



SHERIFF'S OFFICE POLICY AND PROCEDURE		
		
CHAPTER TITLE: ROLE AND AUTHORITY USE OF FORCE	ACCREDITATION STANDARDS: LE 1.3.1, 1.3.2, 1.3.3, 1.3.5, 1.3.8, 1.3.9, 1.3.10, 1.3.11, 1.3.12 ACA 2B-01	DATE 12/16/2019
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230. USE OF FORCE

Deputies will only use the amount of force that is objectively reasonable and necessary to effectively bring an incident under control based on the totality of the circumstances at hand.

DEFINITIONS

Acute Stress Disorder - An anxiety disorder that can result from exposure to a traumatic event and occurs within 30 days of exposure.

Agency Briefing - An informational administrative report on what happened during the deputy-involved shooting.

Animal Control Officer - An officer in a local law enforcement agency assigned to enforce and or regulate animal related issues.

Bodily Injury - Physical pain, illness, or any impairment of physical or mental condition.

Companion Deputy - A deputy assigned to provide emotional support and assistance to another deputy following a deputy-involved shooting. The assigned deputy is typically a member of the sheriff's office Peer Support Program, but may also be a deputy who has had a similar experience, is a close friend, or both.

Critical Incident Response Team (C.I.R.T.) - A specialized team, working under the authority of the First Judicial District Attorney's Office, established to investigate incidents in which any law enforcement officer within the Judicial District uses deadly force, or attempts to use deadly force, against a human being while acting under

the color of official law enforcement duties.

Debriefings - In the context of this policy, a formal process conducted by a qualified mental health professional to address the psychological and emotional effects of the deputy-involved shooting.

Deadly Force - Force that, when used, creates a substantial risk of causing death or serious bodily injury.

Deputy-Involved Shooting Incident - An incident where a deputized employee of the Jefferson County Sheriff's Office fires his or her weapon in the course of his or her duties. This is not limited to causing bodily injury to a deputy or other person; it can include firing the weapon accidentally or missing the intended target during the shooting.

Dog - Any canine animal owned for domestic companionship, therapeutic assistance, sporting, working, ranching, or shepherding purposes.

Dog Owner - A person owning, possessing, harboring, keeping, having guardianship of, having financial or property interest in, or having control or custody of, a dog.

Indirect Force - Force that is either verbal persuasion or deputy presence.

Less-lethal Force - Force that, when used, is not intended to cause death or serious bodily injury.

Licensed Veterinarian - A person who is licensed pursuant to Article 64 of Title 12, C.R.S. to practice veterinary medicine in this state.

Local Law Enforcement Agency - A municipal police department or a county sheriff's office.

Local Law Enforcement Officer - Any officer in a local law enforcement agency, not including animal control officers, code enforcement officers, or a deputy sheriff who is assigned exclusively to work in jails, court security, or administration.

Objectively Reasonable - In determining the necessity for and appropriate level of force, deputies will evaluate each situation in light of the known circumstances, including but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

Peer Support Program - A formal group of approved members who have undergone training in peer support methods. Please see JCSO Policy and Procedure Manual, Section 782. [\[LINK\]](#)

Physical Force - Any use of force other than that which is considered less-lethal force, deadly force, or indirect force as listed in this policy.

Post-Traumatic Stress Disorder - An anxiety disorder that can result from exposure to a traumatic event and is diagnosed as such if symptoms persist after 30 days.

Qualified Mental Health Professional (QMHP) - Any individual who is licensed as a mental health professional and has an in-depth understanding of the law enforcement culture.

Reasonable Belief - Facts or circumstances in which a deputy knows, or should know, such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious Bodily Injury - Bodily injury which involves a substantial risk of death, a substantial risk of serious permanent disfigurement, or a substantial risk of protracted loss or impairment of the function of any part or organ of the body.

PROCEDURES

Use of Force Considerations

Prohibitions

Under no circumstance is any use of force to be used as a means of punishment.

Rendering Medical Aid

Deputies will render appropriate medical aid to any person requiring such aid when the use of deadly, non-deadly or physical force has occurred and as soon as the scene is safe and secure.

De-escalation Techniques

When possible, deputies will use de-escalation techniques if safe and appropriate for the situation at hand.

Mental Health Issues

Deputies must realize that individuals suffering from mental health issues react to force in different ways, that some tools may be ineffective in gaining compliance over such individuals, and that deputies may need to use alternate methods to gain compliance. De-escalation techniques are strongly recommended.

Authorized Weapons and Ammunition

Sheriff's office staff are only allowed to use authorized weapons, equipment, and ammunition. Sworn personnel must demonstrate proficiency with any approved weapon prior to carrying it.

Weapon and ammunition specifications are outlined in Jefferson County Sheriff's Office Policy and Procedure Manual, Section 911. [\[LINK\]](#)

Types of Resistance

Non-Verbal / Psychological Non-Compliance

Resistance that may include psychological intimidation and/or non-verbal resistance (e.g. non-verbal cues indicating a subject's attitude, appearance and physical readiness, blank stare, tightening of jaw, etc.). The subject may comply with attempts at verbal control but display visual and non-verbal cues that indicate potential physical resistance.

The goal of the deputy in non-verbal/psychological non-compliance encounters is to gain control of the subject

while minimizing the risk of injury to the deputy, the person being placed into custody, and innocent bystanders.

Verbal Non-Compliance

Any verbal response indicating the subject's unwillingness to obey commands of detainment, arrest, or to stop an unlawful act or dangerous behavior.

Passive Resistance

A person who does not respond to verbal direction but does not offer physical resistance during arrest. The goal of the deputy in passive resistance encounters is to gain control of the subject while minimizing the risk of injury to the deputy, the person being placed into custody, and innocent bystanders.

Defensive Resistance

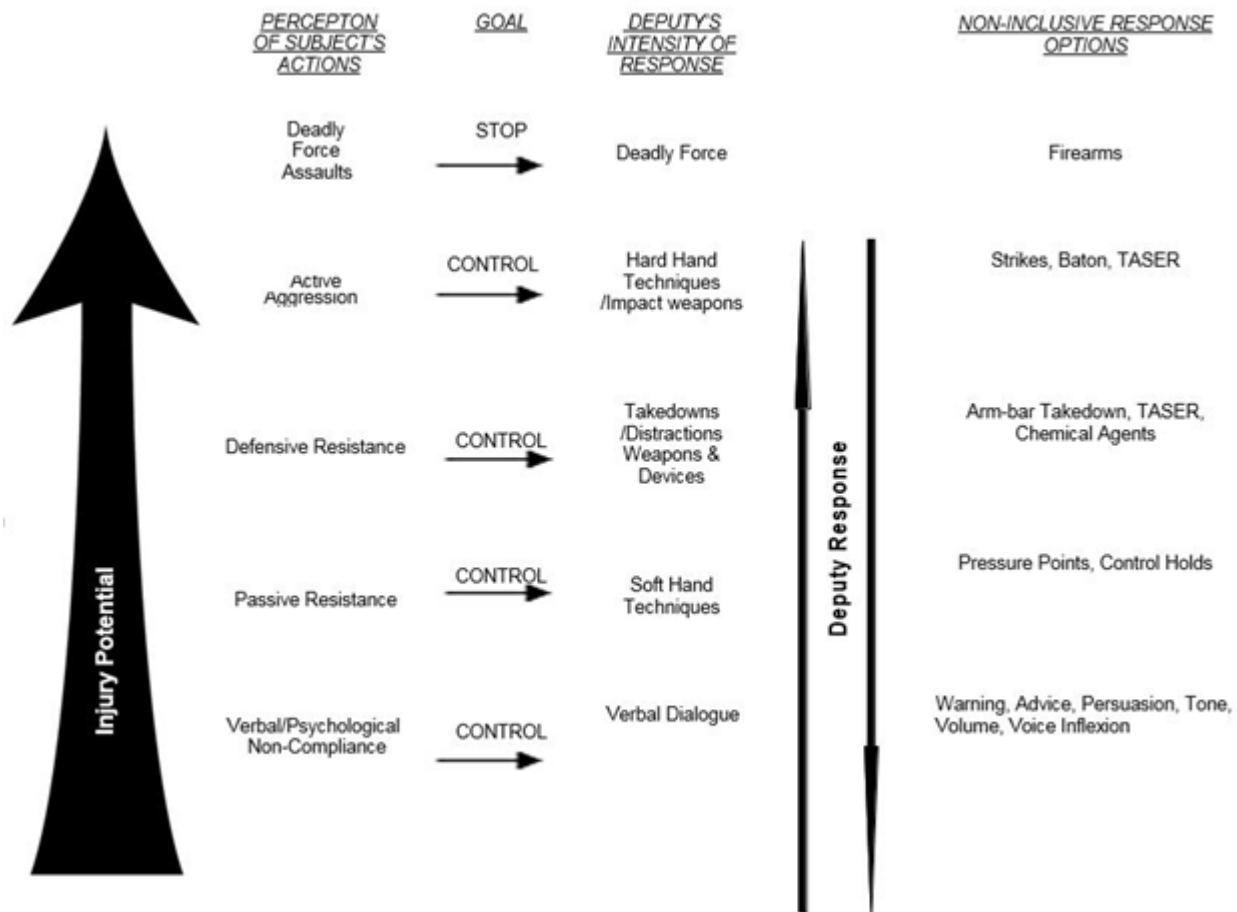
Physically evasive movements to defeat a deputy's attempt to gain control including bracing, tensing, pulling away, or verbally signaling an intention to avoid or prevent being taken into custody.

The goal of the deputy in defensive resistance encounters is to gain control of the subject while minimizing the risk of injury to the deputy, the person being placed into custody, and innocent bystanders. Deputies may use take-downs, distraction techniques, and appropriate tools/weapons to counter defensive resistance.

Active Aggression

Physical actions/assaults against the deputy or another person with less than deadly force (e.g. punching, kicking, grabbing, wrestling, etc.). Subjects may be actively aggressive towards a third party or a deputy. The goal of the deputy in active aggression encounters is to gain control of the subject while minimizing the risk of injury to the deputy, subject, or third party.

Use of Force Model



Indirect Force

Deputies may use deputy presence and or verbal persuasion at their discretion. These are the foundation of any use of force situation. Deputies are not required to use these options in all situations. Each situation will be evaluated as to the proper level of force that is reasonably necessary, based on the totality of the circumstances at hand.

Types of Indirect Force

Deputy Presence

Just the mere presence of an equipped, uniformed or otherwise identifiable deputy can have a controlling effect on a situation. Their appearance, demeanor, professionalism and non-verbal communication creates an atmosphere of compliance and can lead to de-escalation, resolution, custody, or apprehension without incident.

Verbal Persuasion

The manner and form in which a deputy speaks to individuals can be an effective means of exerting verbal control over a situation. Verbal persuasion may be in the form of warnings, advice, volume, and tone control and may be progressive in nature depending upon the circumstances. By utilizing reasonable and necessary verbal persuasion, deputies may not have to resort to the use of other forms of force.

Physical Force

Deputies may use physical force in circumstances where they reasonably believe that a lesser degree of force will be ineffective or impractical.

Unless exigent circumstances make it impossible or impractical, only those techniques of physical force approved for instruction in the sheriff's office basic law enforcement training academy and in-service training are authorized for use.

Types of Physical Force

Soft Hand Techniques

It may be necessary to gain control and compliance of a subject through the use of physical force. This may be in the form of soft hand techniques (e.g. pressure points, control holds, strength, joint locks or distraction techniques).

Hard Hand Techniques

In instances where a deputy is defending a person or him/herself, hard hand techniques may be utilized to escape or control the aggressive actions of a subject. Hard hand techniques include kicks, strikes, punches, take-downs and other appropriately used methods, tools, or weapons to overcome the aggression.

Less-lethal Force

Deputies may use less-lethal force in circumstances where they reasonably believe that a lesser degree of force will be ineffective or impractical .

Deputies are authorized to use department-approved less-lethal force techniques and issued equipment when one or more of the following apply:

- To protect the deputy or others from physical harm
- To restrain or subdue a resistant individual
- To bring an unlawful situation safely and effectively under control
- To prevent escape
- To protect property

Authorization for & Restriction on Less-lethal Weapons

Chemical agent spray (Oleoresin Capsicum), conducted energy weapon (TASER), canine, baton, and kinetic energy impact projectiles are the only less-lethal weapons authorized for use.

Other specialized less-lethal weapons or less-lethal munitions may be authorized for use by specially trained

tactical teams.

The requirement to carry less-lethal weapons (OC, TASER, and baton) is discretionary for management staff and above. Sergeants and below will carry a minimum of two (2) less-lethal weapons while in uniform. The two forms of less-lethal weapons to be carried will be at the employee's discretion. TASERs and Oleoresin Capsicum are available for use by Detention Services Division deputies.

Employees will maintain their equipment and training in accordance with this policy for all less-lethal weapons to include those not regularly carried.

Detention Facility Specific Requirements

The Detention Facility will maintain a record of routine and emergency distribution of security equipment and ensure that such equipment is inventoried at least monthly to determine its condition and expiration dates. This requirement applies to both ROUTINE and EMERGENCY use. (Reference Detention Service Operations Manual 3-111 [\[LINK\]](#))

Chemical Agent Spray/Oleoresin Capsicum (OC) Spray

Deputies will only use chemical agent spray issued by the sheriff's office in the official performance of their duties. A deputy may use OC spray when verbal persuasion has failed to bring about a suspect's compliance and when a subject has signaled intentions to physically resist the deputy. OC spray should be used when conditions are favorable. OC does not have the same effect on all individuals. Deputies should always keep other options open during and after the application of OC.

OC spray will not be used on a passive resistant subject such as a protestor.

OC can also be used against vicious animals in circumstances when a deputy reasonably believes him/herself or another person is in danger of injury by the vicious animal.

Any use of OC on a person will be documented in a sheriff's office Use of Force Review.

OC Training

Only those deputies who have completed the sheriff's office approved OC training course will be authorized to carry OC spray.

Decontamination of Subjects Sprayed by OC

Decontamination of subjects sprayed by OC will follow approved sheriff's office training.

Under normal circumstances, all major effects of OC should lessen within forty-five minutes to one hour after application. If symptoms persist or do not lessen beyond this time frame, seek medical attention. If a subject loses consciousness, seek medical attention.

Certain subjects may have a more severe reaction to the application of OC, including possible allergic reaction. Any individual having a severe or allergic reaction to OC will have medical attention rendered to them as soon as possible. (Reference JCSO PP 911 for authorized OC specifications. [\[LINK\]](#))

Notification to Detention Medical Staff

On-duty detention medical staff will be notified when an arrestee arrives that has been sprayed with OC. The arrestee will be accepted for incarceration if the medical staff concludes that the arrestee does not need to be cleared by a physician.

The decision of the medical staff and on-duty detention supervisor is final concerning medical clearance.

Electronic Control Device (ECD)/TASER

TASER is a conducted energy device designed to incapacitate an uncooperative subject from a safe distance without causing death or permanent injury. TASER is a less-lethal instrument.

TASER Use

A deputy is justified in using an authorized TASER when he/she believes a lesser degree of force is inadequate or has failed to bring about the subject's compliance. Deputies will give verbal warning that the TASER will be used prior to its use when practical. The deputy should take into consideration a subject's actions and other officer safety circumstances which could result in injury to a third party, the deputy, or the subject. Justification of these circumstances must be documented in a sheriff's office case report. Deputies must have articulable justification for each TASER cycle.

The TASER should be avoided in the following situations, unless exceptional circumstances exist:

- When a subject has been incapacitated or restrained
- When a subject is confined in a jail cell
- When a subject is in water
- When a subject is pregnant
- When a subject is a child or elderly citizen

The TASER will not be used in the following circumstances:

- To control persons who are only passively resisting
- To unlawfully threaten, coerce, harass, taunt, or abuse any person
- In any form of horseplay
- When a deputy reasonably knows a combustible substance is present

After the use of a TASER, removal of TASER probes will only be done by deputies who are authorized to do so and have received the proper training. Deputies will use appropriate universal precautions when removing TASER probes. The probes will be inspected to ensure the probes and barbs are still intact. If the probes and barbs are not intact and believed to be inside the subject's body, the deputy will advise medical personnel.

- Only qualified medical staff may remove TASER probe(s) that are embedded in sensitive areas such as the face, neck, genital area, breast, or are otherwise deeply embedded.
- Additional medical attention will be provided when appropriate.
- All injuries related to use of a TASER will be photographed.

The used TASER cartridge and probes will be submitted to the evidence vault for destruction. If the TASER probe(s) penetrated any of the above noted sensitive areas, the cartridge and probe(s) will be submitted to the

evidence vault and maintained as evidence. The TASER probe(s) and cartridge will be treated as a bio-hazard and will be handled with extreme caution according to sheriff's office approved TASER training.

TASER Training

Only those deputies who have completed the sheriff's office approved TASER training course will be authorized to carry a TASER.

All sheriff's office personnel authorized to carry the TASER will attend annual re-certification training on its use.

TASER Maintenance, Testing, and Documentation

The manufacturer recommends that TASERs be function-tested on a daily basis. Deputies should conduct a function test prior to their assigned shift. To ensure firing data from all assigned TASERs is collected, maintained, and preserved, TASER downloads will be conducted as follows:

- Semi-annually by all sheriff's office divisions
- The downloaded data will be collected and forwarded to the Administrative Investigations Unit electronically, as scheduled by the respective division chief or designee
- After a TASER is deployed in an enforcement action (actual deployment or drive stun), the supervisor responsible for completing the Use of Force Review will include a printout of the firing data for the incident as an attachment to this report.
- Prior to turning in a TASER for repair or replacement
- Upon transfer from the assigned division or as otherwise directed

TASER Inspections

TASERs will only be activated for daily maintenance or when utilized against persons meeting deployment requirements.

Supervisors will periodically inspect TASERs for proper function during line inspections. Each deputy will inspect his/her TASER and conduct a function test after each actual deployment. This after-action test will be documented in the deputy's written report and in the Use of Force Review (when deployed on a person).

All TASERs will be inspected by a JCSO TASER armorer/instructor prior to being issued. The sheriff's office Supply Unit is responsible for all repairs through a TASER-authorized representative. (Reference JCSO PP 911 for authorized TASER specifications. [\[LINK\]](#))

Impact Weapons

The baton is used to control active aggression. A deputy is justified in using an authorized baton as an impact weapon when the deputy believes a lesser degree of force is inadequate or has failed to bring about the subject's compliance and deadly force is not justified.

Only those deputies who have completed sheriff's office approved impact weapon training will be authorized to carry a baton. (Reference JCSO PP 911 for authorized impact weapon specifications. [\[LINK\]](#))

Alternative Force Delivery Equipment

Alternative force delivery equipment include but are not limited to Kinetic Energy Impact Projectiles and

Electronic Control Devices such as the ICE Shield and the Karbon Band-it. Deputies will use these force options in accordance with their training.

Kinetic Energy Impact Projectiles

Kinetic energy impact projectiles are impact projectiles that are fired from an approved delivery platform. They are designed to incapacitate an individual with a reduced potential for causing serious bodily injury or death.

...Kinetic Energy Impact Projectile Use

When practical, prior to deploying the kinetic energy impact projectiles, the deputy will advise assisting deputies that less-lethal force is being deployed.

Although classified as less-lethal, the potential exist for less-lethal munitions to inflict serious injury when they strike the face, eyes, and neck. Therefore, when deploying a less-lethal munitions system, deputies will avoid intentionally striking those body areas unless a life-threatening situation exists.

- The use of kinetic energy impact projectiles is considered deadly force if intentionally deployed at the head or neck.

Subjects who are struck by a less-lethal round will be examined on-scene by medical personnel or transported to a medical facility for examination and medical clearance.

...Kinetic Energy Impact Projectile Training

Deputies certified in the use and deployment of kinetic energy impact projectiles will be permitted to deploy these munitions in accordance with their training.

Deputies must receive re-certification training every two years to maintain their certification.

(Reference JCSO PP 911 for authorized kinetic energy impact projectiles. [\[LINK\]](#))

Immobilization Control Electronic (ICE) Shield

A conducted energy hand-held shield designed to incapacitate a combative individual without causing death or permanent injury, the ICE shield is a less-lethal device, which provides deputies with an alternative force option.

...ICE Shield Use

The ICE shield will be used to control resistive or combative subjects or to gain compliance of otherwise non-compliant subjects whose actions pose a danger to themselves or others. Prior to using the ICE shield, deputies will give verbal warnings that the ICE shield will be used. The deputy will take into consideration a subject's actions and other officer safety circumstances, which could result in injury to a third party, the deputy, or the subject. Justification of the circumstances surrounding use of an ICE shield will be documented in a sheriff's office case report. [\[LINK\]](#)

The ICE shield will not be used in the following circumstances:

- To unlawfully threaten, coerce, harass, taunt, or abuse any person
- If the subject has been incapacitated or restrained, unless exceptional circumstances exist

- In any form of horseplay
- When a deputy reasonably knows a combustible substance is present

The duration of each application should not exceed eight (8) seconds without any noticeable effects.

...ICE Shield Training

Deputies who have completed the sheriff's office approved TASER, SORT, or Riot Control training will be authorized to deploy an ICE shield.

All sheriff's office personnel authorized to deploy the ICE shield will attend yearly re-certification training on its use. (Reference JCSO PP 911 for authorized ICE shield specifications. [\[LINK\]](#))

Karbon Band-it

The Karbon Band-it is a remotely activated conducted energy device designed to incapacitate a resistive subject without causing death or permanent injury.

...Karbon Band-it Use

The Band-it will be used to control resistive or combative subjects or to gain compliance of non-compliant subjects whose actions pose a danger to themselves or others, primarily during transportation to, or incidents occurring outside of, the Jefferson County Sheriff's Office Detention Facility.

Only factory designed methods for concealed application will be used.

Prior to its use, deputies will give either a verbal warning or they will activate the audible warning contained within the device. The deploying deputy will take into consideration a subject's actions and other officer safety circumstances, which could result in injury to a third party, the deputy, or the subject.

In cases involving a medical procedure, deputies will not use the Band-it unless authorization from attending medical personnel is obtained and documented prior to use.

Justification of the circumstances surrounding use of the Band-it will be documented in a sheriff's office case report.

The Band-it will not be used in the following circumstances:

- To unlawfully threaten, coerce, harass, taunt, or abuse any person
- If the subject has been incapacitated or restrained, unless exceptional circumstances exist
- If prohibited by a Court, unless exceptional circumstances exist
- In any form of horseplay
- When a deputy reasonably knows a combustible substance is present

...Karbon Band-it Training

Deputies who have completed sheriff's office approved basic user training will be authorized to deploy the Band-it.

All sheriff's office personnel who are authorized to deploy the Band-it will attend yearly re-certification training on

its use.

Canine

A canine is a specialized law enforcement tool that is used to assist various components of the sheriff's office. The use of a canine is considered less-lethal force. Refer to section 2-195 of the Patrol Operations Manual [\[LINK\]](#) and 2-301 of the Canine Operations Manual [\[LINK\]](#).

Training

In accordance with Jefferson County Sheriff's Office Policy and Procedure Manual, Section 534 [\[LINK\]](#), training is required annually or biennially for lethal and less-lethal weapons, equipment, de-escalation techniques, and mental health issues. This training will be designed to simulate actual situations and conditions encountered by deputies. The goal will be to enhance deputy discretion and judgement when using deadly and non-deadly force in accordance with this policy. Deputies who fail to meet initial training standards will undergo relevant remedial training prior to returning to full duty.

All Jefferson County Sheriff's Office personnel required to carry lethal and less-lethal weapons will be provided with, and instructed in, all policies and procedures pertaining to use of force, use of less-lethal force, and use of deadly force prior to being authorized to carry such weapons. Receipt of policies and procedures or other associated written directives will be documented.

Deadly Force

Deputies may use deadly force on another person only when legally justified and when the need to do so is strong and compelling.

Deputies possess and utilize equipment to defend themselves or others against deadly force. A deputy may use deadly force when it is objectively reasonable and necessary to preserve his/her life or another person's life. When deadly force is used by a deputy, it must be with the realization that the death of a person may occur. The goal of the deputy in deadly force encounters is to stop the assault while minimizing the risk of injury to the deputy and innocent bystanders.

Justification for the use of deadly force must be limited to what reasonably appears to be the facts known or perceived by a deputy at the time he/she decides to use such force. Facts unknown to a deputy, no matter how compelling, cannot later be considered in determining whether the use of force was justified.

In accordance with C.R.S. 18-1-707 [\[LINK\]](#), a deputy may use deadly physical force to effect an arrest or to prevent an escape of a person in custody whom the deputy reasonably believes:

- Is acting in such a manner as to present a clear and imminent danger of death or serious bodily injury to any person, or
- Is escaping from lawful confinement in a detention facility, charged with or convicted of a felony, and presents an imminent danger to human life or of serious bodily injury to another, or
- Is in immediate flight from the commission of a felony and presents an imminent danger to human life or of serious bodily injury to another.

When practical, prior to discharging a firearm, the deputy will identify himself/herself as a law enforcement officer and warn of his/her intent to shoot.

Deadly Force Restriction

- Deputies are not permitted to fire warning shots to induce surrender of any person, absent extreme justification.
- Deputies will not discharge a firearm from a moving vehicle, absent extreme justification.
 - Discharging a firearm at a moving vehicle will only be considered in instances when a person in the vehicle is immediately and directly posing a risk of death or serious bodily injury to the deputy or another person (either using the vehicle itself or by use of another form of deadly force).
 - When possible, a deputy threatened by an oncoming vehicle will move out of its path instead of discharging a firearm at it or any of its occupants.

Use of Force Delivery Last Resort Option

Circumstances may arise in which deputies reasonably believe it would be impractical or ineffective to use any of the lethal or less-lethal weapons or methods provided by the sheriff's office. In this case, deputies may find it more effective to improvise their response to rapidly unfolding conditions. In such circumstances, any improvised device or method which is reasonable in nature may be utilized to bring an incident under control or to protect property.

- In the event a situation warrants the use of deadly force and the use of an assigned firearm is not available or practical, deputies are authorized to deliver deadly force by any reasonable means necessary to neutralize the threat and ensure the safety of the public and/or deputy involved.
 - Vascular or respiratory neck restraints should only be considered as a last resort
- In the event a deputy uses alternative devices or methods, the deputy will be required to articulate the reason for employing such tactics in the case report.

Notification of Force Used

Notification of use of force will be made to an on-duty supervisor as soon as reasonably possible.

- The involved employee's supervisor will make notification via e-mail through the chain of command, including the Administrative Investigations Unit, within 24-hours of the incident. The e-mail will include names of the deputies involved, any resulting injuries, nature of call, type of force used, and case report number.
- Upon receipt of the notification e-mail, the Administrative Investigations Unit will assign a use of force tracking number to the incident and will send the number to the sergeant via e-mail.

Command Staff Notification and Response

When a use of force results in serious bodily injury, timely notification will be made to the affected division chief via chain of command who will notify the undersheriff and/or sheriff.

When a use of force results in death, immediate notification will be made to the affected division chief via chain of command as well as the Criminal Investigation Division. The Administrative Investigations supervisor, the undersheriff, the sheriff, and the district attorney will also be notified.

The sheriff will direct the activation of the Jefferson County Critical Incident Response Team (C.I.R.T.) to review incidents involving the discharge of a firearm by a deputy which resulted in injury or death. (Reference C.R.S. 16-2.5-301)

The sheriff may request activation of the Jefferson County CIRT in other instances the sheriff deems appropriate.

Use of Force Documentation

Any use of force, less-lethal force, deadly force, or the display of a firearm directed at an individual, will be documented in a written report. Absent exigent circumstances, the report will be completed prior to the end of shift for the involved employee.

Use of Force Review

A Use of Force Review will be required in the following situations:

- When a firearm is discharged intentionally or accidentally
- When a use of force results in, or is alleged to have resulted in, death or injury to any person
- When deadly force/less-lethal weapon is used on a person or domestic animal
- When a sheriff's office canine causes death or injury to any person, or is alleged to have caused death or injury

A Use of Force Review is not required when:

- an individual's complaints of pain are caused by the appropriate application of soft hand pressure point control techniques, control holds, or handcuffing, and there is no obvious injury
- destroying injured wildlife or using less-lethal force against wildlife (a computer management system incident DOW report and immediate notification of supervisor is required)
- a firearm is used for practice or in lawful recreational or hunting pursuits
- a sheriff's office canine inadvertently causes injury to an employee and/or other law enforcement officer during a canine training event

Excessive Use of Force Documentation

Any deputy, acting in an official capacity, who observes another deputy or any other peace officer, also acting in an official capacity, use excessive force against any person will notify their supervisor immediately and submit a written report within twenty-four (24) hours.

The report will include:

- Date, time, and location of the incident
- Identify, if known, and description of participants
- Description of the incident, the force used, and the circumstances and conduct which constitute excessive force

The report will be made separately and not as part of any arrest, criminal, or incident report relating to the incident.

The report will be forwarded to the sheriff, via chain of command, by the end of the next business day unless:

- The named peace officer is a member of the sheriff's office, and
- The alleged use of force resulted in death or serious bodily injury, in which case, the sheriff will be notified immediately

Use of Force Administrative Review

The administrative Use of Force Review will be conducted by the employee's chain of command, to include the Sheriff, utilizing the Blueteam Reporting System. Once the Use of Force Review is completed, the Use of Force Administrative Review Process will begin.

When the administrative review determines the employee was justified in the use of force or action, the Use of Force Review and all supplemental documentation will be forwarded to the Administrative Investigations Unit to be filed through the Blueteam Reporting System. If, at any point during the administrative review, there is an indication the use of force was not justified or additional fact finding investigative measures are warranted, the reasoning for this belief will be brought to the attention of the appropriate division chief who, if in concurrence, will initiate a review by the Force Review Board.

The sheriff will review all use of force reports and make the final determination as to the appropriate disposition of a use of force incident.

The Administrative Investigations Unit supervisor will prepare and present to the undersheriff an annual analysis on the use of force by sheriff's office employees.

Force Review Board

The Force Review Board will be chaired by the Support Services Division Chief, or designee, and consist of (1) other command officer, (1) arrest control instructor, (1) representative from the training section, and (1) representative from the Administrative Investigations Unit. Members on the Force Review Board will remain for one year or at the discretion of the sheriff.

JCSO division chiefs may attend Force Review Board meetings at their discretion.

Any member of the Force Review Board may be excused from a particular use of force review due to a conflict of interest as decided by the chair or the undersheriff.

The Force Review Board will review all referred Use of Force Reviews and any supplemental documentation for compliance with Jefferson County Sheriff's Office Policy and Procedures, department directives, and applicable law. The Force Review Board may call in experts or other informed individuals to help it decide if a use of force was in violation of policy. If there is insufficient information to give a recommendation, the Force Review Board will send the Use of Force Review in question, and all supplemental documentation to the Administrative Investigations Unit who will initiate an investigation.

The Force Review Board will make recommendations through a consensus process when possible. If consensus cannot be achieved, the Force Review Board chair will determine if the use of force was appropriate.

Force Review Board members will be selected by the chief of the Support Services Division. The chief will determine the qualifications and selection process for members and may rely on the member's knowledge and/or experience with use of force.

Handling of Deputies at Scene of Shooting Incident (Deputy-Involved Shooting)

Watch Supervisor Responsibilities

A watch supervisor will be dispatched to the scene of the incident and will assume primary responsibility for the deputy or deputies. Communicating emotional support and reassurance is paramount. The watch supervisor will make appropriate arrangements for all necessary medical treatment.

The watch supervisor will ensure that:

- Notifications to both the Patrol and Criminal Investigation Divisions' chain of command are made
- The involved deputy is offered food and water to satisfy his or her basic needs as soon as possible
- The deputy will be allowed to notify his or her family by telephone as soon as reasonably possible following the incident
- The deputy refrains from discussing details of the incident with his/her family
- The use of social media by involved personnel, in any form, during this time is strictly prohibited
- While the deputy is on scene, they have no immediate duties to fulfill and he or she will be moved to a quiet area

At all times when at the scene of the incident, the watch supervisor will handle the involved deputy in a manner that acknowledges the stress caused by the incident and refrain from passing judgement regarding the shooting.

Watch Commander Responsibilities

The on-duty watch commander will obtain the deputy's yellow emergency notification form from the Business Office.

As outlined in the emergency notification form, the watch commander will notify the previously identified agency-approved Peer Support Program team member, companion deputy, other supportive friend, or chaplain. Upon arrival, that person will remain with the deputy, but will be advised not to discuss details of the incident. If the deputy has an immediate need to talk about the shooting incident, he or she will be encouraged to do so with those who have legal, privileged confidentiality.

Until the deputy's weapon is relinquished to the investigative entity, the deputy and the weapon will remain in the presence of a designated employee.

The watch commander will notify the firearms training coordinator of the incident and request a response with a weapon matching that of the involved deputy or deputies. This is in preparation for the deputy relinquishing his or her weapon to the involved investigating entity.

The watch commander will notify the on-call Fraternal Order of Police (FOP) board member for arrangement of legal representation for the deputy. If the deputy is not a member of the FOP, the deputy will be allowed to make arrangements for legal representation.

Preliminary Investigation

Where possible, the watch supervisor on scene will meet with the deputy. Any standard criminal or administrative investigations that will occur concerning the incident should be explained to and discussed with the deputy.

The deputy will be advised that he or she may seek legal counsel at any time.

Questions specific to the incident will be limited to a one time explanation of what happened.

The deputy will be advised not to discuss the incident with anyone except a personal attorney, agency investigator, or qualified mental health professional (QMHP) until the conclusion of the preliminary investigation.

Deputy Injury/Death

When a deputy-involved shooting incident results in deputy injury, an agency official and another member of the sheriff's office (preferably an individual with personal knowledge of the deputy and his or her family), will personally notify the deputy's family and arrange for their transportation to the hospital or other location as required.

If a deputy is transported to a hospital, a companion deputy will accompany the deputy in the ambulance or will meet the deputy upon arrival. The companion deputy will provide all reasonable support to the deputy and act as a liaison between the deputy and the hospital, until the liaison specified on the deputy's emergency notification form can arrive.

The sheriff's office will offer to assign a member of the peer support team to the deputy's family for security, support, and management of media inquiries and visitors.

When an involved shooting incident results in death, procedures outlined in JCSO Policy and Procedure Manual, Section 783 Line of Duty Death will be followed [[LINK](#)].

Post-Incident Procedures

Leave from Line Duty Assignment

Any employee whose action, use of force, or direct involvement results in a death or serious bodily injury will be given leave from line duty assignment until a review of the incident is complete and authorized by the sheriff.

The sheriff's office may seek a determination by a designated psychologist that an employee is ready to return to line duty assignment.

For time accounting purposes, the leave will be recorded as administrative leave.

Administrative Leave

The deputy will be placed on mandatory administrative leave with pay but will remain available for any necessary administrative investigations during the defined time frame of Monday through Friday, 8 a.m. to 5 p.m. It is important the deputy and the public understand the leave period is not a disciplinary suspension.

Deputy De-briefing/Counseling/Mental Health Services

The deputy will be required to attend a one-on-one or group debriefing provided by the agency's qualified mental health professional (QMHP) as soon as reasonably possible following the incident. After the QMHP meets with the deputy, and with the deputy's understanding, the sheriff's office will be advised of:

- If it is in the deputy's best interest to have additional leave
- The best continued course of counseling and intervention

Follow-up counseling services will be made available to the deputy and his or her family. The initial follow-up will be face-to-face. The family of the deputy is strongly encouraged to take advantage of available sheriff's office

mental health and counseling services. It is recommended that family/relationship joint counseling services be offered to the deputy and his or her family or significant other when possible.

To promote trust and encourage the use of mental health and counseling services, all one-on-one debriefings and other individual counseling sessions will be kept confidential. Any information provided to the QMHP will be used solely for return-to-work status recommendations.

Agency De-briefing

As soon as reasonably possible, an agency briefing concerning the incident will occur to minimize rumors. Sheriff's office employees will be encouraged to demonstrate their concern for the involved personnel.

Internal Investigation

Any agency investigation of the incident will be conducted as soon as practical. This office will make every effort to expedite the completion of any administrative or criminal investigations with the understanding that it can decrease the negative distress reactions the deputy may experience. The deputy will be informed of the progress and any outcomes of the investigation on a regular basis.

Media Relations

The deputy will be advised that he or she is not permitted to speak with the media about the incident. The deputy will refer all inquiries from the media to a sheriff's office public information officer.

Return to Work

An employee may return to full duty upon verbal or written clearance by the district attorney or when deemed appropriate by the sheriff.

During the post-incident time period and administrative leave, a Jefferson County Sheriff's Office liaison will be assigned to communicate a minimum of once a week with the involved deputies. This liaison will also be responsible for coordinating the required training sessions for the deputy's return to work, as well as obtaining any equipment needs the deputy requires prior to returning.

Prior to returning to work, the involved deputy will be required to qualify with his/her own service weapon in accordance with Jefferson County Sheriff's Office Policy and Procedures Manual, Section 912 [\[LINK\]](#). This qualification will be a private session with a sheriff's office range instructor so as not to impact the deputy any more than necessary.

Daily Stress Recognition

Physical, cognitive, emotional, and behavioral reactions or problems may not arise immediately, or the deputy may attempt to hide his or her problems. Supervisors are responsible for monitoring the behaviors of unit members for any adverse reactions or symptoms and will continually make information about the agency's peer support, chaplaincy, and mental health programs available to their unit members.

A supervisor may order a deputy to seek assistance or counseling from a QMHP upon a reasonable belief that stress may be disrupting the deputy's job performance.

Training

In accordance with Jefferson County Sheriff's Office Policy and Procedures Manual, Section 534 [\[LINK\]](#), sheriff's office employees will receive training pertaining to post-shooting reactions and behaviors, as well as standard procedures contained within this policy. Sheriff's office supervisors will be trained to identify post-shooting trauma reactions and behaviors.

Statutory and Legislative Requirements

Agency Requirements

Any state or local law enforcement agency that employs a peace officer who is involved in an officer involved shooting that results in a person suspected of criminal activity being shot at, injured or killed by the officer will report specified information to the state. (C.R.S. 24-33.5-517) [\[LINK\]](#) Each police department, sheriff's office, and district attorney within the state will develop protocols for participating in a multi-agency team, which will include at least one other police department or sheriff's office, or the Colorado Bureau of Investigation, in conducting any investigation, evaluation, and review of an incident involving the discharge of a firearm by a peace officer that resulted in injury or death. The law enforcement agencies participating need not be from the same judicial district. (C.R.S. 16-2.5-301) [\[LINK\]](#)

Each law enforcement agency will post the protocol on its web site or, if no website exists, make it publicly available upon request. The protocol required by this section will be completed and implemented by December 31, 2015. (C.R.S. 16-2.5-301)

District Attorney Requirements

If no criminal charges are filed following the completion of an investigation pursuant to C.R.S. 20-1-114 [\[LINK\]](#) and C.R.S. 16-2.5-301 [\[LINK\]](#), the district attorney will release a report and publicly disclose the report explaining the district attorney's findings, including the basis for the decision not to charge the officer with any criminal conduct. The district attorney will post the written report on its website or, if no website exists, make it publicly available upon request.

If the district attorney refers the matter under investigation to the grand jury, the district attorney will release a statement at the time the matter is referred to the grand jury disclosing the general purpose of the grand jury's investigation. If no true bill is returned, the grand jury may issue a report pursuant to section 16-5-205.5, C.R.S. [\[LINK\]](#).

Critical Incident Response Team (C.I.R.T.)

The First Judicial District Critical Incident Response Team (C.I.R.T.) is comprised of multiple individuals from several agencies. At a minimum it must include:

- one command level officer from the involved agency to act as a liaison to the C.I.R.T.
- four team coordinators, one each from Jeffco, Lakewood, Wheat Ridge, and Arvada
- two team leaders, one to manage the scene and one to manage interviews
- designated support personnel (lab techs and investigators)

Critical Incident Response Team Activation

The C.I.R.T. will be activated at the request of the sheriff or designee. Request for activation is made to one of the four team coordinators.

At the request of the sheriff, the C.I.R.T. may investigate other use of force situations resulting in death, in-custody deaths, or other non-traffic situations involving injury or death where an outside investigation may assist in protecting the integrity of the case.

This investigation is not intended to take the place of any internal investigation. Both investigations can run simultaneously, but it is not C.I.R.T.'s responsibility to review compliance with departmental policies. All information received during the C.I.R.T. investigation will be turned over to the sheriff's office.

Dog Related Incidents and Encounters (Dog Protection Act)

In accordance with provisions of the Colorado Dog Protection Act, codified at C.R.S. 29-5-112 [\[LINK\]](#), the Jefferson County Sheriff's Office will prevent, whenever possible, the shooting of dogs by our deputies in the course of performing their duties. The purpose of this policy is to address encounters with dogs in the course of duty and the use of force against such dogs. This policy is not intended to prohibit any deputy or animal control officer from resorting to lethal force to control a dangerous dog should less-lethal alternatives fail or be determined to be impractical.

Colorado Dog Protection Act Training

Sworn personnel and Animal Control Officers (ACO) will receive a minimum of three (3) hours of training prior to January 1, 2015, or within their first year of employment after January 1, 2015, in the following areas:

- Identification and meaning of common canine behaviors (e.g. dog posture, barking and other vocalizations), and differentiation between dogs that are exhibiting behavior that puts law enforcement officers or other persons in imminent danger, and dogs who are not engaging in such behavior
- Alternatives to deadly use of force against dogs
- What constitutes a reasonable opportunity for a dog owner to control or remove the dog from the area
- Methods to effectively evaluate and safely react to situations involving potential dog interaction, including options for distracting and escaping from a dog, options for safely capturing a dog, and defensive options in dealing with a dog.

Compliance with the prescribed training mandates in the Colorado Dog Protection Act is the responsibility of the Training and Academy Section of the Support Services Division.

Use of Force on Dogs

A deputy or ACO is authorized to use physical or mechanical force that is objectively reasonable and necessary to bring a dog under control. A deputy or ACO is authorized to use sheriff's office approved techniques and equipment to apply force to dogs in situations when it is necessary to:

- overcome resistance directed at the deputy, ACO, or others
- protect the deputy, ACO, or others from physical harm
- protect property, including other animals or livestock
- restrain or control the dog

Rendering Medical Aid

In the event a deputy or ACO uses force against a dog and the dog is injured or there is reasonable belief the dog is injured, the deputy or ACO will make reasonable attempts to ensure the dog receives medical care.

Deadly Force Events

Deputies and ACOs may use deadly force to dispatch a dog under the following circumstances:

- When the deputy or ACO reasonably believes such action is immediately necessary to protect the deputy, ACO, another person, or another animal from imminent danger or death or serious bodily injury
- As a humanitarian measure when the dog is seriously injured and suffering
 - Deadly force to euthanize a dog may only be used when there is no risk or danger to others in the surrounding area from the application of force

Deadly force will not be used if the deputy or ACO reasonably believes an alternative to the use of deadly force will avert or eliminate an imminent danger of death or serious bodily injury, at no increased risk to the deputy, ACO, another person, the dog, or other animals.

Reporting Use of Force

Any deputy or ACO whose use of force results in death or serious injury to a dog or other animal will report that use of force to his or her supervisor as soon as practical and before the end of his/her shift. Deputies and ACOs will notify their supervisor when they use force on a dog or other animal.

When a deputy or ACO uses force against a dog, a Use of Force Review will be completed in accordance with established procedures.

Response to the scene will be at the supervisor's discretion when a deputy or ACO has used less-lethal or non-deadly force.

A supervisor will respond to the scene when a deputy or ACO uses deadly force.

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