


AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

05.04	Title: REPORTING AND INVESTIGATING THE USE OF TOOLS, WEAPONS AND PHYSICAL FORCE	
	Approved By: Nick Metz, Chief of Police	
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	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		Duty Honor Integrity
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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.