive authorization from the responding Investigations Bureau Command Officer, the Major Investigations Section Lieutenant or a Major Crime Homicide Unit Sergeant. The transport officer will remain in the room with the involved officer(s) at all times except when the officer's attorney, peer support, and psychological services personnel are with the member with prior approval.
- e. All movement of the involved officer(s) or visitors to the officer(s) will be noted by the transporting officer in his/her supplemental report.
- f. In the event that the involved officer is injured and transported to a medical facility, the transporting officer will control access to the involved officer in the same manner as listed above until relieved by Major Crime Homicide Unit personnel.
- g. The transporting officer will advise the relieving officer of the status of the above and ensure that the relieving officer is provided with the Critical Incident (OIS) – Transport Officer Responsibilities form (APD #227).

5.6.5 Restricted Access to Investigative Areas

- a. During Officer Involved Shooting investigations, designated areas of the Investigations Bureau will be off limits to all personnel not directly involved in the investigation. Signs will be posted at specific entrances and offices indicating the area to be Off Limits.
- b. Only those individuals who have a desk or function in given areas will be allowed inside the restricted area. The ONLY other personnel allowed to enter the restricted area are: the Chief of Police, Deputy Chief of Police, Division Chiefs, Duty Executive Officer, Investigative Bureau Command Officer, Major Investigations Section Lieutenant, Major Crime Homicide Unit Sergeant and Major Crime Homicide Unit Detectives, the On-call District Attorney, Crime Laboratory Command Officer, CSI personnel, Peer Support, Psychological Services, and the attorney approved by the involved member(s).
- c. The Investigations Bureau Commander, Major Investigations Section Lieutenant or the Chief of Police must approve all other personnel for entry to the restricted area, including all Fraternal Order of Police or Aurora Police Association board members or their designees.
- d. All other personnel who have an immediate need to be near the proceedings may wait in the Headquarters break room, or front lobby.
- e. If conflicts arise for use of designated areas, the Major Crime Homicide Unit will have priority over other needs and the Investigations Bureau Commander will resolve conflicts.

5.6.6 Officer Involved Shooting Investigative Team (OISIT)

The Investigations Bureau Commander, the Major Investigations Section Executive Officer, Major Crime Homicide Unit Sergeants and Detectives, as well as the Crime Laboratory Section Lieutenant, Crime Scene Investigators, the On-call District Attorney; and a Command Officer, Supervisor and Detectives from the Denver Police Department Major Crimes Division, comprise the Officer Involved Shooting Investigative Team (OISIT). Only members of the OISIT, assigned personnel, and persons designated by the Investigations Bureau Commander or Duty Chief will respond to the scene.

5.6.7 Initial Procedures

The primary responsibility of the OISIT is to ensure a thorough and impartial investigation of the incident. Additionally, the welfare of the officer(s) involved in the incident is a critical consideration.

In an effort to ensure the officer(s) involved in the shooting are in the best position to provide an accurate and consistent interview, a recovery period of not less than 48 hours (two sleep cycles) shall be strongly recommended before a detailed interview will take place between the involved officer(s) and OISIT detectives.

Prior to the involved officer being released from duty, the following steps shall occur:

- a. The involved officer(s) shall provide a urine sample to Internal Affairs as mandated under Directive 14.5.8: Critical Incident Drug/Alcohol Testing.
- b. All weapons used or on the person of the involved officer(s) at the time of the shooting will be recovered at the direction of OISIT and an ammunition count will be conducted. Such activity shall be documented by a member of CSI. Any weapons determined not to be involved in the shooting will be returned to the officer(s) as soon as feasible as mandated in this Directive under 5.6.2.
- c. A member of CSI shall document the condition of the officer(s) by taking still photographs and/or video of the officer(s).
- d. The Chief of Police or designee will advise the member of his/her regular duty status being changed to administrative leave.**
- e. A preliminary date and time for the officer(s) to return to work to complete an interview with OISIT shall be set.**

OISIT detectives shall initiate all other investigative responsibilities immediately upon notification of the incident, regardless of the status of the involved officer(s).

5.6.8 Notifications

The on-scene patrol supervisor will notify the Patrol Lieutenant. All available information will be relayed via telephone or in person, if possible, rather than using a police radio.

After obtaining information from on-scene personnel, the Patrol Lieutenant will notify the persons listed below. Many of those contacted will also have notification responsibilities.

- (a) On-call Investigations Bureau Command Officer shall notify the on-call Major Crime Homicide Sergeant(s) and the Denver Police Department Major Crimes Commander.
- (b) Duty Captain notifies:

1. Internal Affairs Commander
2. Deputy Chief or designee
3. Duty Chief
4. Division Chief of the involved member
5. Crime Laboratory Section Lieutenant
6. Aurora Police Association Board of Directors Member or a Board Member from the Fraternal Order of Police – The involved member should be asked for clarification regarding his/her affiliation so that appropriate notifications can be made. The board member may arrange for an attorney for the involved member(s).
7. Public Information Officer
8. The Psychological Services Unit only after coordination with the Major Crime Homicide Unit and the Investigations Bureau Commander.

The Duty Chief or designee will determine what additional personnel, if any, need to be notified or are required to respond.

5.6.9 Major Crime Homicide Unit

The Major Crime Homicide Unit is responsible for the criminal investigation. When the investigation is complete, the Major Crime Homicide Unit will make all reports available to the Chief of Police or designee through the chain of command. The assigned investigator(s) will notify the Chief of Police or designee of any departmental violations discovered during the investigation. The Major Crime Homicide Unit's investigation will not focus on departmental violations that are not violations of law.

5.6.10 Psychological Services Unit

The Psychological Services Unit will contact all officer(s) involved in a shooting. Unless the officer(s) involved are in an immediate need of psychological counseling, the psychologist will meet with the officer in coordination with Major Crime Homicide Unit and/or the Investigations Bureau Commander. Only the Duty Executive Officer, Investigations Bureau Commander or designee will make the notification to the Department's Psychologist. If the psychologist is requested to respond to the location of the involved officer, unless there is a specific and immediate need, the psychologist's contact will occur after the MCHU interviews are completed.

5.6.11 Other Officers and Personnel Assigned

Responding patrol officers, Crime Scene Investigators, the Public Information Officer and the Public Safety Communications Department all play an important role in an officer involved shooting situation. They should perform their duties in a manner consistent with that of any major criminal investigation.

Officers and personnel that are not members of the Officer Involved Shooting Investigative Team should not discuss the shooting with the officer involved.

5.6.12 Completion of Reports

Only those officers who fired their weapons, or are specifically identified by detectives from MCHU, shall participate in an audio and/or video interview. Members who participate in audio and/or video interviews with detectives from MCHU shall not be required to complete a written report on the event. The final determination of who will be audio and/or video interviewed will rest with MCHU.

All other officers involved with the event under investigation shall complete written reports as required by Directive 8.10: Reports and Directive 5.4: Reporting and Investigating the Use of Tools, Weapons and Physical Force.

5.6.13 Other Applicable Policies

Members are reminded that Internal Affairs Notification & Response and Criminal Investigations Involving Members apply to officer involved shooting situations.

5.6.14 Administrative Review

Prior to the Chief approving the involved officer's return to any duty assignment, members from the MCHU, Employee Support and Wellness Unit and the Media Relations Unit will provide the Chief with an update on the incident. The first update will be scheduled at approximately the 30-day mark post incident.

At this meeting the following information will be provided:

- MCHU will provide a review and status of the investigation.
- Employee Support and Wellness will provide updates on the involved member's progress through post-critical incident care and the Reintegration Program.
- Media Relations will be responsible for providing an update on department messaging and analyses of community and media interest.


Upon completion of the 30-day review, the Chief, or designee will decide to either return the officer to his/her regular duty assignment, continue his/her administrative

assignment, or reassign the officer to another non-regular duty assignment. If the decision by the Chief is to continue the administrative or non-regular duty assignment, a second review will be scheduled no later than 30 days from the initial review.

If it is determined during the second review that the administrative assignment will continue beyond the initial 60-day time frame post-incident, the Chief will have the option to defer further reviews until substantial updates occur in the investigation. If the review is deferred, the involved member should be contacted and advised of the reasons for the extended delay.

Each incident will be handled on a case-by-case basis, and the Chief's determination for any one incident, officer, or group of officers should not be construed to be a practice or policy for other officers.

**AURORA POLICE DEPARTMENT
DIRECTIVES MANUAL**

05.08	Title: LESS LETHAL DEVICES, WEAPONS AND TECHNIQUES	
	Approved By: Vanessa Wilson, Interim Chief of Police	
	Effective: 09/01/1998	Revised: 06/09/2020
	Associated Policy: DM 05.04	
Review: Training Section Commanding Officer		Duty Honor Integrity
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5.8 LESS LETHAL DEVICES, WEAPONS AND TECHNIQUES

This directive addresses the use of less lethal weapons and associated munitions. The Aurora Police Department recognizes that combative, non-compliant, armed and/or violent subjects cause control problems that may require special training and equipment. For this reason, the Department has adopted a less lethal force philosophy to assist in the de-escalation of potentially violent confrontations.

Only Department members who have completed departmentally required and approved training and demonstrated proficiency are authorized to carry, deploy, display or use less lethal weapons. Less lethal weapons must be used in accordance with department training.

Prior to receiving authorization to carry less lethal weapons, members will be trained in the academy in the proper application of the use of physical force, potentially deadly force and deadly force under Department directives and applicable state and federal law. All members have access to all Department Directives related to the use of physical force, potentially deadly force and deadly force in electronic format through the document management system. The policy receipt and curriculum delivery will be documented.

Use of less lethal weapons is justified in those proper and lawful situations requiring a degree of force greater than that provided with weaponless control techniques.

Specifications for all less lethal weapons will be maintained by the Training Section.

5.8.1 Levels of training and proficiency required

The following less lethal weapon systems require users to successfully complete initial training and demonstrate proficiency as well as demonstrate ongoing proficiency at least annually:

- Baton
- Chemical Irritants
- Kinetic Energy Impact Projectiles
- 26” and 29” Rapid Containment Baton (RCB)
- SD-1
- Taser
- Soft Restraints (Hobbles)

The Training Section Lieutenant will maintain a record of members who are authorized to carry and have satisfactorily demonstrated proficiency.

5.8.2 Deployment and Use of Less Lethal Weapons

The concept in the use of less lethal weapons is to meet operational objectives with less potential for causing death or serious injury than with the use of a firearm. Members are permitted to draw or display their less lethal weapons when there are grounds to believe that it may be necessary to employ the weapon(s).

Justification for the use of less lethal force must be in compliance with Colorado Revised Statutes as well as appropriate components within directives.

Prior to deploying a less lethal weapon other than the baton or SD-1, the member should, when feasible, notify assisting members that the weapon is being deployed. This may prevent assisting members from mistakenly believing that lethal weapons are being used or fired.

5.8.3 Carotid Control Hold (Prohibited)

As of June 9, 2020, members are not authorized to use the carotid control hold, or any choke hold that restricts the airway.

5.8.4 Chemical Irritants/Munitions

The deployment of these irritants/munitions can be both defensive as well as offensive.

Use of chemical irritants/munitions on an offensive basis will be approved by a SWAT/ERT sergeant, or any command officer.

Special chemical irritants/munitions (beyond standard issued O.C.) will be deployed by SWAT/ERT gas technicians when practical.

Chemical irritants may be used without prior authorization when a defensive need arises. Whenever a chemical irritant/munition is used, the Duty Captain should be advised as soon as practical.

Members, and especially supervisors, should evaluate the use of chemical irritants/munitions for potential consequences prior to use on an offensive basis. Some chemical irritants/munitions can have severe effects on persons with respiratory conditions, children, and elderly. Some chemical munitions also have extreme fire potential.

5.8.5 Impact weapons

When using less lethal impact weapons, members should avoid targeting the head, neck, throat, heart, kidneys, spine, groin and knee joint.

Adding additional weight, foreign objects or other modifications is prohibited.

The glass breaking tip on the RCB is prohibited.

The SD-1 is not intended to replace the standard straight baton.

5.8.6 Kinetic Energy Impact Projectiles

Sworn members are cautioned that less lethal shotguns are physically capable of firing lethal rounds. Lethal ammunition will not be loaded in or stored with a visually modified less lethal shotgun.

At the beginning of each shift, trained users transporting visually modified less lethal shotguns or other projectile launchers will visually and physically inspect the weapon. Each round will be visually and physically inspected also and will not be used unless it is clearly identified as a less lethal round.

For less lethal shotguns, each gun should have a minimum of 5 rounds available. The shotgun will be kept in the “cruiser safe” mode while on duty. The user is responsible for all ammunition in the less lethal shotgun at all times.

For other projectile launchers, the weapon will be transported and carried in accordance with training and any Standard Operating Procedures for the member’s assignment. The user is responsible for all ammunition in the projectile launchers at all times.

When the weapon is returned to the District Station storage area, it will be in an unloaded condition and the unused less lethal ammunition will be stored separately.

Lethal ammunition and lethal shotguns will be kept separate from less lethal ammunition and shotguns at each District Station.

5.8.7 O.C. Spray

Uniformed members that have been trained in the use of O.C. spray are mandated to carry spray on duty, or may carry a TASER if so trained, in lieu of the O.C. Spray.

O.C. Spray should not be used against a subject who:

- Submits peacefully to arrest and complies with lawful commands during the arrest;
- Complies with lawful commands during an investigative stop or non-custodial arrest situation;
- Is securely handcuffed (except in extreme situations); or
- Is expressing mere verbal disagreement or directing offensive language at a member or another individual that does not present an imminent threat or incite others to imminently threaten a member or others and is not interfering with, delaying or obstructing a member’s duties. Citizens have the right to express verbal disagreement with a member’s actions.

If circumstances allow verbalizing and warning without risk to the safety of the member or others, then a verbal warning should be given to the subject.

Once a year during in-service or a quarterly qualification, Training Staff will inspect each member’s canister for date of manufacture. Four years after date of manufacture, members will be instructed to empty the contents of their current canister or turn the

canister over to the Quartermaster. The Quartermaster will designate a location for the disposal of the contents of the canister and the canister.

5.8.8 Police Canine

Police canines must be under the control of a certified member. Each team (handler and canine) will be certified through the Colorado Police Canine Association (CPCA), Utah POST, or a certification designated by the K9 unit supervisor.

Police canines may be used to track missing persons or suspects believed to be in a reasonably sized area.

The police canine may be used to apprehend suspects posing a serious threat to a member. Justification for deployment of the police canine may include, but is not limited to the following:

- To gain control of a combative subject;
- To disarm a subject;
- To protect a member or others from being injured by a subject;
- To apprehend a suspect unlawfully fleeing from police.

The police canine should not be used to apprehend a person:

- Wanted for a status offense(s) only;
- On severely intoxicated persons unless there are charges or exigent circumstances;
- If no crime is involved.

K-9 teams will not be used for crowd control at peaceful demonstrations unless approved by the Operations Support Section Commander, Duty Captain or Command Officer in charge of the incident.

K-9 teams may be used for crowd control upon approval of a supervisor to protect life or property during a riot or other civil disturbance that cannot be safely controlled by other means.

5.8.9 Soft Leg Restraint Systems (hobbles) and Other Restraints

Soft leg restraint systems (hobbles) may be used to secure subject's ankles in violent, combative and/or dangerous situations, or in those instances in which the member reasonably believes the subject to be an escape risk. Only the APD approved device may be utilized. Members are strictly prohibited from securing restrained feet to, through or over the handcuffs or hands of the subject. Members will attempt to secure restrained feet to a waist chain, heavy belt, second soft restraint (or like device) to control violent, combative, and/or dangerous subjects. Soft restraints may also be used in place of handcuffs when handcuffs are not practical or available or as a waist chain when necessary.

When soft leg restraint systems (hobbles) are deployed, it introduces the added element of a potential medical concern. When such systems are deployed, they may contribute to the potential for dangerous medical conditions for detainees, including but not limited to: excited delirium, positional asphyxia or exhaustive mania.

Members will not transport detainees in patrol vehicles while the detainee is restrained by soft leg restraint systems (hobbles). When transporting a detainee with a soft leg restraint system enabled, rescue will be requested for the transport.

Transport protocol:

- 1) Officers will ensure the detainee is on their side as soon as practical, continue to monitor for medical issues, provide first aid if necessary, and update rescue if there is any change in medical status while they wait for medical personnel to arrive.
- 2) Members will contact a supervisor and request that Aurora Fire-Rescue (AFR) respond along with the current contracted ambulance company for an incident involving soft leg restraints (hobble) as soon as practical.
- 3) Appropriate AFR medical personnel will assess the medical condition of the detainee. Members and supervisors will refrain from influencing medical decisions made by AFR. AFR medical personnel will follow their protocols to determine what interventions are needed/required.
- 4) APD will remain on-scene and facilitate in control measures, if necessary, while the medical personnel assess the detainee.
- 5) AFR medical personnel will determine whether the detainee will be taken to the local hospital emergency department (ED) for further treatment and evaluation or whether transport to the ED is not needed.

- 6) If AFR medical personnel determine transport to the ED is needed, then the detainee will be transported consistent with AFR's and the contract ambulance company's procedure and practice for transporting detained individuals to the ED.
- 7) If AFR medical personnel determine transport to the ED is not needed;
 - a. AFR will release detainee to APD and not have any further role unless requested.
 - b. An APD supervisor will coordinate the transfer of the detainee to the pram with the ambulance company. This may include transitioning to a four-point medical restraint on the pram. The lead to the waist chain needs to be released and the subject will be secured to the pram in the supine or sitting upright position. Detainees will not be transported in a prone position. The detainee may be transported in handcuffs and with the ankle ties in place as long as the legs can be extended, and the detainee is secured to the pram.
 - c. The ambulance company will transport directly to the Aurora Detention Facility. An officer will ride in the ambulance with the detainee.
 - d. The ambulance personnel will continue to evaluate the detainee during transport. Ambulance personnel have autonomy to decide at any time to divert to the ED for medical reasons or request AFR for additional support.
 - e. The ambulance will use the sally port at the Aurora Detention Center and the ambulance personnel will remove the pram from the ambulance. The ambulance personnel will not assist in the transfer of the detainee to detention staff. This will be coordinated between officers and detention staff.

Supervisors are responsible for ensuring that soft leg (hobble) restraint systems are applied per this directive and consistent with training. In addition, supervisors must assist in coordinating the transportation of the detainee with the ambulance company to the APD detention center, if applicable.

As a reminder, the use of soft leg (hobble) restraint systems is generally a Tier 1 use of force as defined in Directive 5.4, with specific reporting requirements. This directive adds the required reporting of the method of transportation in the use of force report. In the event the use of soft leg restraint systems (hobble) results in an injury to the detainee and, because of that injury, the detainee requires professional medical treatment, the use of the restraints requires Tier 2 reporting.

Other examples of restraints commonly used include capture poles, used to pin a violent or combative subject in order to reduce or eliminate the subject's ability to inflict injury and restraint chairs, used in a detention center environment wherein the violent or combative actions of a subject are constrained.

5.8.10 TASER

Users may only deploy Department owned TASER systems colored yellow to distinguish the weapon from a lethal handgun.

The TASER will be worn by authorized members in a holster designed for the model of TASER carried.

Members should not carry TASER cartridges loosely in pockets or in a similar fashion as static electricity may cause accidental discharge and potential injury to the member. TASER cartridges will be properly secured on the TASER or holsters.

When activating the TASER against a person, the sworn member should activate the device for one standard cycle or less and evaluate the situation. The member must articulate independent justification for each activation of a TASER. Except in extraordinary circumstances, members should not activate a TASER against a person more than three times or longer than 15 seconds either in one cycle or accumulative over several applications.

5.8.11 Medical Treatment and Decontamination

When less lethal weapons are used on a subject, appropriate and reasonable first aid, medical attention or decontamination will be provided to the subject. Members should remain cognizant of cross contamination and ventilation issues when using chemical irritants or O.C. spray.

If on-scene, Aurora Fire Rescue (AFR) EMS personnel will evaluate and determine the appropriate treatment for any individual subjected to the effects of less lethal weapons.

Upon arrival at the Aurora Detention Center, the detention nursing staff is responsible for evaluating, treating and determining the appropriate medical treatment related to the effects of any less lethal weapon, as well as any secondary injuries.

In the event the subject is transported to any detention facility, the transporting member has the responsibility to notify the facility nursing staff that the individual was subjected to less lethal weapons as well as any secondary injuries or conditions that may exist.

When a subject is struck in the head, neck or throat area with any less lethal weapon, the AFR EMS should be called to the scene to evaluate the individual's condition. In addition, any time a pregnant woman whose pregnancy is known or obvious to the member is subjected to a less lethal weapon, AFR EMS should be called to the scene to evaluate the individual's condition. In those situations, Police personnel will follow the direction of AFR EMS personnel who will determine the appropriate follow-up care for the individual.

Chemical Irritant

Chemical Irritant may not require any follow-up medical treatment. Members should ensure decontamination and verbal reassurance to the subject(s) that they are not in danger. If a person still suffers from side effects after 30 minutes, a medical evaluation should be called for, and if at the jail, the jail nurse notified as an allergic reaction may be occurring.

Kinetic Energy Impact Projectiles

When a 12 gauge, 37MM or 40 MM launcher based kinetic energy impact projectile is used upon a subject, a member will call for rescue to respond and provide first aid or treatment as necessary. On the advice from medical rescue personnel, follow-up care will be obtained through either a Detention Center nurse or hospital.

O.C. Spray

O.C. usages may not require any follow-up medical treatment. Members should ensure decontamination and verbal reassurance to the suspect(s) that they are not in danger. If a person still suffers from side effects after 30 minutes, a medical evaluation should be called for and the Aurora Detention Center nurse notified as an allergic reaction may be occurring.

Police Canine

Anytime a police canine bites and breaks the skin on a subject, AFR EMS will be called and determine the extent of medical treatment needed.

Soft Restraint (Hobbles)

Officers will ensure the detainee is on their side as soon as practical, continue to monitor for medical issues, provide first aid if necessary, and update rescue if there is any change in medical status while they wait for medical personnel to arrive.

Members will contact a supervisor and request that Aurora Fire-Rescue (AFR) respond along with the current contracted ambulance company for an incident involving soft leg restraints (hobble) as soon as practical.

TASER

Any TASER deployment resulting in Neuro Muscular Incapacitation (NMI) requires that AFR EMS be summoned to examine the individual.

If the subject is released by AFR, the arresting member will transport the subject to the Aurora Detention Center where the on-duty nurse will remove the barbs. When exigent circumstances exist, a member may remove the barbs. The barbs shall be treated as a biohazard needle and disposed of in an appropriate “Sharps” container per standard medical protocol.

Subjects exposed to a single application that exceeded 15 seconds or multiple applications with an accumulative time exceeding 15 seconds will be transported to the emergency room for evaluation by hospital staff.

5.8.12 Procedure for Approving Less Lethal Weapons for Use

Sworn members may suggest specific weapons for consideration by the Department for authorization. The recommendation will be in writing, directed to the Training Section Lieutenant. When available, a sample of the suggested weapon will be provided to the Training Section Lieutenant for inspection. The Training Section Lieutenant will ensure the weapon is inspected and tested by appropriate Training Section personnel. The Training Section Lieutenant will prepare a response for the appropriate Division Chief, with a copy of the response sent to the suggesting member.

The appropriate Division Chief may disapprove the request or present the request to Command Staff for consideration. The appropriate Division Chief will notify the suggesting member of the action taken regarding the request.

Based on the conclusions of Command Staff, the recommendation with the approval or disapproval of the Chief of Police or designee will be returned to the Training Section Lieutenant. The Training Section Lieutenant will notify the member of the final disposition of the request. If the weapon was approved, the Training Section Lieutenant will ensure the weapon is included on the authorized weapons master list.

5.8.13 Personally Owned Less Lethal Weapons

Baton and SD-1 – At his/her own expense, a trained and proficient member may elect to purchase an impact weapon other than one issued by the Department as long as the weapon meets the specifications defined by the Training Section. Prior to carrying the weapon on duty, the member will present the weapon to the Training Section for inspection to ensure the weapon meets specifications. Prior to carrying any impact weapon for use on duty, the member must be trained and demonstrate proficiency in the use of the specific weapon.

5.8.14 Other Less Lethal Weapons

Members are not authorized to wear, carry, or use Saps, Sap Gloves, Blackjacks or other less lethal weapons not authorized by the Department.

5.8.15 Unintentional/Negligent Discharge of a Less Lethal Weapon


Members must maintain control of their less lethal weapons at all times. Members who unintentionally, or negligently discharge a less lethal weapon, except when in training, must report that discharge to their supervisor, other members of their chain of command, or the Watch Commander as soon as practical. Supervisors will conduct an initial inquiry into all reportable negligent discharges and forward the results in the administrative investigations system to the Internal Affairs Bureau.

Unintentional/Negligent discharges of a less lethal weapon that constitutes a use of force against another person will be reported in accordance with Directive 05.04 Reporting and Investigating the Use of Tools, Weapons, and Physical Force, and be investigated as outlined in Directive 05.04.

5.8.16 Inspection and Inventory

Every District, Bureau or Section will be responsible for inventory control and annual inspection by the Department Armorer of all Departmental weapons issued to that District, Bureau or Section.

**AURORA POLICE DEPARTMENT
DIRECTIVES MANUAL**

05.08	Title: LESS LETHAL DEVICES, WEAPONS AND TECHNIQUES	
	Approved By: Vanessa Wilson, Interim Chief of Police	
	Effective: 09/01/1998	Revised: 06/30/2019 09/30/2020
	Associated Policy: DM 05.04	
Review: Training Section Commanding Officer		Duty Honor Integrity Page 1 of 12

5.8 LESS LETHAL DEVICES, WEAPONS AND TECHNIQUES

This directive addresses the use of less lethal weapons and associated munitions. The Aurora Police Department recognizes that combative, non-compliant, armed and/or violent subjects cause control problems that may require special training and equipment. For this reason, the Department has adopted a less lethal force philosophy to assist in the de-escalation of potentially violent confrontations.

Only Department members who have completed departmentally required and approved training and demonstrated proficiency are authorized to carry, deploy, display or use less lethal weapons. Less lethal weapons must be used in accordance with department training.

Prior to receiving authorization to carry less lethal weapons, members will be trained in the academy in the proper application of the use of physical force, potentially deadly force and deadly force under Department directives and applicable state and federal law. All members have access to all Department Directives related to the use of physical force, potentially deadly force and deadly force in electronic format through the document management system. The policy receipt and curriculum delivery will be documented.

Use of less lethal weapons is justified in those proper and lawful situations requiring a degree of force greater than that provided with weaponless control techniques.

Specifications for all less lethal weapons will be maintained by the Training Section.

5.8.1 Levels of training and proficiency required

The following less lethal weapon systems require users to successfully complete initial training and demonstrate proficiency as well as demonstrate ongoing proficiency at least annually:

- Baton
- Chemical Irritants
- Kinetic Energy Impact Projectiles
- 26" and 29" Rapid Containment Baton (RCB)
- SD-1
- Taser
- Soft Restraints (Hobbles)

The Training Section Lieutenant will maintain a record of members who are authorized to carry and have satisfactorily demonstrated proficiency.

5.8.2 Deployment and Use of Less Lethal Weapons

The concept in the use of less lethal weapons is to meet operational objectives with less potential for causing death or serious injury than with the use of a firearm. Members are permitted to draw or display their less lethal weapons when there are grounds to believe that it may be necessary to employ the weapon(s).

Justification for the use of less lethal force must be in compliance with Colorado Revised Statutes as well as appropriate components within directives.

Prior to deploying a less lethal weapon other than the baton or SD-1, the member should, when feasible, notify assisting members that the weapon is being deployed. This may prevent assisting members from mistakenly believing that lethal weapons are being used or fired.

5.8.3 Carotid Control Hold (not allowed)

As of June 9, 2020, members are not authorized to use ~~may utilize~~ the carotid control hold, or any choke hold that restricts the airway. ~~when they are met with violent~~

~~resistance. This method should be used when other means have been tried unsuccessfully or other means are not feasible.~~

~~A proper carotid control hold should not restrict the airway. Members are strictly prohibited from using any choke hold that restricts the airway, unless the use of deadly force is authorized.~~

5.8.4 Chemical Irritants/Munitions

The deployment of these irritants/munitions can be both defensive as well as offensive.

Use of chemical irritants/munitions on an offensive basis will be approved by a SWAT/ERT sergeant, or any command officer.

Special chemical irritants/munitions (beyond standard issued O.C.) will be deployed by SWAT/ERT gas technicians when practical.

Chemical irritants may be used without prior authorization when a defensive need arises. Whenever a chemical irritant/munition is used, the Duty Captain should be advised as soon as practical.

Members, and especially supervisors, should evaluate the use of chemical irritants/munitions for potential consequences prior to use on an offensive basis. Some chemical irritants/munitions can have severe effects on persons with respiratory conditions, children, and elderly. Some chemical munitions also have extreme fire potential.

5.8.5 Impact weapons

When using less lethal impact weapons, members should avoid targeting the head, neck, throat, heart, kidneys, spine, groin and knee joint.

Adding additional weight, foreign objects or other modifications is prohibited.

The glass breaking tip on the RCB is prohibited.

The SD-1 is not intended to replace the standard straight baton.

5.8.6 Kinetic Energy Impact Projectiles

Sworn members are cautioned that less lethal shotguns are physically capable of firing lethal rounds. Lethal ammunition will not be loaded in or stored with a visually modified less lethal shotgun.

At the beginning of each shift, trained users transporting visually modified less lethal shotguns or other projectile launchers will visually and physically inspect the weapon. Each round will be visually and physically inspected also and will not be used unless it is clearly identified as a less lethal round.

For less lethal shotguns, each gun should have a minimum of 5 rounds available. The shotgun will be kept in the “cruiser safe” mode while on duty. The user is responsible for all ammunition in the less lethal shotgun at all times.

For other projectile launchers, the weapon will be transported and carried in accordance with training and any Standard Operating Procedures for the member’s assignment. The user is responsible for all ammunition in the projectile launchers at all times.

When the weapon is returned to the District Station storage area, it will be in an unloaded condition and the unused less lethal ammunition will be stored separately.

Lethal ammunition and lethal shotguns will be kept separate from less lethal ammunition and shotguns at each District Station.

5.8.7 O.C. Spray

Uniformed members that have been trained in the use of O.C. spray are mandated to carry spray on duty, or may carry a TASER if so trained, in lieu of the O.C. Spray.

O.C. Spray should not be used against a subject who:

- Submits peacefully to arrest and complies with lawful commands during the arrest;
- Complies with lawful commands during an investigative stop or non-custodial arrest situation;
- Is securely handcuffed (except in extreme situations); or
- Is expressing mere verbal disagreement or directing offensive language at a member or another individual that does not present an imminent threat or incite others to imminently threaten a member or others and is not interfering with, delaying or obstructing a member’s duties. Citizens have the right to express verbal disagreement with a member’s actions.

If circumstances allow verbalizing and warning without risk to the safety of the member or others, then a verbal warning should be given to the subject.

Once a year during in-service or a quarterly qualification, Training Staff will inspect each member's canister for date of manufacture. Four years after date of manufacture, members will be instructed to empty the contents of their current canister or turn the canister over to the Quartermaster. The Quartermaster will designate a location for the disposal of the contents of the canister and the canister.

5.8.8 Police Canine

Police canines must be under the control of a certified member. Each team (handler and canine) will be certified through the Colorado Police Canine Association (CPCA), Utah POST, or a certification designated by the K9 unit supervisor.

Police canines may be used to track missing persons or suspects believed to be in a reasonably sized area.

The police canine may be used to apprehend suspects posing a serious threat to a member. Justification for deployment of the police canine may include, but is not limited to the following:

- To gain control of a combative subject;
- To disarm a subject;
- To protect a member or others from being injured by a subject;
- To apprehend a suspect unlawfully fleeing from police.

The police canine should not be used to apprehend a person:

- Wanted for a status offense(s) only;
- On severely intoxicated persons unless there are charges or exigent circumstances;
- If no crime is involved.

K-9 teams will not be used for crowd control at peaceful demonstrations unless approved by the Operations Support Section Commander, Duty Captain or Command Officer in charge of the incident.

K-9 teams may be used for crowd control upon approval of a supervisor to protect life or property during a riot or other civil disturbance that cannot be safely controlled by other means.

5.8.9 Soft Leg Restraint Systems (hobbles) and Other Restraints

Soft leg restraint systems (hobbles) may be used to secure subject's ankles in violent, combative and/or dangerous situations, or in those instances in which the member reasonably believes the subject to be an escape risk. Only the APD approved device may be utilized. Members are strictly prohibited from securing restrained feet to, through or over the handcuffs or hands of the subject. Members will attempt to secure restrained feet to a waist chain, heavy belt, second soft restraint (or like device) to control violent, combative, and/or dangerous subjects. Soft restraints may also be used in place of handcuffs when handcuffs are not practical or available or as a waist chain when necessary.

When soft leg restraint systems (hobbles) are deployed, it introduces the added element of a potential medical concern. When such systems are deployed, they may contribute to the potential for dangerous medical conditions for detainees, including but not limited to: excited delirium, positional asphyxia or exhaustive mania.

Members will not transport detainees in patrol vehicles while the detainee is restrained by soft leg restraint systems (hobbles). When transporting a detainee with a soft leg restraint system enabled, rescue will be requested for the transport.

Transport protocol:

- 1) Officers will ensure the detainee is on their side as soon as practical, continue to monitor for medical issues, provide first aid if necessary, and update rescue if there is any change in medical status while they wait for medical personnel to arrive.
- 2) Members will contact a supervisor and request that Aurora Fire-Rescue (AFR) respond along with the current contracted ambulance company for an incident involving soft leg restraints (hobble) as soon as practical.
- 3) Appropriate AFR medical personnel will assess the medical condition of the detainee. Members and supervisors will refrain from influencing medical decisions made by AFR. AFR medical personnel will follow their protocols to determine what interventions are needed/required.
- 4) APD will remain on-scene and facilitate in control measures, if necessary, while the medical personnel assess the detainee.

- 5) AFR medical personnel will determine whether the detainee will be taken to the local hospital emergency department (ED) for further treatment and evaluation or whether transport to the ED is not needed.
- 6) If AFR medical personnel determine transport to the ED is needed, then the detainee will be transported consistent with AFR's and the contract ambulance company's procedure and practice for transporting detained individuals to the ED.
- 7) If AFR medical personnel determine transport to the ED is not needed;
 - a. AFR will release detainee to APD and not have any further role unless requested.
 - b. An APD supervisor will coordinate the transfer of the detainee to the pram with the ambulance company. This may include transitioning to a four-point medical restraint on the pram. The lead to the waist chain needs to be released and the subject will be secured to the pram in the supine or sitting upright position. Detainees will not be transported in a prone position. The detainee may be transported in handcuffs and with the ankle ties in place as long as the legs can be extended, and the detainee is secured to the pram.
 - c. The ambulance company will transport directly to the Aurora Detention Facility. An officer will ride in the ambulance with the detainee.
 - d. The ambulance personnel will continue to evaluate the detainee during transport. Ambulance personnel have autonomy to decide at any time to divert to the ED for medical reasons or request AFR for additional support.
 - e. The ambulance will use the sally port at the Aurora Detention Center and the ambulance personnel will remove the pram from the ambulance. The ambulance personnel will not assist in the transfer of the detainee to detention staff. This will be coordinated between officers and detention staff.

Supervisors are responsible for ensuring that soft leg (hobble) restraint systems are applied per this directive and consistent with training. In addition, supervisors must assist in coordinating the transportation of the detainee with the ambulance company to the APD detention center, if applicable.

As a reminder, the use of soft leg (hobble) restraint systems is generally a Tier 1 use of force as defined in Directive 5.4, with specific reporting requirements. This directive adds the required reporting of the method of transportation in the use of force report. In the event the use of soft leg restraint systems (hobble) results in an injury to the detainee and, because of that injury, the detainee requires professional medical treatment, the use of the restraints requires Tier 2 reporting.

Other examples of restraints commonly used include capture poles, used to pin a violent or combative subject in order to reduce or eliminate the subject's ability to inflict injury and restraint chairs, used in a detention center environment wherein the violent or combative actions of a subject are constrained.

5.8.10 TASER

Users may only deploy Department owned TASER systems colored yellow to distinguish the weapon from a lethal handgun.

The TASER will be worn by authorized members in a holster designed for the model of TASER carried.

Members should not carry TASER cartridges loosely in pockets or in a similar fashion as static electricity may cause accidental discharge and potential injury to the member. TASER cartridges will be properly secured on the TASER or holsters.

When activating the TASER against a person, the sworn member should activate the device for one standard cycle or less and evaluate the situation. The member must articulate independent justification for each activation of a TASER. Except in extraordinary circumstances, members should not activate a TASER against a person more than three times or longer than 15 seconds either in one cycle or accumulative over several applications.

5.8.11 Medical Treatment and Decontamination

When less lethal weapons are used on a subject, appropriate and reasonable first aid, medical attention or decontamination will be provided to the subject. Members should remain cognizant of cross contamination and ventilation issues when using chemical irritants or O.C. spray.

If on-scene, Aurora Fire Rescue (AFR) EMS personnel will evaluate and determine the appropriate treatment for any individual subjected to the effects of less lethal weapons.

Upon arrival at the Aurora Detention Center, the detention nursing staff is responsible for evaluating, treating and determining the appropriate medical treatment related to the effects of any less lethal weapon, as well as any secondary injuries.

In the event the subject is transported to any detention facility, the transporting member has the responsibility to notify the facility nursing staff that the individual was subjected to less lethal weapons as well as any secondary injuries or conditions that may exist.

When a subject is struck in the head, neck or throat area with any less lethal weapon, the AFR EMS should be called to the scene to evaluate the individual's condition. In addition, any time a pregnant woman whose pregnancy is known or obvious to the member is subjected to a less lethal weapon, AFR EMS should be called to the scene to evaluate the individual's condition. In those situations, Police personnel will follow the direction of AFR EMS personnel who will determine the appropriate follow-up care for the individual.

Carotid Control Hold

~~In every case where the carotid control hold has been applied, AFR EMS will be summoned to examine the individual, whether or not he/she has been rendered unconscious. Members will inform AFR EMS personnel of the hold applied and whether or not the individual lost consciousness.~~

Chemical Irritant

Chemical Irritant may not require any follow-up medical treatment. Members should ensure decontamination and verbal reassurance to the subject(s) that they are not in danger. If a person still suffers from side effects after 30 minutes, a medical evaluation should be called for, and if at the jail, the jail nurse notified as an allergic reaction may be occurring.

Kinetic Energy Impact Projectiles

When a 12 gauge, 37MM or 40 MM launcher based kinetic energy impact projectile is used upon a subject, a member will call for rescue to respond and provide first aid or treatment as necessary. On the advice from medical rescue personnel, follow-up care will be obtained through either a Detention Center nurse or hospital.

O.C. Spray

O.C. usages may not require any follow-up medical treatment. Members should ensure decontamination and verbal reassurance to the suspect(s) that they are not in danger. If a person still suffers from side effects after 30 minutes, a medical evaluation should be called for and the Aurora Detention Center nurse notified as an allergic reaction may be occurring.

Police Canine

Anytime a police canine bites and breaks the skin on a subject, AFR EMS will be called and determine the extent of medical treatment needed.

Soft Restraint (Hobbles)

Officers will ensure the detainee is on their side as soon as practical, continue to monitor for medical issues, provide first aid if necessary, and update rescue if there is any change in medical status while they wait for medical personnel to arrive.

Members will contact a supervisor and request that Aurora Fire-Rescue (AFR) respond along with the current contracted ambulance company for an incident involving soft leg restraints (hobble) as soon as practical.

TASER

Any TASER deployment resulting in Neuro Muscular Incapacitation (NMI) requires that AFR EMS be summoned to examine the individual.

If the subject is released by AFR, the arresting member will transport the subject to the Aurora Detention Center where the on-duty nurse will remove the barbs. When exigent circumstances exist, a member may remove the barbs. The barbs shall be treated as a biohazard needle and disposed of in an appropriate "Sharps" container per standard medical protocol.

Subjects exposed to a single application that exceeded 15 seconds or multiple applications with an accumulative time exceeding 15 seconds will be transported to the emergency room for evaluation by hospital staff.

5.8.12 Procedure for Approving Less Lethal Weapons for Use

Sworn members may suggest specific weapons for consideration by the Department for authorization. The recommendation will be in writing, directed to the Training Section Lieutenant. When available, a sample of the suggested weapon will be provided to the Training Section Lieutenant for inspection. The Training Section Lieutenant will ensure the weapon is inspected and tested by appropriate Training Section personnel. The Training Section Lieutenant will prepare a response for the appropriate Division Chief, with a copy of the response sent to the suggesting member.

The appropriate Division Chief may disapprove the request or present the request to Command Staff for consideration. The appropriate Division Chief will notify the suggesting member of the action taken regarding the request.

Based on the conclusions of Command Staff, the recommendation with the approval or disapproval of the Chief of Police or designee will be returned to the Training Section Lieutenant. The Training Section Lieutenant will notify the member of the final disposition of the request. If the weapon was approved, the Training Section Lieutenant will ensure the weapon is included on the authorized weapons master list.

5.8.13 Personally Owned Less Lethal Weapons

Baton and SD-1 – At his/her own expense, a trained and proficient member may elect to purchase an impact weapon other than one issued by the Department as long as the weapon meets the specifications defined by the Training Section. Prior to carrying the weapon on duty, the member will present the weapon to the Training Section for inspection to ensure the weapon meets specifications. Prior to carrying any impact weapon for use on duty, the member must be trained and demonstrate proficiency in the use of the specific weapon.

5.8.14 Other Less Lethal Weapons

Members are not authorized to wear, carry, or use Saps, Sap Gloves, Blackjacks or other less lethal weapons not authorized by the Department.

5.8.15 Unintentional/Negligent Discharge of a Less Lethal Weapon


Members must maintain control of their less lethal weapons at all times. Members who unintentionally, or negligently discharge a less lethal weapon, except when in training, must report that discharge to their supervisor, other members of their chain of command, or the Watch Commander as soon as practical. Supervisors will conduct an initial inquiry into all reportable negligent discharges and forward the results in the administrative investigations system to the Internal Affairs Bureau.

Unintentional/Negligent discharges of a less lethal weapon that constitutes a use of force against another person will be reported in accordance with Directive 05.04 Reporting and Investigating the Use of Tools, Weapons, and Physical Force, and be investigated as outlined in Directive 05.04.

5.8.16 Inspection and Inventory

Every District, Bureau or Section will be responsible for inventory control and annual inspection by the Department Armorer of all Departmental weapons issued to that District, Bureau or Section.

**AURORA POLICE DEPARTMENT
DIRECTIVES MANUAL**

05.09	Title: DUTY TO INTERVENE	
	Approved By: Vanessa Wilson, Interim Chief of Police	
	Effective: 06/09/2020	Revised:
	Associated Policy: DM 05.01, DM 05.03, DM 05.04, DM 05.06, DM 05.08	
	References: CRS 18-1-704; CRS 18-1-707; CRS 18-8-802	
Review: Internal Affairs Commanding Officer	Duty Honor Integrity	Page 1 of 1

5.9 Duty to Intervene

This directive outlines the obligation that sworn members have in intervening in use of force incidents where they witness a level of force, they believe clearly exceeds that allowed by law. Refer to DM 05.10 Officer Relief for the process of intervening prior to any possible excessive force issues.

5.9.1 Duty to Intervene


Any sworn member who, while acting in his/her official capacity as a law enforcement officer, witnesses another member (regardless of rank or tenure) acting in his/her official capacity, use force that is clearly beyond that which is objectively reasonable, and lawful, given the totality of the circumstances shall, when in a position to do so, safely and immediately intervene to prevent and/or discontinue the use of force.

The action required by the officer will depend on the circumstances of the incident. Appropriate action may include, but is not limited to:

- Verbal or physical intervention;
- Immediate notification to a supervisor; and
- A direct order by a supervisor to cease the use of unreasonable force.

Members are reminded that under Directive 5.4.1 as well as C.R.S. 18-8-802 (Reporting Excessive Force), a member who observes another member use force that exceeds the degree of force permitted by law shall also promptly report the incident to a supervisor.

AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

05.10	Title: OFFICER RELIEF PROCESS	
	Approved By: Vanessa Wilson, Interim Chief of Police	
	Effective: 06/09/2020	Revised:
	Associated Policy: DM 05.03, DM 05.08	
	References:	
Review:	Page 1 of 1	

5.10 Officer Relief

This directive covers the “Officer Relief” process. “Officer Relief” refers to the replacement of officers who have been involved in a physical struggle/fight/violent event with a subject by other arriving officers who should be less emotionally involved and may help keep the situation from escalating to unnecessary physical levels. This would also apply to any situation where an officer appears unable to control their emotions or de-escalate the situation on their own.


5.10.1 Officer Relief Process

In cases involving a significant physical altercation with a subject there exists the possibility that the incident will be emotionally elevated by both the officers and the subject. The first arriving officers who are not immediately necessary to go “hands-on” to control the subject shall relieve the officers who were involved in the altercation. This “Officer Relief” should only occur after the subject is in custody and under the appropriate restraint (i.e. handcuffed). Officers are required to accept, without question (regardless of rank or tenure), the intervention of another officer unless it is not safe or practical to do so. Officers should understand that it is in their own interest to step back if another officer believes they are crossing a line.

This should help in de-escalating the situation, preventing the potential for unnecessary force, allow time for decompression, time to access any injuries to officers or the subject and the ability to provide information to supervisor/s. This will mean that the officer/s that are making the physical arrest may be advised to step aside (Officer Relief) and allow other officer/s to take over the hands-on portion of the arrest. This may be all that is needed to calm the situation down and keep it from escalating to a level higher than is truly necessary. If safe and practical to do so, the Officer Relief needs to immediately disengage from the situation.

Once the situation is under control an on-scene supervisor can determine who should continue with the arrest process of the subject. Officer Relief does not remove the obligation for the officer to complete any appropriate reports.

**AURORA POLICE DEPARTMENT
DIRECTIVES MANUAL**

08.48	Title: SUSPICIOUS CALLS		Duty Honor Integrity
	Approved By: Vanessa Wilson, Interim Chief of Police		
	Effective: 06/09/2020	Revised:	
	Associated Policy: DM 08.32		
	References:		
Review:			Page 1 of 2

8.48 Suspicious Calls

This directive outlines the approach that APD members, to include Public Safety Communications call takers and dispatchers should take with any suspicious person calls that they respond to. The goal is to utilize member’s own observations and training to overcome or eliminate any bias against the subject by the reporting party that may have generated the call.

8.48.1 Public Safety Communications

When the Public Safety Communications Department (PSCD) receives a report of suspicious person/activity, the reporting party will be asked to describe the suspicious behavior with as much specific detail as possible. All provided information will be included into the CAD event during the initial report. See SOP PSC 60 – Suspicious for details of the information to be requested of the caller.

8.48.2 APD Member Response to Suspicious Calls

Upon arrival and locating the suspicious person, the responding members should take some time to observe the suspicious person unless there is something going on that requires immediate contact. Members should not rely solely on the reporting party’s description to justify a contact. Members should use their training and observation skills to determine if the person is acting suspiciously in that the person was, is, or seems to be about to engage in criminal activity.

Additional contact with the reporting party may be necessary to clarify details. If the observed person is not acting suspiciously, the members should add notes to the call on their observations, to include the lack of any indication of past, current, or prospective criminal activity. The officer may end the call. The officer may also contact that person to offer help, assistance, or other resources appropriate for the situation, but the contact must be consensual, and the individual does not need to engage with the officer and should be free to leave at all times unless new information not available to the officer during the first observation becomes apparent.

During consensual contacts, the subject being contacted must feel that they are: (1) free to leave at any time, and (2) free not to cooperate with the member. In a consensual contact a member may ask for consent to search the subject for weapons. The manner in which the consent is sought – giving orders, demanding answers, displaying a weapon, using a harsh tone, telling the subject to stop doing X or to move to some other location – might indeed turn the encounter into a de facto detention or arrest. Absent consent, a pat down search for weapons is not legal without specific facts or information making it reasonable for the member to suspect that the person may be armed and dangerous.

Tier Zero - This is NOT considered to be a use of force per APD policy.

- Firearm Gun Point - @TZG
- Less Lethal Shotgun or Projectile Launcher Weapon Point - @TZL
- Handcuff & Release - No Charges - @TZH

Reporting Requirements: One CAD Entry per call no matter how many officers point weapons. No additional supervisor action required. CAD notes added to depict why weapons were pointed or a cuff and release was conducted.

Tier One - Use of Force with No or Minor Injury/ Use of Restraint. Make sure to offer medical assistance.

- Control Techniques used to overcome physical resistance with No injury/Minor Injury
- Take Down No Injury/Minor Injury
- Use of control weapon (Baton or SD-1) for leverage or control purposes (no strikes or thrusts)
- Use of restraints, capture pole or restraint chair to overcome resistance

Reporting Requirements: Determination to be made by supervisor, based on treatment status at time of release, if such use of force did not result in injury requiring professional medical treatment. A GO is required, notification of supervisor and Use of Force in Electronic Tracking System is Required. Supervisor to document injuries (no injury) & investigation to be completed by supervisor and tracked through the chain of command. Photographs of injuries or lack thereof must be taken.

Tier Two - Use of weapon other than a deadly weapon to overcome resistance or when subject is injured by member's application of force and requires professional medical treatment. Make sure to offer medical assistance.

- | | |
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| • Pepper Spray | • Taser |
| • Baton | • Police Canine |
| • Launchable Impact Weapons | • Pitting of Vehicle |
| • Carotid Hold (Prohibited as of 06.09.2020) | • Punches |
| • Strikes | • Kicks |
| • Knees | • Any injury in Tier One requiring Professional Medical Treatment |

Reporting Requirements: Notify Supervisor, Use of Force Report in Electronic Tracking System completed by supervisor with documentation & investigation. Track Use of Force report through chain of command for review and ultimately to the Compliance and Professional Standards Division, Division Chief. Photographs of injuries or lack thereof must be taken.

Tier Three – Use of a deadly weapon, or deadly force, or potentially deadly force regardless of any injury. It also applies to the use of force, tools, or weapons, which result in hospitalization or death; or when a supervisor in conjunction with the Duty Captain, believes a use of force, weapons, or tools warrants a Tier Three notification and response. Make sure to offer medical assistance to all injured party/s.

- Use of Force/ Critical Incident
- Use of Deadly Weapon
- Use of Deadly Force
- Use of Potentially Deadly Force (regardless of injury)
- Use of force, tools or weapons which result in hospitalization or death
- When a supervisor in conjunction with Duty Captain believes UOF, weapons or tools warrants a Tier Three notification and response
- Any Training Accident involving a firearm when another person is struck by a bullet
- Any Training Accident involving a firearm when person dies

Reporting Requirements: Notification initiated to member's immediate supervisor, Duty Captain immediately notify Investigations Bureau Commander. Reported in AIM as well. Any training accident when another person is struck by a bullet requires notification to the Duty Captain. Supervisor will NOT conduct an investigation into a Tier Three critical incident, however the supervisor will gather and enter sufficient information to start a Use of Force Report in AIM to be tracked immediately to the Compliance and Professional Standards Bureau Division Chief only. Photographs of injuries or lack thereof must be taken.

See Directive 05.04 for additional details on Use of Force Reporting and Investigation



Public Safety, Courts and Civil Service Policy Committee Agenda Item Commentary

Item Title: Aurora Municipal Court Updates
Item Initiator: Danelle Carrel
Staff Source: Presiding Judge Shawn Day
Deputy City Manager Signature:
Outside Speaker:
Council Goal: 1.0: Assure a safe community for people--2012: 1.0--Assure a safe community for peopl

ACTIONS(S) PROPOSED *(Check all appropriate actions)*

- Approve Item and Move Forward to Study Session
- Approve Item and Move Forward to Regular Meeting
- Information Only

HISTORY *(Dates reviewed by City council, Policy Committees, Boards and Commissions, or Staff. Summarize pertinent comments. ATTACH MINUTES OF COUNCIL MEETINGS, POLICY COMMITTEES AND BOARDS AND COMMISSIONS.)*

ITEM SUMMARY *(Brief description of item, discussion, key points, recommendations, etc.)*

The Aurora Municipal Court has reopened to the public as of June 1, 2020 with restricted access and dockets. With the tremendous help of the Court IT Department, the Municipal Court has developed the ability for the community to appear in court virtually. New protocols have been established for WebEx Court. The Aurora Municipal Court plans to begin jury trials again starting July 7, 2020. Strict social distancing and COVID-19 precautions will be implemented.

QUESTIONS FOR Committee

EXHIBITS ATTACHED:

MUNICIPAL COURT REOPENING ANNOUNCEMENT 6-1-2020.docx
Virtual Court Instructions Amended 6-1-2020.docx
WebEx Eligibility.docx

AURORA MUNICIPAL COURT
Notice Regarding COVID-19 (Coronavirus) and
Municipal Court Operations

Due to the public health precautions to prevent the spread of COVID-19, the Aurora Municipal Court will be reopening to the public on **June 1, 2020** with the following requirements and restrictions:

1. Mandatory Face Mask or Covering: To protect vulnerable populations who appear in the Aurora Municipal Court, the Court Orders the mandatory use of face masks or coverings at all times when entering the Municipal Court building through the security checkpoint and until exit from the courthouse. The face mask or covering must remain on to cover the nose and mouth at all times unless directed by the Court to be temporarily removed.
2. Restricted Court Access: Only people with a docketed matter, scheduled appointment, making payment or needing to clear a warrant will be allowed into the courthouse. For all other people wanting to enter the courthouse, please contact the specific office you have business with to set an appointment:
 - a. Case Information: 303-739-6444
 - b. Case Scheduling: 303-739-6458
 - c. City Attorney: 303-739-7810
 - d. Closed Records Requests: 303-739-6434
 - e. Court Administration: 303-739-6440
 - f. DMV Clearance Requests: 303-739-6434
 - g. Gateway Services: 303-739-7837
 - h. Jury Commissioner: 303-739-6466
 - i. Marshal: 303-739-6470
 - j. Payment Extensions: 303-739-6491
 - k. Probation: 303-739-6488
 - l. Public Defender: 303-739-6192
 - m. Teen Court: 303-739-6544
 - n. Virtual Court Questions 303-739-6421, Option #1
3. Social distancing is required. Maintain a minimum of six (6) feet between yourself and all other persons. There will be markers on the floor throughout the Courthouse to provide guidance and reminders. To protect social distancing, the Court Marshals will control the flow of people in and out of the building.
4. Temperature Checks: Temperature checks with “touchless” thermometers will be conducted upon entering the Aurora Municipal Courthouse. If you have a temperature of 100.4 or higher, you will be turned away and the Court will contact you with a new court date.
5. If you are ill or have any flu like symptoms, **DO NOT COME TO COURT**. You should **NOT** come to Court if:
 - a. You have been diagnosed with COVID-19 (“Novel Coronavirus) and you have not received a subsequent test confirming that you are currently virus free;
 - b. You have been in direct contact with someone who has been diagnosed with COVID-19 within the past fourteen (14) days;
 - c. You are experiencing a fever, cough, shortness of breath, or any other respiratory illness symptoms.
 - d. You have recently traveled to a high-risk area.If any of the above apply, please call the Court at 303-739-6458 to reschedule your case. (Except for an arraignment, please note Case Management requires a Judge’s Order on all cases to reschedule).
6. The Aurora Municipal Court is allowing persons to appear “virtually” or by video conferencing for certain cases. To determine if your case is eligible for video conferencing, please contact the Aurora Municipal Court at virtualcourt@auroragov.org or by **TEXT** at **720-704-0100**.

AURORA MUNICIPAL COURT INSTRUCTIONS FOR ON-LINE “VIRTUAL” (WebEx) COURT SESSION

If you wish to attend your scheduled court date from home or any other remote location, please contact the Aurora Municipal Court at virtualcourt@auroragov.org or by **TEXT** at **720-704-0100**.

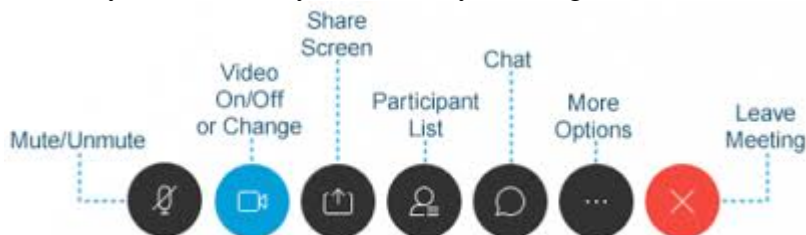
An invitation to “Join” a WebEx meeting will be texted or emailed to you. The invitation will have the day and time of your “virtual” court date. In order to participate in the “virtual” court session you **MUST** have a smartphone with a webcam or a laptop/tablet with a webcam. You will **NOT** be allowed to participate or appear remotely with a device that does not have a webcam. The Judge must be able to see you during the on-line court session.

The text or email invitation will include a meeting number and password. Please write down both on a separate piece of paper as they will be needed when registering or “joining” the on-line court session.

On the day you are scheduled to appear on-line and at least 15 minutes before the scheduled start time, please begin the process of “joining” the meeting. If you cannot join the WebEx meeting or have difficulty logging-in, please call the Aurora Municipal Court at 303-739-6421, press option #1.

I-PHONE/ MAC USERS:

1. From the email or text invitation, scroll down to the green “Join Event” button. Click on it. It will ask which browser you want to use. Click Safari. The green button to join the meeting will pop up again. Click on the “Join Event” button again.
2. At the top of the screen, a prompt to “install Cisco Webex Meetings” will appear. Click on “install” (or the blue “Get” button) and you will be redirected to the Apple Store. If you don’t have your Apple ID pre-saved on your phone, you may be required to input your Apple Store ID. After entering your Apple ID, click download (or “Get”) to install Cisco Webex Meetings. Wait for the Webex app. to load. **DO NOT LEAVE THIS SCREEN** until the next step.
3. After the Webex app is done downloading, click the blue “Open” button. This will take you into the Cisco Webex Meetings app. Click the button that says “accept.”
4. A prompt will appear for you to input your name and email. After entering your name and email, click the “Join” button.
5. From the invitation, type in the password (do NOT click and paste, you must type in the password). Click “OK”.
6. Click “OK” again to allow the Webex app to access your phone’s microphone and video.
7. Click the green “Join” button at the bottom. You will join the meeting with your microphone muted and your video off. You will only see the Judge or the Courtroom and no other participants. The Judge or Court Clerk will acknowledge that you are in the meeting/court session and tell you to turn on your video by clicking on the camera icon.



- 8.
9. Please keep your microphone muted and wait for the Judge to call you into “virtual” courtroom.
10. Please be patient.

ANDROID PHONE USERS:

1. After receiving the “virtual” court invitation, click on the green “Join Event” button.
2. Download the Cisco Webex Meetings app by clicking on the provided shortcut link. If you do not receive a shortcut link, you’ll need to go directly to your App Store (Google Play, etc.) and download the Cisco Webex Meeting app.
3. After downloading the Cisco Webex App, enter your name and email in the boxes required.
4. A pop-up will appear asking to allow the camera, microphone. Click “allow” (or yes). Enable audio and video by clicking on both orange buttons.
5. Next click on the “Join” button.
6. Enter the password (if prompted or asked).
7. You will join the meeting with your microphone muted and your video off. You will only see the Judge and/or the Courtroom and no other participants. The Judge or Court Clerk will acknowledge that you are in the meeting and tell you to turn on your video by clicking on the camera icon.



- 8.
9. Please keep your microphone muted and wait for the Judge to call you into “virtual” courtroom.
10. Please be patient.

PC/LAPTOP:

1. ONLY use Google Chrome to access Cisco Webex.
2. From the invitation sent by email or text, click on the green “Join Event” button.
3. Following the instructions on the screen.
4. Enter your first and last name into the correct boxes and then click on the blue “Join New” button.
5. Click the green “Add Webex to Chrome” button on the right. Then click the “add extension” button when prompted.
6. Let the Cisco Webex Meeting app load.
7. When prompted, click on the “Join Event” button.
8. You will join the meeting with your microphone muted and your video off. You will only see the Judge and/or the Courtroom and no other participants. The Judge or Court Clerk will acknowledge that you are in the meeting and tell you to turn on your video by clicking on the camera icon.



- 9.
10. Please keep your microphone muted and wait for the Judge to call you into “virtual” courtroom.
11. Please be patient.

Aurora Municipal Court
“Virtual” (WebEx) Appearance

We are using the **WebEx Events** application for ALL arraignments.

We are using the **WebEx Training** application for any other virtual court appearance.

Settings that are eligible for a WebEx appearance:

1. All Traffic **Infraction** arraignments.
2. All Adult arraignments **except DV cases** (DV cases must appear in court in person)
3. All Juvenile arraignments
4. All Pretrial Conferences (both adult and juvenile)
5. All Bond Returns
6. All Jury Trial **Status Conferences**
7. All hearings that do NOT require taking testimony (examples: Restitution, Sealing of Records, Reviews, Motor Vehicle Impound, Request for reconsideration of sentence/fine, Teen Court citation hearings, Citation for non-completion of community service or class)
8. All surety bond citation hearings (i.e. Div. 8 bond citation hearings)
9. Public Defender Application hearings
10. Zoning arraignments and zoning pretrial conferences

Settings that do NOT qualify for a WebEx appearance: (All of the below must appear in court in person)

1. All Jury Trials
2. All Trials to the bench
3. All Traffic **Offenses** (Example: NPOI, Careless Driving, Reckless Driving, Speed Contest, etc.)
4. All Sentencing hearings
5. All Probation revocation/citation hearings
6. All DV arraignments
7. Any motions hearing that requires testimony (Example: Motion to Suppress, Motion to Dismiss, Any Motion that by Judicial Order requires in court in person appearance)

ORDINANCE NO. 2020- _____

A BILL

FOR AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO, ADOPTING SECTION 2-234(a) OF THE CITY CODE PERTAINING TO PROHIBITING THE USE OF CHOKEHOLDS AND CAROTID HOLDS BY LAW ENFORCEMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AURORA, COLORADO:

Section 1. The City Code of the City of Aurora, Colorado, is hereby amended by adding a section, to be numbered 2-434, which section reads as follows:

Sec. 2-434 –Police Practices

(a) Prohibition on the Use of Chokeholds and Carotid Hold

- (1) The Chief of Police shall adopt policies, subject to the approval of the City Manager or his or her designee, prohibiting a police officer’s use of or attempted use of a chokehold or a carotid hold upon another person.**
- (2) For the purpose of this subsection, “chokehold” means a method by which a person applies sufficient pressure to11 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.**
- (3) For the purpose of this subsection, a “carotid hold” means a method by which an officer bends or attempts to bend his or her arm around a subject’s neck, applying pressure on either side of the windpipe, but not on the windpipe itself, to slow or stop the flow of blood to the brain via the carotid arteries.**

Section 2. Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, clause, or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable by a court of competent jurisdiction, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 3. Pursuant to Section 5-5 of the Charter of the City of Aurora, Colorado, the second publication of this Ordinance shall be by reference, utilizing the ordinance title. Copies of this Ordinance are available at the Office of the City Clerk.

Section 4. All acts, orders, resolutions, ordinances, or parts thereof, in conflict with this Ordinance or with any of the documents hereby approved, are hereby repealed only to the extent

of such conflict. This repealer shall not be construed as reviving any resolution, ordinance, or part thereof, heretofore repealed.

INTRODUCED, READ AND ORDERED PUBLISHED this _____ day of _____, 2020.

PASSED AND ORDERED PUBLISHED this _____ day of _____, 2020.

MIKE COFFMAN, Mayor

ATTEST:

STEPHEN J. RUGER, City Clerk

APPROVED AS TO FORM:



Nancy Rodgers, Deputy City Attorney