

AURORA POLICE DEPARTMENT

DIRECTIVES MANUAL

05.01 USE OF FORCE

Approved By:	Art Acevedo, Interim Chief of Police
Effective:	Aug-18-2023
Revised:	Aug-18-2023
Associated Policy:	DM 05.01, 05.03, 05.04, 05.05, 05.06
References:	C.R.S. § 18-1-704, 18-1-707, 18-1-901(3)(d), 24-31-901
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

5.1.01 PURPOSE

The purpose of this directive is to provide all sworn members of the Aurora Police Department (APD) with clear and direct guidelines that meet the standards of *Graham v. Conner* (1989) and C.R.S. § 18-1-707.

Sworn members shall respect and value the sanctity of human life and uphold the dignity of all persons. The life, safety, and welfare of all persons is paramount when carrying out the duties of a peace officer.

The decision to use force requires continual assessment of the situation with the goal of resolving the encounter with the minimal amount of force required to bring the situation under control.

5.1.02 SCOPE

This directive applies to all sworn members of APD.

5.1.03 DEFINITIONS

Active Harmer: Any incident in which a person(s) is actively engaged in killing or attempting to kill people in a populated area, typically involving the use of a firearm, knife, vehicle, and/or explosive.

Authorized Weapons: Weapons approved and issued by Aurora Police Department and for which the sworn member has met the required training and proficiency standards, including firearms, impact weapons, chemical agents, and conducted energy weapon (CEW).

Chokehold (PROHIBITED): As defined by C.R.S. § 18-1-707(2.5)(b)(I) and (II), a chokehold is a method by which a person applies sufficient pressure to another 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. "Chokehold" also means applying pressure to a person's neck on either side of the windpipe but not to the windpipe itself to stop the flow of blood to the brain via the carotid arteries. This includes methods previously referred to as the "Lateral Vascular Neck Restraint (LVNR)" and the "Carotid Control Hold."

Chemical Irritant: Chemical irritants are materials that, upon contact, cause temporary inflammation or irritation to a body's surface, including eyes, respiratory tract, skin, or mucous membranes.

Conducted Energy Weapon (CEW) / Taser: A device designed to disrupt a person's central nervous system by deploying battery-powered electrical energy sufficient to cause pain, uncontrolled muscle contractions, and override voluntary motor responses.

Lethal Force: Force in which the likely outcome is death, regardless of whether death occurs.

De-Escalation: Taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force.

Excessive Force: As defined by C.R.S. § 18-8-803(2), excessive force means physical force which exceeds the degree of physical force permitted pursuant to section 18-1-707. This includes force in excess of what is objectively reasonable, given the totality of the circumstances. The use of excessive force shall be presumed when a peace officer continues to apply physical force in excess of the force permitted by section 18-1-707 to a person who is not resisting or has been rendered incapable of resisting arrest.

Firearm: As defined by C.R.S. § 18-1-901(3)(h), "Firearm" means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

Impact Weapons: Devices used for striking a subject with the intent to cause pain, disable or cause temporary motor dysfunction (e.g., expandable, straight baton, etc.).

Launchable Impact Munition: Munitions used for impacting a subject with the intent to cause pain, disable or cause temporary motor dysfunction (e.g., 40 mm foam projectile).

Less-Lethal Weapon: Weapon used by a sworn member that is not intended to cause death (e.g., CEW/Taser, OC spray, impact weapons, 40mm foam projectiles, etc.).

Officer Relief: The replacement of sworn members who have been involved in a physical struggle, fight, and/or violent event with a subject by other arriving sworn members. This would also apply to any situation where a sworn member appears unable to control their emotions or de-escalate the situation on their own.

Objectively Reasonable: An objective standard of force viewed from the perspective of a reasonable officer, without the benefit of 20/20 hindsight, and based on the totality of the circumstances presented at the moment force is used. The belief would cause a trained and prudent professional police officer to think or act in a similar manner under substantially similar circumstances. This consideration must account for the fact that officers are often forced to make split-second judgments in circumstances that are tense, uncertain, dynamic, and rapidly evolving.

Physical Force: as defined by C.R.S. § 24-31-901(4), physical force is the application of physical techniques or tactics, chemical agents, or weapons to another person.

* Exception: The escorting or handcuffing of a person who is compliant does not constitute a use of force.

Pointing a Firearm at a Person: When a sworn member intentionally points a firearm in the direction of a person such that if the sworn member were to pull the trigger of the firearm, the likely outcome would be that subject being struck by a bullet.

Recovery Position: The placement of a subject's body in a manner that allows sworn members and medical professionals to assess the general medical condition of the subject, including breathing, bleeding, consciousness and awareness.

Sedative: Any medication intended to subdue, sedate, or otherwise chemically incapacitate an individual.

Serious Bodily Injury: As defined by C.R.S. § 18-1-901(3)(p), serious bodily injury (SBI) is an injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.

Serious Bodily Injury: As defined by C.R.S. § 18-1-901(3)(p), serious bodily injury (SBI) means bodily injury which that, either at the time of the actual injury or at a later time, involves a substantial risk of death; a substantial risk of serious permanent disfigurement; a substantial risk of protracted loss or impairment of the function of any part or organ of the body; or breaks, fractures, a penetrating knife or penetrating gunshot wound, or burns of the second or third degree.

Subject Behaviors and Actions: The following levels of resistance describe general categories of perceived and articulable behaviors and actions exhibited by a subject during an encounter with law enforcement.

Compliant: A subject who acknowledges direction or lawful orders given by a sworn member and cooperates and offers no resistance.

Passive Resistance: Any behavior or action by the subject that is uncooperative but not forceful or active in any manner.

Active Resistance: Any behavior or action by the subject that involves using their strength or force in opposition to a sworn member's lawful efforts.

Aggressive Resistance: Any behavior or action by the subject where the likely outcome is to harm, cause pain, or injure a sworn member, another person, or the subject.

Assaultive Behavior: Any behavior or action by the subject where the sworn member believes the subject's intent is to harm, cause pain, or injure a sworn member or another person.

Life-Threatening: Any behavior or action by the subject where the sworn member believes the likely outcome is imminent death or serious bodily injury to a sworn member or another person.

Totality of the Circumstances: All facts or circumstances known by the sworn member at the time surrounding any event which can influence decision-making or actions taken.

Use of Force: Actions where the intent of the sworn member's application of "physical force" is to overcome the subject's behavior and gain control of the subject.

Use of Force Model: The force options available to the sworn member in response to varying degrees of a subject's behavior.

Warning Shot(s) (PROHIBITED): Warning shots are the discharge of a firearm for the purpose of compelling compliance from an individual or group but not intended to cause physical injury.

Weapon: An object, instrument, substance, or device designed or intentionally used under the circumstances for inflicting injury, serious bodily injury, or death.

5.1.04 POLICY

The policy of the Aurora Police Department is that sworn members use force in a manner that reflects recognition and awareness of the sanctity of human life while serving the public with professionalism, respect, and courtesy. Appropriate and unbiased use of physical force is essential in building public trust and, therefore, should only be used when other means would be ineffective or are not practical under the circumstances. Sworn members shall employ the minimal amount of force required to overcome the level of resistance or threat encountered and control the situation.

5.1.05 CORE PRINCIPLES

A policy cannot foresee each use of force decision that sworn members encounter. The objective of any use of force is control of self, subject, and situation. The following core principles are provided to guide sworn members regarding the use of force:

Sanctity and Dignity of All Individuals: Sworn members shall make every effort to respect and preserve human life and uphold the value and dignity of all persons at all times. The life, safety, and welfare of all persons are paramount when carrying out the duties of a peace officer.

Peaceful Resolutions: Sworn members shall enter every encounter with the intent to resolve each situation peaceably and exhibit patience, flexibility, and professionalism. When practical, sworn members shall apply non-physical means as an alternative to the use of force.

Continuous Assessment: Sworn members shall continually assess each situation and alter their response as the situation evolves, as use-of-force situations are tense, uncertain, and rapidly evolving, and factors that justify the use of force may change.

De-Escalation: When safe and practical, sworn members shall attempt to influence a situation by taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to reduce tension, stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force. Some examples of de-escalation tactics and techniques are communication skills (verbal persuasion, speaking calmly, maintaining a calm and composed demeanor, showing empathy, developing rapport, conveying concern, etc.), containment, and tactical disengagement.

Verbal Warnings: When practical, sworn members shall communicate to the subject(s) and other sworn members that the use of force is imminent unless doing so would place sworn members at risk of injury or death or would create a risk of death or injury to other persons.

Pointing of a Firearm: When a sworn member intentionally points a firearm in the direction of a person such that if the sworn member were to pull the trigger of the firearm, the likely outcome would be that subject being struck by a bullet, it is a seizure under the Fourth Amendment to the United States Constitution. In these circumstances, the sworn member shall be able to articulate a reasonable fear for their or another's safety and that the pointing of a firearm would be objectively reasonable given the totality of the circumstances.

Fair and Unbiased Policing: Sworn members shall carry out their duties in a manner that is fair and unbiased. Discriminatory conduct on the basis of race, religion, color, ethnicity, national origin, age, gender, gender identity, gender expression, sexual orientation, housing status, or disability while performing any law enforcement activity is prohibited.

Approved Control Techniques: Sworn members should use department-approved control techniques and tactics. Control techniques and tactics should be employed to obtain maximum effectiveness with the minimum force needed to control the subject.

Subject Mental Capacity: To reduce the likelihood of the need to use force, sworn members shall consider factors such as age, drug/alcohol intoxication, mental health, etc., and, when practical, request specialized units for assistance, such as Crisis Response Team (CRT) or Aurora Mental Health Response Team (AMHRT).

Identification as a Police Officer: Prior to using force, sworn members should identify themselves as police officers unless doing so would place sworn members at risk of injury or death or would create a risk of death or injury to other persons.

Accountability: We are responsible for our actions and decisions. We are committed to holding ourselves and each other accountable for misconduct.

Immediate Fear of Death or SBI: If a sworn member is in immediate fear of death or serious bodily injury to themselves or another person, and the use of an approved tool is neither reasonably possible nor practical, they may use any and all force options to prevent death or serious bodily injury.

5.1.06 AUTHORIZED USES OF FORCE

Per C.R.S. § 18-1-707(1), a peace officer may use physical force only if nonviolent means would be ineffective in:

effecting an arrest;

preventing an escape, or;

preventing an imminent threat of injury to the peace officer or another person.

Per C.R.S. § 18-1-707(3), a peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;

The suspect poses an immediate threat of death or serious bodily injury to the peace officer or another person;

The force employed does not create a substantial risk of injury to other persons.

5.1.07 AUTHORIZED DISCHARGE OF A FIREARM

Sworn members are permitted to discharge a firearm when it is lawful, as defined in C.R.S. § 18-1-707(3), and compliant with APD policy, as defined in this directive ([DM 05.01 - Use of Force](#)).

Per C.R.S. § 18-1-707(4) (4), *a peace officer shall identify himself or herself as a peace officer and give a clear verbal warning of his or her intent to use firearms or other deadly physical force, with sufficient time for the warning to be observed, unless to do so would unduly place peace officers at risk of injury or would create a risk of death or injury to other persons.*

Sworn members shall always handle firearms in a safe manner. When handling and/or discharging a firearm, sworn members shall follow the firearms safety rules to the 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.

5.1.08 PROHIBITED USES OF FORCE

Use of force prohibitions that are not authorized in any circumstances.

- Per C.R.S. § 18-1-707(2)(a), sworn members shall not use lethal physical force to apprehend a person who is suspected of only a minor or nonviolent offense.
- Per C.R.S. § 18-1-707(1.5)(a), sworn members shall not administer a sedative or attempt to influence the medical judgment of a paramedic or other medical professional authorized to decide as to whether the administration of a sedative is appropriate.
- Per C.R.S. 24-31-905(1)(b), during a protest or demonstration, sworn members shall not discharge kinetic impact projectiles indiscriminately into a crowd.
- Sworn members shall not fire warning shots.
- Sworn members shall not use force as retaliation or punishment.
- Sworn members shall not use force against subjects who are only verbally confrontational or antagonistic towards them and who do not obstruct, impair, or hinder the performance of a governmental function by a public servant by using or threatening to use violence, force or physical interference or obstacle.

5.1.09 RESTRICTED USES OF FORCE

Uses of force in the following circumstances are not authorized absent the sworn member being in immediate fear of death or serious bodily injury to themselves or to another, and the use of an approved device, weapon, or technique is not reasonably possible under the circumstances.

- Sworn members shall not use a firearm as an impact weapon or as a bludgeoning device.
- Per C.R.S. § 18-1-707(2.5)(b)(I) and (II), sworn members shall not use chokeholds.
- Sworn members shall not intentionally strike a subject's head, neck, throat, heart, or spine with an impact weapon. This excludes deliberate strikes with hands, fists, elbows, knees, etc., when otherwise authorized by policy and objectively reasonable, given the circumstances.
- Sworn members shall not use any weapon without proper training, certification, and prior departmental authorization; unless an immediate threat exists and the sworn member reasonably believes that death or serious bodily injury will occur unless they use the weapon.
- Sworn members shall not discharge a firearm at or from a moving vehicle unless lethal force is being used against a sworn member or another person present by means other than the moving vehicle. The moving vehicle itself shall not presumptively constitute a threat that justifies a sworn member's use of lethal force. A sworn member who is threatened by an oncoming vehicle shall move out of its path instead of discharging a firearm at it or any of its occupants. The only exception is an active harmer incident where the vehicle is being used as a weapon.

- Sworn members shall not intentionally use a flashlight or other department-issued equipment as a bludgeoning object that is not departmentally approved as an impact weapon. Sworn members shall not intentionally use a flashlight or other department-issued equipment as a bludgeoning object that is not departmentally approved as an impact weapon.
- Sworn members shall not use force against a subject in handcuffs unless reasonable and articulable justification exists, such as preventing escape, controlling an actively or aggressively resisting subject, preventing injury, or stopping assaultive or life-threatening actions. This restriction does not include escort positions or control holds.
- Sworn members shall not use a baton, CEW, or an impact projectile launcher on a woman who is believed to be pregnant unless the subject displays life-threatening behavior.
- A sworn member shall not use lethal force against a subject based on the danger that the subject poses to themselves if a sworn member would objectively and reasonably believe the subject does not pose an imminent threat of death or serious bodily injury to the sworn member or another individual.

5.1.10 DUTY TO PROVIDE MEDICAL ASSISTANCE

Sworn members using any force that results in injury, complaint of injury, or apparent medical distress, shall arrange for reasonable, timely, and appropriate medical treatment. To the extent possible and if safe and practical, the sworn member will personally render medical aid within the scope of departmental training and their skill level until medical professionals arrive. At that time, sworn members will advise medical personnel of the type of force used, the location on the subject, and any other medical conditions. Sworn members will then transition care per APD [Directive DM 09.06 - Coordination with Aurora Fire Rescue and Emergency Medical Services](#).

As determined by medical professionals, a subject's medical needs will supersede any criminal investigation or process. Sworn members should advise medical professionals of potential evidence, either on the subject or at the scene, that they should be aware of in an effort for preservation.

Sworn members shall attempt to place subjects who are in custody into a recovery position while awaiting medical professionals unless doing so would aggravate the subject's medical condition; the subject is still resisting (active, aggressive, or assaultive), or placing the subject into the recovery position is not practical or safe. Sworn members will ensure the subject is in a position that does not restrict or compromise the airway.

Sworn members should be aware that extended physical confrontations can increase the risks of a medical episode for the subject. Factors such as drug use, extreme agitation, profuse sweating, labored breathing, or significantly elevated heart rate are indicators of increased medical risk.

If a non-custodial arrest of a subject takes place, and the subject refuses medical attention or walks away from the incident, the sworn member shall document the subject's response to the offer for medical attention and the actions of the subject.

5.1.11 DUTY TO INTERVENE

Per C.R.S. § 18-8-802, on-duty sworn members are obligated to intervene in a use of force incident where they perceive a level of force being used by another sworn member exceeds what is legally justifiable under C.R.S. § 18-1-707.

Any sworn member who perceives or reasonably should have perceived another sworn member's use of force exceeds the degree of force that is objectively reasonable shall, when in a position to do so, safely and immediately intervene to discontinue the use of force without regard for the chain of command.

The action required by the sworn member will depend upon the circumstances of the incident. Appropriate action includes, but is not limited to:

- Verbal or physical intervention.
- Immediate notification to a supervisor.
- Complete [18-8-802 UOF](#) Report

5.1.12 OFFICER RELIEF

The first arriving sworn member who is not immediately needed in a role to the control subject(s) or the safety of the scene shall relieve. This "Officer Relief" should only occur after the subject is in custody/detained or under control. Sworn members are required to accept, without question (regardless of rank or tenure), the intervention of another sworn member unless it is not safe or practical.

The goal of the officer-relief protocol is to assist in de-escalating the situation, preventing the potential for excessive force, allowing time for decompression, time to assess any injuries to sworn members and/or the subject, and the ability to provide information to the supervisor(s). Sworn members that are making the physical arrest may be advised to step aside and allow other sworn members to take over the hands-on portion of the arrest.

Once the situation is under control, an on-scene supervisor can determine who should continue with the arrest process of the subject.

5.1.13 ADDITIONAL CONSIDERATIONS

There are some instances where members will need to use physical force on subjects who are not intentionally uncooperative, assaultive, or have criminal culpability. These non-criminal events involving the use of physical force can include subjects with:

- Developmental disabilities
- Behavioral health disabilities
- Medical conditions
- Drug interactions
- Emotional health crisis
- Language barriers

Any of these instances can affect the behavior of a subject and their ability to understand, communicate, and cooperate. While still recognizing that subjects experiencing any of the above can pose a real threat to sworn members and others, sworn members are expected to continually assess these situations, employ de-escalation tactics and techniques, and seek a resolution that minimizes or eliminates the necessity for physical force.

When force must be used, general guidance is that the likely outcome of such use of force should improve the situation and the safety of the subject and the public. This can include the measured use of force upon a person who is only threatening his/her own safety. However, the use of lethal physical force is prohibited and shall not be used in this circumstance.

When these situations are resolved, the priority should be the welfare of the subject and not the pursuance of criminal charges.

5.1.14 CHILDREN AND YOUTH

Sworn members will, when practical, recognize and employ developmentally appropriate tactics, including, but not limited to, using a calm and natural demeanor and avoiding threatening language. Sworn members may need to account for any fear-based reactions children and youth may experience during an encounter.

In circumstances where force against a child or young person is required, sworn members shall take into account personalized factors of the child or young person, including apparent age, body size, and relative strength of the sworn member relative to the child or young person; and risk posed by the child or young person.

In the case of injury resulting from a use of force, in addition to the requirements to render aid, summon medical care and notify a supervisor, the sworn member will notify the child or young person's parent, guardian, or another responsible adult.

5.1.15 DOMESTIC ANIMALS

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 lethal force against a canine.

Colorado State law requires officers to, whenever practical, seek alternative methods prior to using lethal force on canines. Sworn members should allow the canine owner or an Animal Protection Officer, if present and it is practical, the opportunity to control or remove the canine from the immediate area in order to allow the sworn member to discharge their duties (C.R.S. § 29-5-112). If it is not practical to allow the canine owner or Animal Protection Officer to secure a vicious dog, and the safety of sworn members or others is compromised, a sworn member should use alternative methods other than lethal force to stop or ward off an attack if possible.

Sworn members 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 canine or an Animal Protection Officer to control or remove the canine from the area.
- Use of treats to calm and distract the canine.
- Use of items to block or restrain the canine from lunging at the sworn member.
- Use of less lethal weapons, OC Spray, or CEW.

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

Sworn members shall follow the requirements set forth in [DM 05.05 -Reporting and Investigating Use of Force](#) regarding notification to supervisors and reporting requirements.

AURORA POLICE DEPARTMENT

DIRECTIVES MANUAL

05.02 USE OF FORCE MODEL

Approved By:	Art Acevedo, Interim Chief of Police
Effective:	Aug-18-2023
Revised:	Aug-18-2023
Associated Policy:	DM 05.01, 05.03, 05.04, 05.05, 05.06
References:	C.R.S. § 18-1-704: 18-1-707; 18-1-901(3)(d), 24-31-901
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

5.2.01 PURPOSE

The purpose of this directive is to provide and describe the Aurora Police Department (APD) Use of Force Model.

5.2.02 SCOPE

This directive applies to all sworn members of APD.

5.2.03 DEFINITIONS

All definitions from [DM 05.01 - Use of Force](#) apply to this directive.

5.2.04 POLICY

Sworn members shall respect and value the sanctity of human life and uphold the dignity of all persons. The life, safety, and welfare of all persons is paramount to carrying out the duties of a peace officer. The decision to use force requires continual assessment of the situation with the goal of resolving the encounter with the minimal amount of force required to bring the situation under control.

Sworn members are often forced to make split-second decisions in tense, uncertain, and rapidly evolving circumstances. In some instances, sworn members may encounter a subject who is presently exhibiting assaultive or life-threatening behavior that requires immediate attention to ensure the safety of the public and sworn members. Therefore, sworn members are not required to follow a prescribed sequence of escalation within the APD Use of Force Model.

When sworn members are confronted with a decision to use force, they must choose a degree of force that is objectively reasonable to overcome the level of resistance or threat encountered and control the situation. Depending on the subject's behavior and actions, more than one level of force may be required to gain control of a subject.

5.2.05 SUBJECT BEHAVIORS AND ACTIONS

In order to respond effectively, it is imperative that sworn members understand that there are many reasons why a subject may resist passively, actively, or aggressively or exhibit assaultive or life-threatening behaviors. A subject may be non-compliant for a variety of reasons and have no criminal intent (e.g., cognitive impairment, language barrier, medical condition, etc.).

The following levels of resistance describe general categories of perceived and articulable behaviors and actions exhibited by a subject during an encounter with law enforcement.

Compliant: A subject who acknowledges direction or lawful orders given by a sworn member and cooperates and offers no resistance.

Passive Resistance: Any behavior or action by the subject that is uncooperative but not forceful or active in any manner.

Active Resistance: Any behavior or action by the subject that involves using their strength or force in opposition to a sworn member's lawful efforts (this includes fleeing and barricading).

Aggressive Resistance: Any behavior or action by the subject where the likely outcome is to harm, cause pain, or injure a sworn member, another person, or the subject.

Assaultive Behavior: Any behavior or action by the subject where the sworn member believes the subject's intent is to harm, cause pain, or injure a sworn member or another person.

Life-Threatening: Any behavior or action by the subject where the sworn member believes the likely outcome is imminent death or serious bodily injury to a sworn member or another person.

5.2.06 LEVELS OF FORCE USED BY A SWORN MEMBER

Sworn members who use force shall do so in an objectively reasonable manner, base their use of force on the totality of the circumstance they face, and use force with the intent of controlling the subject and the situation using the **minimum** amount of force required to accomplish a lawful objective. The following are broad categories of influence and force used by sworn members in escalating stages:

When force is objectively reasonable, sworn members shall make reasonable efforts to employ the minimal amount of force required to overcome the level of resistance or threat encountered and control the situation.

Control: Attempts to influence a subject's behavior or actions taken to restrain a subject safely without the need to overcome resistance. The escorting or handcuffing of a person who is compliant does not constitute a use of force.

Low-Level Force: Actions taken to control a subject that are neither likely nor intended to cause injury.

Intermediate Force: Actions taken to control a subject that is likely to cause pain, injury, or serious bodily injury to the subject.

Lethal Force: Actions taken in which the likely outcome is death, regardless of whether death occurs.

5.2.07 USE OF FORCE MODEL VISUAL AID

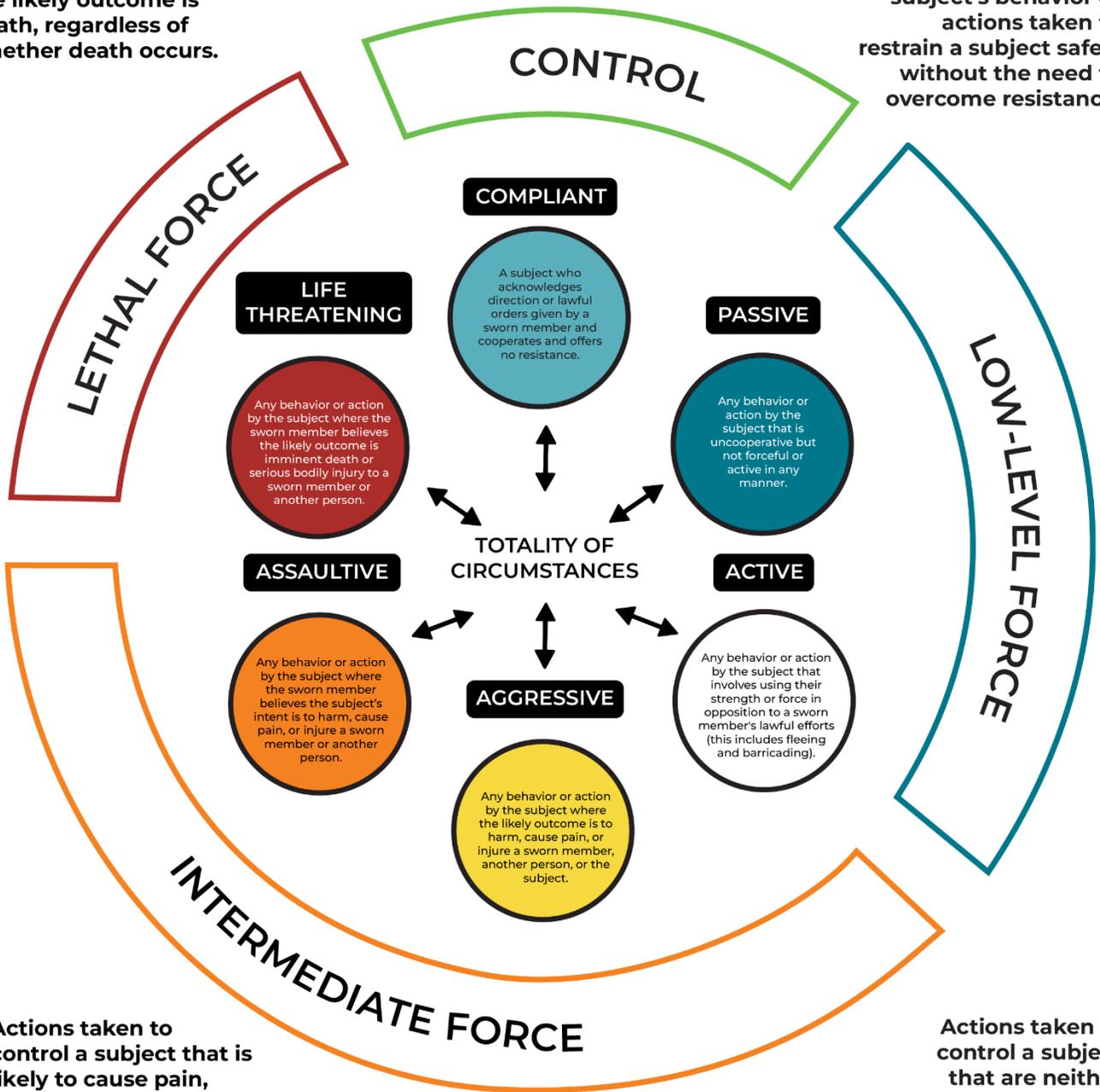
The following visual aid is a general guide that provides sworn members with a range of options that correlates subject behaviors and actions to appropriate levels of force used by sworn members when confronted with a decision to use force.



Actions taken in which the likely outcome is death, regardless of whether death occurs.



Attempts to influence a subject's behavior or actions taken to restrain a subject safely without the need to overcome resistance.



Actions taken to control a subject that is likely to cause pain, injury, or serious bodily injury to the subject.



Actions taken to control a subject that are neither likely nor intended to cause injury.

AURORA POLICE DEPARTMENT

DIRECTIVES MANUAL

05.03 LESS-LETHAL DEVICES, TECHNIQUES, AND WEAPONS

Approved By:	Art Acevedo, Interim Chief of Police
Effective:	Aug-18-2023
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References:	C.R.S. § 18-1-707, 24-31-905
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

5.3.01 PURPOSE

The purpose of this directive is to provide sworn members of the Aurora Police Department (APD) with clear and direct guidelines to follow when making the decision whether to use less-lethal devices, techniques, and weapons. The availability and use of less-lethal devices, techniques, and weapons covered in this policy are not intended to replace tactics or training that can be utilized to de-escalate a situation and avoid the use of force.

5.3.02 SCOPE

This directive applies to all sworn members of APD.

5.3.03 DEFINITIONS

Definitions from the following directives apply to this directive:

- [DM 05.01 - Use of Force](#)
- [DM 05.02 - Use of Force Model](#)

Less-Lethal Techniques: Departmentally approved techniques that, when properly used, have less potential for causing death than with the use of a firearm. Less-lethal techniques are intended to be used to gain control or temporarily incapacitate a subject to take that subject into custody safely.

Less-Lethal Devices and Weapons: Departmentally approved devices and weapons that, when properly used, have less potential for causing death than with the use of a firearm. Less-lethal devices and weapons are intended to achieve temporary incapacitation and/or to aid in gaining control of a subject to safely effect an arrest or place the subject into protective custody.

5.3.04 POLICY

All policies and core principles from [DM 05.01 - Use of Force](#) and [DM 05.02 - Use of Force Model](#) apply to this directive.

APD recognizes that non-compliant, combative, violent, and/or armed subjects can create a substantial danger to sworn members and the public. The use of less-lethal devices, techniques, and weapons contributes greatly to reducing the need for sworn members to use lethal force.

The decision to use less-lethal devices, techniques, and weapons requires continual assessment of the situation. When sworn members are confronted with a decision to use less-lethal devices, techniques, and

weapons, they shall use the minimal amount of force that is objectively reasonable to overcome the level of resistance or threat encountered and control the situation. The use of less-lethal devices, techniques, and weapons must conform to APD's training and policies.

Sworn members shall not use any weapon without proper training, certification, and prior departmental authorization; unless an immediate threat exists, and the sworn member reasonably believes that death or serious bodily injury will occur unless they use the weapon.

Sworn members shall be trained, certified, and carry a CEW, OC spray, or both when they are wearing their full-duty uniform.

Sworn members shall have a straight wood baton or Rapid Containment Baton (RCB) when responding to calls for service or engaging in self-initiated investigatory contacts.

5.3.05 TRAINING AND PROFICIENCY REQUIREMENTS

All sworn members shall be trained in the lawful application of force and demonstrate proficiency with all department-authorized less-lethal devices, techniques, and weapons they are issued before use is authorized.

The Training Section shall maintain a record of the training curriculum, certifications of members who have satisfactorily demonstrated proficiency, and all applicable POST requirements for department-authorized less-lethal devices, techniques, and weapons.

Sworn members shall ensure all tools are in working order and properly maintained. Supervisors are required to inspect their subordinate's equipment in compliance with APD Directive [DM 02.04 - Line and Staff Inspections](#).

5.3.06 AUTHORIZED USES OF LESS-LETHAL DEVICES, TECHNIQUES, AND WEAPONS

Members are permitted to draw, display, or use their less-lethal devices, techniques, or weapons when there are grounds to believe their use would be [objectively reasonable](#) based on the totality of the circumstances. Any time a sworn member uses a less-lethal device or weapon on a subject in handcuffs, their actions and decision-making will be subjected to a stringent review.

5.3.07 LEVELS OF FORCE USED BY A SWORN MEMBER

Sworn members who use force shall do so in an objectively reasonable manner with the intent of controlling the subject and the situation using the minimum amount of force required to accomplish a lawful objective. The following are broad categories of influence and force used by sworn members in escalating stages. The levels of force include:

Control: Attempts to influence a subject's behavior or actions taken to restrain a subject safely without the need to overcome resistance. The escorting or handcuffing of a person who is compliant does not constitute a use of force.

Low-Level Force: Actions taken to control a subject that are neither likely nor intended to cause injury.

Intermediate Force: Actions taken to control a subject that is likely to cause pain, injury, or serious bodily injury to the subject.

Lethal Force: Actions taken in which the likely outcome is death, regardless of whether death occurs.

5.3.08 EMPTY HAND TECHNIQUES

Levels of Force:

- Control: The use of physical control techniques (e.g., twist-locks, rear-wristlocks, etc.), without the need to cause pain, cause injury, or overcome resistance, to control a compliant subject (e.g., handcuffing, searching, escort controls, etc.).
- Low-Level Empty Hand Techniques: Intentionally applying pain, leverage, or injuring force to control a subject who is resisting.
- Intermediate Empty Hand Techniques: Using combative techniques, such as strikes, kicks, punches, etc., to control a subject.
- Lethal Empty Hand Techniques: Using any empty-hand technique with the intent to cause the death of a subject.

Medical Attention:

- See APD Directive [DM 05.01 Use of Force](#), section [5.1.09 Duty to Provide Medical Assistance](#) for further information.

Requirements for Proficiency:

- Initial APD Academy Requirements
- Per Department In-Service Training Requirements

5.3.09 HANDCUFFS

Approved Use for Handcuffs:

- During investigatory detentions (*Terry Stops* – see APD Directive [DM 08.52 – Constitutional Policing](#) section [8.52.06](#)) the use of handcuffs is permitted.
- Probable cause exists to arrest a subject for a crime.
- If probable cause exists to place the subject on an Emergency Mental Health Hold (see APD Directives [DM 06.13 - Dealing with Persons with Mental Health Disorders](#) and [DM 08.52 - Constitutional Policing](#) section [8.52.12](#)).
- Subject being transported to detoxification facilities.
- Moving subjects who are in custody.
- During a search warrant service, as is objectively reasonable to safely execute the warrant.

Additional Considerations:

- If medical circumstances make it unreasonable to handcuff a subject, sworn members shall refrain from handcuffing. Subjects shall be handcuffed behind their back unless impractical or impossible due to body characteristics, handicap, or other compelling reasons.

- Subjects who are handcuffed in the prone position shall be placed in recovery or seated position once safe to do so. Sworn members shall not apply prolonged body weight pressure on a non-resisting prone handcuffed subject's upper thoracic region.
- When responding to a location where security has placed a subject in handcuffs prior to the sworn member's arrival, the sworn member shall not place APD handcuffs on the subject until the sworn member has reasonable suspicion or probable cause based on their independent investigation.
- Sworn members are not required to handcuff persons while providing voluntary transport. However, if the sworn member agrees to give a subject voluntary transport, the subject must consent to a pat-down for weapons to receive voluntary transport. If an articulable reason exists for the sworn member to place the subject in handcuffs with the subject's consent, the sworn member shall ask something to the effect of "Do you consent to me placing you in handcuffs for voluntary transport?" Sworn members are not required to provide voluntary transport. The decision to provide voluntary transport is left up to the sworn member's discretion.
- When a sworn member places a subject in handcuffs, they shall visually and physically inspect the handcuffs for proper fit and ensure the handcuffs are double locked.
- When a handcuffed subject first complains that handcuffs are too tight, the sworn member having custody of the subject shall, as soon as reasonably possible, visually, and physically inspect the handcuffs for proper fit. If they are too tight (per training), the sworn member shall make the necessary adjustments to ensure proper fit and double lock.
- Hinged handcuffs are prohibited.

Medical Attention:

- See APD Directive [DM 05.01 Use of Force](#), section [5.1.09 Duty to Provide Medical Assistance](#) for further information.

Requirements for Proficiency:

- Initial APD Academy Requirements
- Per Department In-Service Training Requirements

5.3.10 IMPACT WEAPONS

Impact weapons are used to control a subject by striking them for the purpose of achieving temporary incapacitation of a subject in order to safely effect an arrest.

Levels of Force:

- Control: Verbal warnings regarding an impact weapon.
- Low-Level Impact Weapon Use: Using an impact weapon as a control device or leveraging tool (e.g., to remove the hands of a subject from underneath their body).
- Intermediate Impact Weapon Use: Using an impact weapon to jab or strike a subject.
- Impact Weapon as Lethal Force: When using an impact weapon to intentionally strike a subject on the head, neck, throat, heart, or spine is lethal force.

Additional Considerations:

- During non-lethal force incidents, sworn members shall not intentionally target the head, neck, throat, heart, kidneys, spine, groin, and knee joints.
- Adding additional weight, foreign objects, or other modifications is PROHIBITED.
- The glass-breaking tip on the Rapid Containment Baton (RCB) is PROHIBITED.

Medical Attention:

- Aurora Fire Rescue (AFR) shall be summoned for any impact weapon strikes regardless of visible injury or complaint of injury.
- See APD Directive [DM 05.01 Use of Force](#), section [5.1.09 Duty to Provide Medical Assistance](#) for further information.

Requirements for Proficiency:

- Initial APD Academy Requirements
- Per Department In-Service Training Requirements

5.3.11 OLEORESIN CAPSICUM (OC) SPRAY

OC spray is a non-lethal agent which causes temporary inflammation or irritation to a body surface, including eyes, respiratory tract, skin, or mucous membranes, upon contact.

Level of Force:

- Control: Verbal warnings and/or pointing of OC spray.
- Intermediate Impact Weapon Use: Any use of OC spray against a subject.

Restricted Use:

- OC spray should not be used on a subject inside of a patrol vehicle unless the subject is exhibiting assaultive or life-threatening behavior.
- Sworn members shall only use OC on a driver in extenuating circumstances with consideration is given to the driver's ability to drive away.

Additional Considerations:

- Once a year, during in-service or a qualification, Training Section staff shall inspect each member's canister for the date of manufacture. Four years after the date of manufacture, sworn members are instructed to empty the contents of their current canister and be issued a replacement cannister. The Quartermaster shall designate a location for the disposal of the canister's contents and the canister.

Medical Attention:

- When safe and practical, sworn members shall move the subject who has been sprayed with OC to a fresh air environment while waiting for AFR to respond.

- Sworn members shall request AFR respond to complete a medical evaluation and decontamination on any subject exposed to OC spray.
- See APD Directive [DM 05.01 Use of Force](#), section [5.1.09 Duty to Provide Medical Assistance](#) for further information.

Requirements for Proficiency:

- Initial APD Academy Requirements
- Annual Recertification

5.3.12 CONDUCTED ENERGY WEAPON (CEW) / TASER

A CEW is a device designed to disrupt a person's central nervous system by deploying battery-powered electrical energy sufficient to cause pain, uncontrolled muscle contractions, and override voluntary motor responses.

Levels of Force:

- Control: Verbal warnings and/or pointing a CEW.
 - Laser Display: When the CEW is pointed at a subject in the armed position, the laser(s) will display on the subject's body. This can serve as a visual warning to the subject that a CEW could be used on them. Pointing the CEW at a subject.
 - Arc Warning: With the safety in the armed position, pressing and holding the Arc switch displays a visual Warning Arc of electricity across the front of the CEW. This display of electricity is combined with an auditory warning of electricity being discharged from the CEW. The auditory and visual warning demonstrates the CEW's ability to discharge electricity and may deter a subject without having to deploy the CEW against the subject's body.
- Intermediate Force:
 - Probe Deployment: The primary function of the CEW is the probes from within the cartridge being deployed at the subject. The intent is to temporarily immobilize the subject through neuromuscular incapacitation.
 - Drive Stun: A pain-compliance application of the CEW, with or without the use of a cartridge, by making direct contact with the subject's body. The use of a drive stun application is limited and should be used to complete neuro-muscular incapacitation by closing a circuit when probes have already been deployed, or probe deployments are not successful. If a sworn member uses the drive stun without probe deployment, they shall articulate their justification for using this technique.

Additional Considerations:

- Only department-issued CEWs (Axon Enterprise, Inc. TASER) and department-issued holsters are authorized for use on duty.
- Sworn members shall have a current agency certification to carry a CEW on duty.
- Sworn members shall communicate with each other and issue a warning to other sworn members and the subject that they are about to use a CEW by stating a warning like "TASER, TASER, TASER" unless doing

so would unduly place sworn members at risk of injury or would create a risk of death or injury to other persons. This is particularly important in preventing sympathetic fire responses from other sworn members.

- Sworn members shall communicate with each other and issue a warning to other sworn members and the subject that they are about to use an Arc Warning by stating a warning like “ARC WARNING” unless doing so would unduly place sworn members at risk of injury or would create a risk of death or injury to other persons. This is particularly important in preventing sympathetic fire responses from other sworn members.
- Sworn members shall conduct a spark test at the beginning of the shift to ensure the CEW is functioning properly.
- The CEW can be worn on either side of the body. A CEW worn on the same side of the body as a member’s primary duty firearm must be oriented for a non-dominant hand cross draw. A CEW worn on the opposite side of the body from the primary duty firearm can be oriented for a dominant hand cross draw or non-dominant hand same side draw. After drawing the CEW, members may transition the CEW from the hand used to draw the CEW to the opposite hand.
- When deploying a CEW on a subject, sworn members shall:
 - Use the standard CEW five-second cycle and then evaluate the need to apply another five-second cycle after providing the subject with an opportunity to comply. The sworn member can stop the cycle before five seconds. Using a CEW by probe deployment or drive stun, each five-second cycle of the CEW requires independent articulable justification.
 - Begin restraint procedures, including cuffing under power, as soon as reasonably safe to minimize the total duration of CEW exposure(s).
 - Except in extraordinary circumstances, members should not activate a CEW against a person more than three times or longer than 15 seconds, either in one cycle or cumulative over several applications. If the CEW is ineffective against the subject sworn members should consider transitioning to another use of force option.
- Back shots are the preferred target area if available (below the neck and down).
- When deploying the CEW on the front of a subject, the preferred target area is below the chest and down. Sworn members shall not intentionally target the head, neck, groin, or chest.
- Sworn members may remove the probe(s) if required per training protocol. The probe(s) shall be treated as a biohazard needle and disposed of in an appropriate sharps container per standard medical protocol.

Restricted Use:

- Due to sympathetic fire responses, a sworn member should not deploy a CEW and a firearm at the same time. If a sworn member chooses to deploy a CEW and firearm their actions and decision-making will be subjected to a stringent review.
- The CEW shall be handled in the same manner as a firearm and shall be secured before entering any detention facility.
- The CEW shall not be used:

- On a handcuffed person unless they are armed with a weapon or engaging in assaultive or life-threatening behavior.
- When the sworn member knows a subject has come in contact with flammable liquids or substances.
- Near flammable liquid (e.g., gas pumps, flammable liquid on the floor, etc.).

Medical Attention:

- Aurora Fire Rescue (AFR) shall be summoned for the following:
 - Any CEW probe deployment, where the probes puncture the skin of a subject or when a CEW deployment results in Neuro Muscular Incapacitation (NMI) of the subject, requires that AFR personnel be summoned to complete a medical evaluation of the subject.
 - Subjects exposed to a single application that exceeds fifteen (15) seconds or multiple applications with an accumulative time exceeding fifteen (15) seconds shall be transported to a hospital emergency department (ED) for evaluation by hospital staff.
- See APD Directive [DM 05.01 Use of Force](#), section [5.1.09 Duty to Provide Medical Assistance](#) for further information.

Axon Enterprise, Inc. | TASER 7 Specific Policy:

TASER 7 cartridges shall be loaded in the following order:

- Cartridge bay # 1 will be loaded with a close quarter (CQ) 12-degree cartridge.
- Cartridge bay # 2 will be loaded with a standoff (SO) 3.5-degree cartridge.

Requirements for Proficiency:

- Initial APD Academy Requirements
- Annual Recertification

5.3.13 KINETIC ENERGY IMPACT PROJECTILE LAUNCHER & LESS-LETHAL SHOTGUN

Impact munitions are considered an intermediate force tool where time and distance are imperative to officer safety. The intent of launcher-based kinetic energy impact projectiles is to achieve temporary incapacitation of a subject in order to safely effect an arrest. Each discharge of a launcher-based kinetic energy impact projectile requires independent articulable justification.

Levels of Force:

- Control: Verbal warnings and/or pointing a launcher-based kinetic energy impact weapons.
- Intermediate Force: Discharging a 40 mm launcher-based kinetic energy impact projectile or less-lethal 12-gauge shotgun at a subject.
- Lethal Force: Discharging a 40 mm launcher-based kinetic energy impact projectile or less-lethal 12-gauge shotgun to intentionally strike a subject on the head, neck, or throat is lethal force.

Approved Use for Projectile Weapons:

- Sworn members shall have a current agency certification to carry a kinetic energy impact projectile launcher or less-lethal 12-gauge shotgun on duty.
- Sworn members are cautioned that the target area for launcher-based kinetic energy impact projectile and less-lethal 12-gauge shotgun munitions substantially differ from a lethal force target area. The primary target areas for projectile weapons are the abdomen and lower extremities focusing on the large muscle groups. The head, neck, throat, heart, kidneys, spine, groin, and joints of the body shall be avoided.
- Kinetic energy impact projectile launchers and less-lethal 12-gauge shotguns may be used against persons who are holding a weapon if it can be utilized to intervene and, in an effort, to decrease a potential lethal force situation; however, the following conditions must be met:
 - A minimum of two sworn members should be present, one sworn member acting as lethal coverage.
 - Prior to use, sworn members shall consider the use of available cover/concealment when practical and;
 - Communication between sworn members prior to discharging the impact munition shall occur when safe and practical.

Additional Considerations:

- When practical, sworn members shall communicate with each other and issue a warning to other sworn members and the subject that they are about to use a launcher-based kinetic energy impact projectile or less-lethal 12-gauge shotgun by stating a warning like “IMPACT” unless doing so would unduly place sworn members at risk of injury or would create a risk of death or injury to other persons. This is particularly important in preventing sympathetic fire responses from other sworn members.
- Sworn members shall have a current agency certification to carry a kinetic energy impact projectile launcher and/or less-lethal 12-gauge shotgun on duty.

Medical Attention:

- AFR shall be requested when any launcher-based kinetic energy impact projectile strikes a subject.
- AFR shall complete a medical evaluation and determine if the subject needs to be transported to a hospital ED for further treatment.
- See APD Directive [DM 05.01 Use of Force](#), section [5.1.09 Duty to Provide Medical Assistance](#) for further information.

Requirements for Proficiency:

- Initial APD Certification Course
- Annual Recertification

5.3.14 CHEMICAL IRRITANTS/MUNITIONS (CN/CS/OC VAPOR)

Levels of Force:

- Control: Verbal warnings.
- Intermediate Impact Weapon Use: Any use of chemical irritants/munitions against a subject.

The deployment of these irritants/munitions can be defensive and offensive.

The use of chemical irritants/munitions on an offensive basis will be approved by a SWAT/ERT sergeant or any commanding officer.

Special chemical irritants/munitions (beyond standard issued OC spray) 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 executive should be advised as soon as practical.

Members, 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 severely affect person with respiratory conditions, children, and the elderly. Some chemical munitions also have extreme fire potential.

In response to a protest or demonstration, and in compliance with C.R.S. § 24-31-905, sworn members shall not use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated, if necessary, followed by sufficient time and space to allow compliance with the order.

Requirements for Proficiency:

- Initial APD Certification Course

5.3.15 WRAP RESTRAINT

The WRAP Restraint is a device that immobilizes the subject's body and restricts their ability to kick or do harm to themselves and others.

Approved Use of Auxiliary Restraint Systems:

- WRAP Restraints may be used to secure a subject who is combative, violent, and/or dangerous or when the sworn member reasonably believes the subject to be an escape risk.

WRAP Restraint Transport Protocol:

1. Sworn members shall ensure the subject is in a departmentally approved position as soon as practical, continue to monitor for medical issues, provide first aid if necessary, and update AFR if there is any change in medical status while they wait for medical personnel to arrive.
2. Sworn members shall contact a supervisor and request that AFR responds along with the current contracted ambulance company for an incident involving the WRAP Restraint as soon as practical.

3. Sworn members will stand by while AFR medical personnel assess the subject's medical condition based on their protocols to determine what interventions are required. Sworn members and supervisors shall not influence medical decisions made by AFR.
4. AFR medical personnel will determine, based on their protocols, whether the subject should be taken to the local hospital emergency department (ED) for further treatment and evaluation.
5. If AFR medical personnel determine transport to the ED is required, the subject shall be transported consistent with AFR's and the contract ambulance company's procedure and practice for transporting detained individuals to the ED.
 - * If the subject receives any sedative or narcotic medication at the ED, APD personnel shall request the contract ambulance company to transport the subject from the ED to the Aurora Detention Center.
6. If AFR medical personnel determine transport to the ED is not needed;
 - a. AFR will release the subject to APD and not have any further role unless requested.
 - b. An APD sworn member shall coordinate the transfer of the subject to the pram with the ambulance company. This may include transitioning to a four-point medical restraint on the pram. The subject shall be secured to the pram in the supine or sitting upright position. Subjects shall not be transported in a prone position.
 - c. The ambulance company shall transport them directly to the Aurora Detention Center. A sworn member shall ride in the ambulance with the subject.
 - d. The ambulance personnel shall continue to evaluate the subject during the transport. Ambulance personnel have the 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 shall remove the pram from the ambulance. Removal of the subject from the pram is the responsibility of the sworn members. Coordination of the role of contract ambulance employees and detention staff, if any, during the removal of the subject from the pram should be planned on scene and determined prior to the start of the process.

Medical Attention:

- AFR shall be requested when any WRAP Restraint is used.
- AFR shall complete a medical evaluation and determine if the subject needs to be transported to a hospital ED for further treatment.
- See APD Directive [DM 05.01 Use of Force](#), section [5.1.09 Duty to Provide Medical Assistance](#) for further information.

Requirements for Continued Proficiency:

- Initial APD Academy Requirements
- Annual Training

5.3.16 BOLAWRAP

Levels of Force:

- Control: Verbal warnings or pointing a BolaWrap.
- Low-Level BolaWrap Use: Using a BolaWrap against a subject.

BolaWrap is a hand-held, remote restraint device that discharges an eight-foot Kevlar cord to entangle an individual at a range of 10-25 feet. The BolaWrap is equipped with entangling barbs at each end of the Kevlar cord.

Only a department approved BolaWrap device that has been issued by the department shall be utilized by personnel who are trained in its deployment and use.

The BolaWrap device has limitations and restrictions requiring consideration before its use. The device should only be used when its operator can safely approach the subject within the operational range of the device. Although the BolaWrap device is generally effective in controlling most individuals, sworn members should be aware that the device may not achieve the intended results and be prepared with other follow-on options.

Sworn members shall communicate with each other and issue a warning to other sworn members and the subject that they are about to deploy a BolaWrap by stating a warning like “BOLA, BOLA, BOLA” unless doing so would unduly place sworn members at risk of injury or would create a risk of death or injury to other persons. This is particularly important in preventing sympathetic fire responses from other sworn members.

The BolaWrap device may be used in any of the following circumstances:

- When the totality of circumstances perceived by the sworn member at the time indicate that such application is objectively reasonable to control a subject:
 - Exhibiting life threatening, assaultive, actively resisting, or passive behavior.
 - Who has demonstrated, by words or actions, an intention to be violent or to physically resist, and reasonably appears to present the potential to harm sworn members, themselves or others.

Simultaneous applications of the BolaWrap on a single individual by multiple devices is allowed in authorized target areas.

Reasonable efforts should be made to target lower extremities or lower arms. The head, neck, chest and groin shall be avoided. If the dynamics of a situation or officer safety do not permit the sworn member to limit the application of the BolaWrap device to a precise target area, sworn members shall monitor the condition of the subject if it strikes the head, neck, chest or groin until the subject is examined by AFR and/or emergency medical services.

The aiming laser should never be intentionally directed into the eyes of another as it may permanently impair his/her vision.

Actions following deployments:

1. Sworn member shall request a supervisor to the scene after deployment.
2. Sworn members shall ensure all restrained subjects receive appropriate emergency medical care for individuals under police care or control.

3. If the hooks penetrate only a subject's clothing, then the sworn member may remove the hooks. The sworn member may cut the Kevlar cord with medical shears or a hook style seatbelt cutter.
4. The Kevlar cord shall be cut prior to any transportation.

Medical Attention:

- See APD Directive [DM 05.01 Use of Force](#), section [5.1.09 Duty to Provide Medical Assistance](#) for further information.

Requirements for Continued Proficiency:

- Initial APD Certification Course

5.3.17 POLICE CANINE

Levels of Force:

- Control: Verbal warnings.
- Low-Level Canine Use of Force: Using a police canine on Leash (no bites) is a low-level force.
- Intermediate Canine Use of Force: When a police canine bites a subject is intermediate force.

Canines may be requested on but are not limited to the following crimes:

- Felony Crimes
 - Burglary, not including trespass when articulable officer safety or public safety concerns exist.
 - Robbery, not including thefts that are accompanied by low-level assaults.
 - Homicide
 - Serious Assault
 - Menacing with a Deadly Weapon
 - Kidnapping
 - Arson with the threat of harm to people.
 - Domestic Violence Felony Crimes
 - Sexual Assault
 - Drive-by shooting, not including unlawful discharge of a firearm.
 - Search warrants where safety concerns exist with an officer entering first.

- Misdemeanor Crimes
 - Domestic Violence Assault
 - Domestic violence court order violations requiring a mandatory arrest shall involve the subject's physical presence at the victim's location or a threat of harm.
- Other
 - For all other crimes where the subject is reasonably believed to be armed or there is a threat of harm to the public.
 - Police canines may be used to track missing persons or suspects believed to be in a reasonably sized area and require the approval of the K9 Sergeant or OSS Lieutenant.

Additional Considerations:

- When practical, APD canine handlers shall communicate to the subject(s) and other sworn members that the canine is going to be released to bite is unless doing so would place sworn members or canine at risk of injury or death or would create a risk of death or injury to other persons.
- Anytime a police canine bites and breaks the skin on a subject, AFR EMS shall be called and determine the extent of medical treatment needed/required.
- Police canines must be under the control of a certified sworn member. Each team (handler and canine) shall be certified through the Colorado Police Canine Association (CPCA), Utah POST, or a certification designated by the K9 Unit supervisor.
- K9 Handlers are responsible for determining whether a situation justifies the use of a canine and the appropriate tactical measures which should be utilized. Determination shall be based on accepted standards, certifications, and formal training. K9 Handlers should take into consideration if a police canine is the most appropriate tool or if other options would be more reasonable or appropriate.
- When the on-scene supervisor disagrees with the handler's tactical assessment, the K9 Sergeant or OSS Lieutenant may be notified. Where time does not permit notification of the K9 Sergeant or Operation Support Section (OSS) Lieutenant, the decision to deploy the canine shall rest with the handler on the scene.
- K9 teams shall not be used for crowd control at peaceful demonstrations. In rare and extraordinary circumstances, K9 teams may be present in crowd control situations. Their presence shall remain limited to out of sight and only used for bomb detection, the pursuit of suspects in buildings, or specific violent crimes during a riot or civil disturbance. Also, upon supervisor approval, the canine may be used to protect against serious bodily injury or death that cannot be safely controlled by other means. In these situations, the canine shall:
 - Always be maintained under leash control unless no other means are reasonably available to protect an individual from serious bodily injury or death.
 - Restrict their defensive actions to the protection of officers or others.

Medical Attention:

- AFR shall be requested when a canine bites a subject.
- AFR shall complete a medical evaluation and determine if the subject needs to be transported to a hospital ED for further treatment.
- See APD Directive [DM 05.01 Use of Force](#), section [5.1.09 Duty to Provide Medical Assistance](#) for further information.

Requirements for Continued Proficiency:

- Initial APD Academy Requirements
- Annual Recertification

5.3.18 PROCEDURES FOR APPROVING LESS-LETHAL DEVICES, TECHNIQUES, AND WEAPONS

Sworn members may suggest specific weapons for consideration by the department for authorization. The recommendation shall be in writing and directed to the Training Section commanding officer. When available, a sample of the suggested weapon shall be provided to the Training Section commanding officer for inspection. The Training Section commanding officer shall ensure the weapon is inspected and tested by appropriate Training Section personnel. The Training Section commanding officer shall 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 of the request or present the request to command staff for consideration. The appropriate Division Chief shall notify the suggesting member of the action taken regarding the request.

Based on the conclusions of the command staff, the recommendation with the approval or disapproval of the Chief of Police or designee shall be returned to the Training Section commanding officer. The Training Section commanding officer shall notify the member of the final disposition of the request. If the weapon is approved, the Training Section commanding officer shall ensure the weapon is included on the *Training Section Authorized Weapons Master List*.

5.3.19 PERSONALLY OWNED LESS-LETHAL DEVICES AND WEAPONS

At their own expense, a trained and proficient member may elect to purchase certain approved devices or weapons other than one issued by the department as long as the device or weapon meets the specifications defined by the Training Section Authorized Weapons Master List. Prior to carrying the device or weapon on duty, the member shall present it to the Training Section for inspection to ensure it meets specifications. Prior to carrying any device or weapon for use on duty, the member must be trained and demonstrate proficiency in its use.

5.3.20 UNAUTHORIZED LESS-LETHAL DEVICES, TECHNIQUES, AND WEAPONS

Members are not authorized to wear, carry, or use saps, sap gloves, blackjacks, or other less-lethal weapons not authorized by the department.

5.3.21 UNINTENTIONAL DISCHARGE OF A LESS LETHAL WEAPON

Sworn members are responsible for maintaining control of their less-lethal weapons. Members who unintentionally discharge a less-lethal weapon must report that discharge to their supervisor, another member in their chain of command, or the watch commander as soon as practical.

Members initiating or assigned an initial inquiry shall make the appropriate entry into the administrative management system unless such entry has already been made. The member conducting the initial inquiry shall gather the facts and information concerning the unintentional discharge of a less-lethal weapon.

Once the initial inquiry is completed, the member who conducted the inquiry shall route the case through the chain of command to the appropriate Commander. The initial inquiry shall then be assigned to the appropriate member by the Commander for a "Preliminary Investigation."

Once the preliminary investigation is completed, the member who conducted the investigation shall route the preliminary investigation through the chain of command to the appropriate Commander.

The Commander who receives a completed preliminary investigation shall review the case and take appropriate action.

Unintentional discharges of a less-lethal weapon that constitutes a use of force against another person shall be reported in accordance with Directive [DM 05.06 - Reporting and Investigating the Use of Tools, Weapons, and Physical Force](#) and be investigated as outlined in that directive.

5.3.22 INSPECTION AND INVENTORY

Every district, bureau, section, or unit shall 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

05.04 AUTHORIZED FIREARMS, WEAPONS, AND AMMUNITION

Approved By:	Art Acevedo, Interim Chief of Police
Effective:	Aug-18-2023
Revised:	Aug-18-2023
Associated Policy:	DM 05.01, 05.03, 05.04, 05.05, 05.06
References:	C.R.S. § 18-1-704, 18-1-707, 18-1-901(3)(d), 24-31-901
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

5.4.01 PURPOSE

The purpose of this directive is to provide all sworn and non-members with directions on which firearms, weapons, and ammunition are authorized to carry and when they are required to carry and/or allowed to carry a firearm.

5.4.02 SCOPE

This directive applies to all members of APD.

5.4.03 DEFINITIONS

[Authorized Firearms, Accessories, and Ammunition Master List:](#)

The Range Unit Sergeant is required to maintain the [Authorized Firearms, Accessories, and Ammunition Master List](#). This list will include authorized-duty firearms, off-duty firearms, backup firearms, patrol rifles, and less-lethal weapon systems. 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, weapons, 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](#), Range Unit staff will forward an updated copy to the Professional Standards Section.

[Aurora Police Department Armorer or Gun Smith:](#)

The Aurora Police Department Armorer performs inspections, maintenance, routine services, repairs, and testing of firearms and less-lethal weapons carried by department members. The Armorer ensures that department members have functional, reliable, and safe weapons and have the knowledge to provide guidance as to what firearms and equipment are authorized. The Armorer ensures that firearms are in compliance with departmental and manufacturer specifications. The Armorer also ensures firearms, weapons, accessories, and ammunition comply with the "Master List." The Armorer is required to document and maintain a list of all inspections and repairs they complete and notify the Range Unit Sergeant of failed inspections.

Aurora Police Department Auxiliary Armorer's:

Only sworn members who are department-authorized Colorado POST Certified Firearms Instructors may be Auxiliary Armorer's if they meet the following requirements:

- a. After 07/27/2022, sworn applicants must send a training request for a department-authorized armorer course for a specific type of firearm (e.g., Glock Armorer's Course, AR-15 Armorer Course, etc.) through their chain-of-command and include the Range Unit Sergeant and Training Section Lieutenant on the training request. The Range Unit Sergeant will review the training request and determine if the department authorizes the requested armorer course.
- b. Upon successfully completing the department-authorized armorer course, the member must notify and provide a certificate to the Training Section Lieutenant and the Range Unit Sergeant. The Range Unit Sergeant will keep a list of authorized Auxiliary Armorer's who have completed a department-approved armorer course.
- c. Any armorer course completed prior to 07/27/2022, will be reviewed by the Range Unit Sergeant on a case-by-case basis for retroactive authorization.

The Range Unit Sergeant will maintain a list of all department-certified Auxiliary Armorer's. The list will be available for review upon request.

Auxiliary Armorer's must comply with recertification requirements for department-authorized armorer courses they attend. Auxiliary Armorer's are responsible for keeping track of their certifications and expirations. The Range Unit Sergeant will keep certificates on file, and they will be checked once a year. If an Auxiliary Armorer has not provided a current certification/recertification document, they will be removed from the Authorized Auxiliary Armorer list.

Authorized department Auxiliary Armorer's can complete routine firearm inspections on firearms they are certified to work on (e.g., primary duty firearms, backup/off-duty firearms, and patrol rifles). Auxiliary Armorer's must complete an official Aurora Police Department Inspection Form whenever they inspect a firearm. The Auxiliary Armorer must submit the inspection form(s) to the Training Section for official documentation.

5.4.04 POLICY

Sworn members of the Aurora Police Department shall carry an authorized firearm and ammunition at all times while on duty when exercising their authority to enforce laws of the State of Colorado and/or ordinances of the City of Aurora while acting within the scope of their authority and performing their duties.

5.4.05 AUTHORIZATION TO CARRY FIREARMS

Pursuant to C.R.S. § 16-2.5-101(2), a peace officer certified by the peace officers standards and training board shall have the authority to carry firearms at all times, concealed or otherwise, subject to the written firearms policy created by the agency employing the peace officer. All other peace officers shall have the authority to carry firearms, concealed or otherwise, while engaged in the performance of their duties or as otherwise authorized by the written policy of the agency employing the officer.

It is the member's responsibility to qualify with an approved duty handgun and a secondary firearm as specified in this directive and [DM 07.03 - Firearms Training and Qualifications](#). In addition, certain special assignments may require members to train and qualify with additional firearm systems.

5.4.06 PRIMARY DUTY FIREARM

Primary Duty Firearm:

Every sworn member is required to own a firearm meeting the specifications described in this directive and authorized for use on the current [Authorized Firearms, Accessories, and Ammunition Master List](#) **unless issued a primary duty firearm by the APD.**

Sworn members shall only carry a primary duty firearm that is 9×19mm Parabellum, .40 S&W, or .45 ACP. Sworn members hired after July 1st, 2016, are only permitted to carry GLOCK 9×19mm Parabellum handguns. Members shall only attach authorized red dot sights (RDS) to their primary duty firearm.

Sworn members shall carry a minimum of three fully loaded magazines for their primary duty firearm. One of three magazines shall be in the primary duty firearm: a fully loaded magazine with one round in the chamber of the primary duty firearm.

By January 1st, 2024, all sworn members shall carry a department-owned full-size GLOCK G45 9×19mm Parabellum handgun as their primary duty firearm. In certain circumstances, the Chief of Police may authorize sworn members or specific units the ability to carry another primary duty firearm.

Axon Signal Sidearm Device:

All members in uniform shall use a Safariland ALS or ALS/SLS holster on their duty belt for their primary duty firearm. The holster shall be equipped with an Axon Signal Sidearm device.

Members shall not remove the Axon Signal Sidearm device under any circumstances.

If a member does not own or is not issued a Safariland ALS or ALS/SLS holster compatible with the Axon Signal Sidearm device, they are authorized to carry their current primary duty firearm and holster **until** they have been issued and qualified with a department-owned firearm and holster.

Axon Signal Sidearm devices are not required to be worn by sworn members who are not identifiable as peace officers who are carrying a concealed firearm and have no intention of enforcing the law or investigating possible violations of the law.

5.4.07 SECONDARY FIREARM REQUIREMENT

Effective April 1st, 2022, sworn members, when working an enforcement function such as Patrol, Traffic, Special Weapons and Tactics (SWAT), School Resource Officer (SRO), Police Area Representative (PAR), and similar functions where the member is expected to take law enforcement action in the normal course of their duties, shall have immediately available, a secondary firearm in addition to their primary duty firearm. This firearm may be a handgun or patrol rifle complying with the specifications listed in this directive, and the APD [Authorized Firearms, Accessories, and Ammunition Master List](#). The secondary firearm requirement applies to secondary employment and overtime.

Backup Handgun:

Backup handguns shall be concealed when carried on duty. Backup firearms are not authorized to be carried as a primary duty firearm and will not be carried as a primary duty firearm unless it meets the specifications for a primary duty firearm as stated in this directive, and the sworn member has complied with all training and qualification requirements to carry that firearm as a primary duty firearm.

Sworn members are permitted to carry a maximum of two (2) handguns on their person at any one time while on duty, which would generally be referred to as a “*primary duty handgun*” and a “*backup handgun*.” For a specific situation, a commanding officer can authorize a third firearm. However, in no case will a commanding officer give a blanket authorization for a member to exceed the two (2) firearms as an ongoing rule.

The maximum of two (2) handguns does not include the use of a duty rifle or specialty weapon that is deployed specifically to a particular incident in a temporary capacity. This also does not include firearms the member takes temporary possession of specific to a particular incident.

Patrol Rifle:

Sworn members shall only carry and deploy department-authorized semi-automatic rifles. Sworn members electing to carry a patrol rifle must carry a minimum of two magazines with a minimum capacity of 20 rounds, 30 rounds, or 40 rounds. Magazines carried with the patrol rifle will be “light-loaded” by two rounds (20-round magazines loaded only to 18 rounds, 30-round magazines loaded only to 28 rounds, and 40-round magazines loaded to 38 rounds). Members shall only attach authorized optics to their patrol rifles.

Sworn members who complete the APD Rifle Course are responsible for continued qualifications and maintaining proficiency with their patrol rifle if they choose to carry it as part of their duty assignment.

Members may deploy patrol rifles when they reasonably believe:

- There is a possibility they have encountered, or are about to encounter, an armed suspect, 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 (e.g., 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 (e.g., pedestrian contacts or simple traffic stops).

If practical, sworn members should attempt to notify Aurora911, on a primary channel, that they are deploying a patrol rifle.

5.4.08 NATIONAL FIREARMS ACT (NFA) REGULATED ITEMS

Sworn members of the Aurora Police Department are authorized to carry legally owned, i.e., tax-stamped, short-barreled rifles and sound suppressors regulated by the National Firearms Act (NFA). All NFA items carried on duty shall have a valid [ATF Federal Tax Stamp](#) with no exceptions. There is no federal exemption for individual law enforcement personnel.

Prior to carrying the NFA item on duty, the sworn member shall have the APD Range Unit review the [ATF Federal Tax Stamp](#). If approved, the APD Range Unit shall make copies of the paperwork and keep the documents on file for each individual item. The sworn member shall carry a copy of the tax stamp with the NFA item in the rifle case or patrol bag.

In situations where there may be delays in the ATF NFA Division processing times, sworn members may request an [NFA Expedite Request Letter](#) from the Chief of Police or designee. This letter is intended to expedite the review process for NFA items that will be used for legitimate law enforcement duties.

5.4.09 OFF-DUTY FIREARMS

Pursuant to C.R.S. § 16-2.5-101(2), APD sworn members are authorized to and have the authority to carry a firearm, concealed or otherwise, on their person at all times when they are off duty. If a sworn member chooses to carry a firearm off duty, they shall carry the firearm in accordance with federal regulations, state law, and APD policy. When carrying firearms while off-duty, sworn members shall also carry their department-issued APD identification card.

Sworn members may carry any firearm they own legally off-duty. It is incumbent upon the sworn member to maintain proficiency with any firearm they choose to carry off duty. Sworn members shall maintain all firearms they carry off-duty to ensure they function in a safe and reliable manner.

Pursuant to C.R.S. § 18-18-102(5), it is *unlawful for any person to have in his or her possession any firearm while the person is under the influence of a controlled substance, as defined in, or of intoxicating liquor*. Sworn members who have consumed an amount of an alcoholic beverage or taken any controlled substances that would adversely affect their judgment or their ability to safely carry and/or use a firearm shall not carry a firearm while off-duty.

5.4.10 AMMUNITION

Only department-issued or approved ammunition will be carried in a member's primary duty firearm, backup firearm, rifle, and ammunition carriers. No member will alter in any way department-issued or approved ammunition.

5.4.11 FIREARM STORAGE AND TRANSPORT

When not in use, sworn members are responsible for adequately securing all firearms, whether owned by the department or personally, in a manner that protects the firearm from damage, theft, or misuse. Examples of secure storage include but are 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 will be unloaded and cleared each time they are stored for extended periods.

Firearms should be transported in a manner that prevents damage to vehicles, equipment, and firearms.

When administratively transporting a patrol rifle, it should be stored in the firearms carrying case with an empty chamber and closed bolt.

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

In any instance, a sworn member shall carry a fully loaded magazine with one round in the chamber of any semi-automatic handgun. A fully loaded revolver means each chamber contains a live round.

Department-owned weapons assigned to sworn members may be kept in the possession of the sworn member and stored at the member's residence while off-duty. If department-owned weapons are taken home off-duty, the weapons shall be secured in the member's home or inside a locked vehicle, if the vehicle is inside a locked garage. At no time shall a weapon be left inside a vehicle when it is parked outside for an extended period of time. If a weapon is temporarily left in a vehicle parked outside, the sworn member shall make reasonable efforts to conceal and protect the firearm from theft.

5.4.12 FIREARMS TRAINING

All members are required to successfully complete a department approved firearms training course for the firearm they wish to carry before carrying that firearm, as specified in APD Directive [DM 07.03 - Firearms Training and Qualifications](#).

5.4.13 FIREARMS INSPECTIONS

All department-authorized firearms are subject to random inspections and are required to be functional, reliable, and safe. The Training Section will maintain all firearms information, including inspection records, maintenance, and repair records. All firearms carried on-duty or off-duty, including primary duty firearms, patrol rifles, and secondary firearms, must meet or exceed the manufacturer's minimum standards for safety and performance. Firearms will be inspected and approved by a department armorer or gunsmith before being carried and once each calendar year in order to certify the firearm is in good working order and conforms to departmental standards.

The Chief's Office must approve any firearm modifications that could adversely impact the reliability or functionality of the firearm. The firearm 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.

5.4.14 UNSAFE FIREARMS

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

If a firearm 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 firearm should be removed from the [Authorized Firearms, Accessories, and Ammunition Master List](#) or if the design flaw can be mitigated.

5.4.15 FIREARM MODIFICATIONS AND REPAIR

All firearms utilized by members must adhere to manufacturer and department specifications.

Modifications are considered any removal, addition, alteration, or change of to the firearm that could adversely impact the reliability or functionality of the firearm. Repairs are considered any replacement of any damaged or broken part of a firearm.

Sworn members shall not make modifications or repairs to a duty firearm or secondary firearm. The department armorer/gunsmith or auxiliary armorer will make all modifications and repairs authorized by departmental and manufacturer specifications. If an Auxiliary Armorer completes the modification or repair, they must complete a weapon inspection after the modification or repair is completed, including an official APD Inspection Form, and submit the inspection form to the Training Section for documentation.

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

5.4.16 SPECIAL WEAPONS

Sworn members in certain special assignments, such as Special Weapons and Tactics (SWAT), Emergency Response Team (ERT), Fugitive Apprehension and Surveillance Team (FAST), Motorcycle Enforcement Team (MET), etc., may carry special weapons or less-lethal weapons, which they are trained on and have qualified

on. A department armorer will inspect these weapons annually to ensure functionality, reliability, and safety standards.

The commanding officer in charge of the special assignment is responsible for submitting requests for special or less-lethal weapons through the approval process (i.e., chain-of-command to the Chief's office) before the weapon is authorized for use.

5.4.17 SPECIAL WEAPONS AND TACTICS (SWAT)

The APD authorizes SWAT to utilize certified SWAT armorers in addition to the APD armorer/gunsmith or auxiliary armorers for inspections, authorized modifications, maintenance, and repairs. Firearms and special weapons used by SWAT will be detail stripped, cleaned, and inspected annually by a certified SWAT armorer to ensure they are functional, reliable, and safe. The SWAT commanding officer will maintain a list of certified SWAT armorers. The SWAT commanding officer will forward the list and changes to the list to the Range Unit Sergeant, who will add authorized members to the Authorized Auxiliary Armorer list. The list will be available for review upon request.

SWAT is authorized to test and evaluate firearms (not on the [Authorized Firearms, Accessories, and Ammunition Master List](#)), firearm modifications, specialized or less-lethal weapons, and ammunition unique to its mission and function. After testing, evaluation, and inspection by a certified SWAT Armorer, the request for authorization will be submitted to the Chief's Office through the chain of command. The Chief's Office may confer with SWAT team members, Range Unit staff, Training Section Lieutenant, et al., about requested modifications prior to authorization. The Chief's Office must approve any firearm, firearm modification, specialized or less-lethal weapon, or ammunition prior to use on duty.

If the Chief's Office approves a firearm modification, a certified SWAT armorer may then modify, inspect, and test SWAT team members' firearms.

The SWAT commanding officer will maintain a list of approved firearms, firearm modifications, specialized or less-lethal weapons, and ammunition that the Chief's Office has authorized for duty use by SWAT. The list will be available for review upon request.

5.4.18 NARCOTICS SECTION

The Chief's Office may authorize sworn members assigned to the Narcotics Section to carry other handgun brands and types more easily concealed. A department armorer will inspect these handguns for functionality, reliability, and safety prior to being employed. The department armorer shall inspect these firearms annually to ensure continued functionality, reliability, and safety. Based on the advice of the department armorer/gunsmith or Range Unit staff, the Training Section commanding officer may prohibit specific handguns based on reliability or functionality.

Narcotics section sworn members shall qualify with these unit-specific authorized firearms in compliance with [DM 07.03 - Firearms Training and Qualifications](#).

The Narcotics Section commanding officer will maintain a list of all firearms the Chief's Office has authorized that are exceptions to the [Authorized Firearms, Accessories, and Ammunition Master List](#). When updated, a copy of the list will be forwarded to a Training Section commanding officer.

5.4.19 SPECIALIZED UNITS

When a sworn member separates from any specialized unit, the officer's duty weapons will be inspected by the department armorer prior to reporting for duty.

5.4.20 BREACHING SHOTGUNS

The Aurora Police Department recognizes the need for tools to gain rapid entry into active critical incidents (e.g., active shooter, active harmer, etc.) where life safety is in immediate jeopardy. In addition to mechanical breaching tools already in use (e.g., ram, pry, etc.), a breaching shotgun offers another option for defeating locked doors preventing immediate access to law enforcement. A breaching shotgun is only used when articulable exigent circumstances exist and when other options are unavailable, impractical, or insufficient. Operators must consider the risks of using a breaching shotgun compared to the exigent need for access before deployment.

The breaching shotgun employed by the Aurora Police Department is specific to the breaching mission and is not intended to deploy any other types of munitions. Only department-issued shotguns specifically configured as breaching shotguns will be used for this purpose.

All breaching shotguns are built on the Remington 870 12-gauge platform with a bright green visually modified pistol grip, a forend with an integrated flashlight, and a custom-built muzzle device. Only department-issued breaching munitions will be used in these shotguns. Breaching shotguns and munitions will be built, maintained, and supplied by the Firearms Training Unit at the police range. Breaching shotguns will be stored in the department-provided case and in a "cruiser-safe" condition. Issued breaching shotguns will comply with Aurora Police Department Directive [DM 05.05 - Authorized Firearms, Weapons, and Ammunition](#), regarding proper storage, transport, and annual inspection requirements.

Only trained members may deploy a breaching shotgun. Members must complete a breaching shotgun training course to become certified to operate a breaching shotgun. The training will consist of physical manipulation drills, deployment, tactical considerations, and a qualification course related to the breaching mission. Members must attend annual refresher training and pass a qualification course demonstrating proficiency with the breaching shotgun to maintain their certification.

The Emergency Response Team commanding officer will maintain a list of certified operators and training materials related to the program.

5.4.21 PROCEDURE FOR APPROVING FIREARMS AND AMMUNITION FOR USE

If the department is purchasing a firearm, the appropriate approving commanding officer will ensure the firearm is on the [Authorized Firearms, Accessories, and Ammunition Master List](#).

If a firearm is not on the list, members may suggest specific firearms or ammunition for consideration by the department for authorization. The recommendation will be directed to a Training Section commanding officer in writing, accompanied by a sample of the suggested firearm or accessory. The Training Section commanding officer will ensure the firearm is inspected and tested by appropriate Training Section staff. The Training Section commanding officer will respond to the Professional Accountability Division Chief through the chain of command. A copy of the response sent to the suggesting member will be sent.

The Professional Accountability Division Chief may disapprove the request or present the request to the executive staff for consideration. The Professional Accountability 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

firearm or ammunition was approved, the Training Section commanding officer would ensure the firearm, accessory, or ammunition is included on the [Authorized Firearms, Accessories, and Ammunition Master List](#).

05.05 REPORTING USE OF FORCE

Approved By:	Art Acevedo, Interim Chief of Police
Effective:	Aug-18-2023
Revised:	Aug-18-2023
Associated Policy:	DM 05.01, 05.02, 05.03, 05.05, 05.06, 05.07, 05.08, 05.09, 05.10, 08.12
References:	C.R.S. § 16-2.5-301, 18-1-707, 18-8-802, 24-31-905
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

5.5.01 PURPOSE

The purpose of this directive is to provide sworn members of the Aurora Police Department (APD) with clear and direct guidelines to follow when reporting uses of force.

5.5.02 SCOPE

This directive applies to all sworn members of APD.

5.5.03 DEFINITIONS

Definitions from the following directives apply to this directive:

- [DM 05.01 - Use of Force](#)
- [DM 05.02 - Use of Force Model](#)
- [DM 05.03 - Less-Lethal Devices, Weapons, and Techniques](#)
- [DM 05.04 - Authorized Firearms, Weapons, and Ammunition](#)

Hospitalization: The subject is admitted to a hospital for a force-related injury. Treatment and release from a hospital emergency department, or critical care facility, seen by a jail nurse, paramedic, or EMT, is not hospitalization.

Minor Injury: An injury that does not require professional medical treatment.

Multi-Agency Team (MAT): A broad term for a team that includes at least one other police department or sheriff's office, or the Colorado Bureau of Investigation (CBI), required by CRS § 16-2.5-301 to conduct any investigation, evaluation, and review of an incident involving the discharge of a firearm by a peace officer that resulted in injury or death, or other use of force by a peace officer that resulted in death. The law enforcement agencies participating need not be from the same judicial district.

Off Duty: A sworn member who is not working a scheduled shift or secondary employment.

Professional Medical Treatment: Treatment provided by medical staff such as a doctor, registered nurse, licensed practical nurse, paramedic, or emergency medical technician beyond basic first aid. Diagnostic procedures such as blood tests, X-rays, Blood Pressure checks, etc., are not treatment.

Secondary Employment: Employment requiring the use or potential use of police authority as defined in [DM 08.12 - Secondary and Additional Employment](#).

5.5.04 POLICY

The policy of the Aurora Police Department is that sworn members shall report to their supervisor(s) all uses of force in a timely, thorough, and accurate manner. APD commits to using a transparent reporting process, strengthening trust between APD and the public.

5.5.05 CORE PRINCIPLES

The following core principles are provided to guide sworn members regarding when and how to report use-of-force incidents:

Accountability: We are responsible for our actions and decisions. We are accountable to the public and committed to holding ourselves and each other responsible for violations of statutes and APD policy(s).

Thorough Reporting and Documentation: Uses of force are reported by sworn members, and those reports are reviewed by the agency depending on the level of force that was used and assesses department policy development and training needs.

Timeliness: The expeditious notification of use-of-force incidents is critical to a thorough investigation and documentation of the event. Written reports must also be completed promptly.

5.5.06 REPORTING TIERS

Tier Zero (0) Use of Force: Tier Zero activity is considered a statutory use of force per C.R.S. § 18-1-707 or considered a display of force by a sworn member of the Aurora Police Department. Tier Zero uses, or displays of force, require reporting in the administrative management system (see [DM 08.50 - Contact Data Collection](#) for further information). Tier Zero notifications are documented on a [Contact Data Collection \(CDC\) Form](#), including:

- Firearm Gun Point (Handgun, Rifle, Shotgun)
- Less Lethal Shotgun, Projectile Launcher, Taser, OC Pointing
- Arrest with Handcuffs
- Handcuff and Release with no arrest or summons
- Pat-Down for weapon
- Physically redirecting a person that does not involve overcoming resistance.
- Consensual Search of a Person

If sworn members engage in activity that requires a Tier Zero notification but is not on a CAD call (e.g., assist or arrest outside the city), they will create the appropriate CAD call, notify a supervisor, and complete a CDC form.

Tier One (1) Use of Force: A use of force with no or minor injury is used to overcome physical resistance, including:

- Take Down

- Use of control weapon (Baton or SD-1) for leverage or control purposes (no strikes or thrusts).
- BolaWrap™
- WRAP™ and Restraint Chair
- Restraining measures to assist AFR, EMS, and/or medical personnel.

Members shall not restrain individuals solely at the direction or request of medical personnel. However, there is a reasonable expectation that sworn members will intervene to prevent injury from occurring to AFR/EMS personnel or members of the public and/or reduce the need for escalation of force.

Sworn members shall determine if force is required and objectively reasonable to effect an arrest, prevent an escape, prevent the imminent threat of injury or death, and/or facilitate taking a subject into protective custody (M1, detox).

Tier Two (2) Use of Force - Use of a weapon other than a deadly weapon or actions that result in injury requiring professional medical treatment, including:

- Oleoresin Capsicum (pepper spray)
- Baton Strikes/Thrusts
- Launchable Impact Weapons
- CEW
- Use of Personal Weapons (e.g., strikes, punches, kicks)
- Police Canine Sent with the Intent to Bite
- Pitting and/or Boxing of a Moving Vehicle
- Tire-deflation device used on a vehicle in motion with successful tire deflation.

Tier Three (3) Use of Force - Use of a deadly weapon, lethal force, and/or force where hospitalization or death occurs.

- [Use of Lethal Force](#) regardless of injury.
- Use of force, tools, or weapons which result in hospitalization or death.
- Intentional use of a vehicle against a person on foot.
- Any incident where a sworn member discharges a firearm and a person is struck by a bullet outside of a training environment.

When a supervisor, in conjunction with the Duty Executive, believes that a use of force warrants a higher or lower Tier classification and response, they can adjust accordingly.

5.5.07 LEVELS OF FORCE

According to the [Use of Force Model](#), sworn members are encouraged to report uses of force to the investigating supervisor according to the following levels of force rather than by tier number:

- Low-level Force: Actions taken to control a subject that are neither likely nor intended to cause injury.
- Intermediate Force: Actions taken to control a subject that is likely to cause pain, injury, or serious bodily injury to the subject.
- Lethal Force: Actions taken in which the likely outcome is death, regardless of whether death occurs.

5.5.08 REQUIRED NOTIFICATION FOR REPORTING USES OF FORCE

Each sworn member involved in a use of force shall **personally notify** and report the use of force to a supervisor in person, by phone, or by radio. If a supervisor is not present, one will be requested to the scene. The notification must include each instance a sworn member used force and the type of force used. This notification is required regardless of whether the supervisor notified was present during the event, witnessed all or part of the use(s) of force, or is the involved member's supervisor. On-duty sworn members who witness a use of force by other members are also personally responsible for notifying the use of force investigating supervisor that they witnessed the incident.

Notification that force was used or witnessed shall be made before the sworn member clears the call unless unable to do so due to extenuating circumstances, in which case it shall be made before the member's scheduled work or secondary employment shift ends.

Any supervisor directly involved in a use-of-force incident shall notify an uninvolved supervisor, preferably one rank higher, to respond to the scene to investigate and document that use-of-force incident. If a supervisor directs a sworn member to use force, that supervisor is an involved member in that use of force. Supervisors shall not investigate uses of force incidents in which they are involved.

If the use of force involves SBI or death, the department will ensure that the subject's identified relatives or next of kin are contacted as soon as practical, according to [DM 08.15 - Next of Kin Notification](#).

5.5.09 REPORTS REQUIRED BY THE MEMBER INVOLVED IN A USE OF FORCE INCIDENT

Contact Data Collection (CDC) Report:

Each sworn member who uses Tier Zero, One, or Two level force is required to complete their own Contact Data Collection (CDC) Report in Benchmark according to [DM 08.50 - Contact Data Collection](#). The CDC Report shall be completed with the report number documented in call notes prior to clearing the call for service. Sworn members directly involved in a Tier Three use of force incident are not required to complete the CDC Report as the data is submitted manually to CBI by the Professional Standards Section.

General Offense (GO) or Supplemental Report Content:

A General Offense (GO) or supplemental report is always required to document a sworn member's use of Tier One or Tier Two uses of force. Although notification that force was used is always required, if the use of physical or lethal force results in the death or hospitalization of another person, the member involved is not required to write a report. Sworn members directly involved in such a use of force will likely participate in a recorded interview by Multi-Agency Team (MAT) or Major Crime Homicide Unit (MCHU), depending on the circumstances. Sworn members who have participated in an audio/video recorded interview with an

investigator will not be required to complete a written report regarding the incident, as their recorded video interview will serve as their report. Unless otherwise directed by an investigating body, a sworn member who is not directly involved in a Tier Three use of force shall author a written report explaining their involvement in the incident.

Sworn members shall follow APD Directive [DM 08.10 - Reports](#) and are encouraged to review [Use of Force Report Considerations](#) for additional guidance. When describing observed behaviors such as, “furtive movement” or “took a fighting stance,” the sworn member shall further describe the particularized and specific subject behavior(s) as it relates to the term. The involved member’s written report shall be completed by the end of the sworn member’s shift unless a supervisor grants an extension.

Reports shall be descriptive and articulate details of the incident, thoroughly addressing the sworn member’s decision-making process, perceptions, emotions, experiences, etc., in relation to the following:

- The reason for the initial contact.
- Detailed description of events leading to the use of force.
- Detailed description of the subject(s)’ behavior and why the member took action to address it.
- Any de-escalation efforts or use of non-violent means or reasons they were used or attempted.
- Any warnings that were given, time to comply, exigent circumstances, or the risk of injury giving warnings would have created.
- The type(s) of force that was used.
- Justification for each use of force during the incident.
- The resulting effect of the force used.
- Subsequent actions taken by the sworn member, including a record of any medical treatment or first aid rendered.
- Whether or not the body-worn camera was activated for the entire incident and, if not, the reason.

All sworn members who responded to a Tier One, Tier Two, or Tier Three use of force incident will complete a written report regarding their involvement and duties performed during the incident.

5.5.10 REPORTING USE OF FORCE DURING SECONDARY EMPLOYMENT

Sworn members who use force while working secondary employment are required to notify an on-duty supervisor and complete the appropriate reports according to the tier level. All tier levels of reporting and notification apply to secondary employment.

5.5.11 REPORTING EXCESSIVE FORCE

Excessive physical force will be presumed when a peace officer uses or continues to apply physical force, in excess of the force permitted by CRS § 18-1-707, to a person who, by law, does not meet the legal basis for force to be used against or has been rendered incapable of resisting arrest.

Per C.R.S. § 18-8-802, on-duty sworn members are obligated to intervene in a use of force incident where they perceive a level of force being used by another sworn member exceeds what is legally justifiable under C.R.S. § 18-1-707. Please see APD [DM 05.01 - Use of Force](#) section [5.1.10 Duty to Intervene](#) for further information.

Any sworn member who perceives or reasonably should have perceived another sworn member's use of force exceeds the degree of force that is objectively reasonable shall, when in a position to do so safely, immediately intervene to discontinue the use of force without regard for the chain of command.

This obligation applies to members who are working a secondary employment job. This does not apply to members who are not working and whose actions do not involve the use of police authority (i.e., only acting as private citizens).

It is the policy of APD that, upon recognition, sworn members shall report excessive force or perceived excessive force immediately to a supervisor or by the end of their shift if immediacy is not practical.

Even though C.R.S. § 18-8-802 states sworn members have up to ten (10) days to report what they believe to be the use of excessive force to a supervisor, sworn members shall report excessive force or perceived excessive force immediately to a supervisor or by the end of their shift if immediacy is not practical.

All sworn members who witness the alleged use of excessive force shall complete an [18-8-802 UOF Report](#) in the administrative management system. This report will be sent directly to the Internal Affairs Bureau (IAB) Captain. The report will include the following:

- Date
- Time
- Place of occurrence.
- Include the related General Offense report case number.
- The identity and description of the subject(s).
- The identity and description of the sworn member(s).
- Intervention actions that were taken.

05.06 USE OF FORCE INVESTIGATIONS

Approved By:	Art Acevedo, Interim Chief of Police
Effective:	Aug-18-2023
Revised:	Aug-18-2023
Associated Policy:	DM 05.01, 05.02, 05.06
References:	C.R.S. § 18-1-707, 18-8-802, 24-31-905
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

5.6.01 PURPOSE

The purpose of this directive is to provide sworn members of the Aurora Police Department (APD) with clear and direct guidelines to follow when investigating uses of force.

5.6.02 SCOPE

This directive applies to all sworn members of APD.

5.6.03 DEFINITIONS

Definitions from the following directives apply to this directive:

- [DM 05.01 - Use of Force](#)
- [DM 05.02 - Use of Force Model](#)
- [DM 05.03 - Less-Lethal Devices, Weapons, and Techniques](#)
- [DM 05.04 - Authorized Firearms, Weapons, and Ammunition](#)
- [DM 05.05 - Reporting Use of Force](#)

Force Investigation Unit (FIU): The FIU is a unit of the Professional Standards Section (PSS) within the Professional Standards and Training Division. The FIU is charged with investigating the application of force by members of the Department along with the administrative collection, formatting, and presentation of information relevant to the incident.

Hospitalization: The subject is admitted to the hospital for a force-related injury.

Minor Injury: An injury that does not require professional medical treatment.

Off Duty: A sworn member who is not working a scheduled shift or secondary employment.

Professional Medical Treatment: Professional medical treatment means being seen for evaluation or treatment by a health care professional such as a physician, nurse practitioner, or physician assistant.

Multi-Agency Team (MAT) | Critical Incident Response Team (CIRT): As required by CRS § 16-2.5-301 MAT/CIRT will investigate any incident where; a member of the Aurora Police Department uses, may have used, or is the subject of the use of deadly physical force; or where there is a substantial risk of death. In-

custody incidents resulting in death or when a substantial risk of death exists will also result in a CIRT or MAT investigation.

5.6.04 POLICY

The policy of the Aurora Police Department is that sworn members shall investigate all uses of force in a timely, thorough, and accurate manner, strengthening trust between APD and the public.

5.6.05 CORE PRINCIPLES

The following core principles are provided to guide sworn members regarding when and how to investigate use-of-force incidents:

Accountability: We are responsible for our actions and decisions. We are committed to holding ourselves and each other responsible for misconduct.

Thorough Reporting and Investigating: If a written report is required, each member who uses force or observes another member or members use force shall accurately and completely report the use of force by the end of their shift. When reporting a use of force in a criminal or administrative report, members should focus on describing the specific behavior that the subject was exhibiting, their use of physical force, and the reason for using such force in detail. Members should include any attempts to de-escalate and any non-violent means attempted prior to using force. Each member who uses force or observes another member or members use force shall immediately notify their supervisor.

Fact-Finding Investigation: Supervisors and investigators shall focus on the facts and circumstances pertinent to any use of force event when reviewing and determining whether the use of force complies with department policies and Colorado Revised Statutes (C.R.S.). Opinions or statements that are not a component of conducting an unbiased investigation shall not be included in the review.

5.6.06 RESPONSIBILITIES OF INVESTIGATING SUPERVISORS

The supervisor initially notified of a use of force is responsible for ensuring that a thorough investigation and a report of the incident are completed. The supervisor shall respond to the scene of the use of force first. Then that supervisor can follow up at a secondary location, where the subject is if the subject is no longer on the scene, or they may delegate that assignment to another supervisor. The supervisor will ensure the following items are completed and/or documented:

- Take photographs of the subject, scene, and any other important factors that may have influenced the use of force.
- Initiate a supervisor use of force report via the current administrative management system.
- A description of the reporting supervisor's actions and observations.
- Information provided by a civilian witness that did not write a statement.
- The CEW download report (if applicable)
- If medical treatment was offered and/or requested.
- The response to the offer of medical treatment.

- Photographs of the injuries or lack of injuries. Proper handling of photographic evidence as per [DM 15.15 - Digital Evidence](#) as well as sections 5.4.2 (b) and (c) of this directive.
- Any other relevant reports by other sworn members related to the use of force.
- Review BWC video of the reported use of force
- Any training conducted by the supervisor regarding immediate concerns that were addressed prior to the report being forwarded to FIU or the district.

If a supervisor is not available to respond to the location of the subject in extraordinary circumstances, a supervisor may assign another sworn member not involved in the use of force to perform the supervisory duties on the scene, but the actual supervisor-ranked person will complete the UOF report. The supervisor may rely on body camera footage to document the injuries or lack thereof on a subject or suspect.

When multiple supervisors are on-scene at an incident where a UOF occurred, they are individually responsible for communicating with each other and determining which will take responsibility for the use of force investigation. If the use of force duties are divided among multiple supervisors, one will be designated as the primary investigating supervisor. The primary investigating supervisor is responsible for ensuring that the use of force is appropriately reported. At a minimum, an entry, including the use of force report face sheet, will be created in the administrative management system. The investigating supervisor will complete and submit their full use of force investigation and report on the day of the event. The watch commander can authorize an extension through the next workday after the use of force incident. Use of force investigations involving a member of a specialized unit will not be delayed because their supervisor was not available to respond to conduct the use of force investigation.

Any supervisor directly involved in a use of force will not conduct the investigation into that event, review, or approve the reports related to that use of force. If a supervisor directs a sworn member to use force, that supervisor is an involved member in that use of force. An uninvolved supervisor will conduct the UOF investigation.

The use of force report will be tracked to the Bureau / District Commanding Officer. 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 investigating supervisor will ensure that all the reports are completed the day 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. Reports should include any attempts to resolve the issue with non-violent means and any de-escalation techniques attempted. Supervisors should implement appropriate reviews or interventions when patterns develop with individual members within his/her command.

The 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 and recommendations. The commander will forward Tier Two and Three reports to the appropriate division chief, FIU, and ultimately to the FRB. Should the Division Chief or FRB recommend further investigation by the IAB, the case will be routed to the IAB. Referrals to the IAB will be handled in accordance with Department [DM 10.02 - Complaint and Discipline Procedures for Sworn Members](#).

The lead crime analyst reporting to the Chief's Executive Officer 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.

5.6.07 FORCE INVESTIGATIONS UNIT (FIU)

The FIU is a unit of the Professional Standards Section (PSS) within the Professional Standards and Training Division. The FIU will provide thorough, accurate, and unbiased investigations and data collection related to the uses of force by Aurora Police Department members. This unit will also assist with the administrative collection, formatting, and presentation of information relevant to the incident. FIU members will do so with transparency and integrity while maintaining the highest ethical standards to build and maintain internal and external Department trust and confidence.

FIU investigators are assigned Tier Two and Three Use of Force reports in the administrative management system by the FIU Sergeant. Investigators review each assigned case for completeness and evaluate the body-worn camera video as well as reports in the Versadex Report Management System (RMS) associated with the reported use(s) of force for each case. FIU Investigators perform an initial inventory of the submitting supervisor's use of force report, associated General Offense and supplemental report(s), photographs, video footage, and any other related use of force information. In addition, the investigator will:

- Confirm the classification level of force reported is correct (i.e., Tier 1, Tier 2, or Tier 3)
- Ensure all involved officers who used force are identified and properly assigned the correct use of force Tier level
- Determine if all witnesses listed on reports or detected on any audio/video footage are identified and have submitted written statements and/or other relevant material
- Determine if all required photographs are present and attach them to the use of force report
- Follow up on any missing information required to complete a thorough investigation
- Attach the complete General Offense report to the use of force report
- Download and attach any associated use of force-related information and/or documents (e.g., CEW downloads, outside agency reports, photographs, videos)
- Consolidate and flag all relevant BWC footage into a case in the current electronic data system (Evidence.com)
- Note any BWC violations, issues with BWC failure, or dislodging.
- Note any issues to be addressed by additional/remedial training.
- Note any potential policy issues.
- Compare narratives with audio/video footage for consistency.
- Complete an FIU Investigators case summary report.
- Format the report in such a manner that allows for a sequential, logical, clear, concise, and complete presentation.

- Identify and document all required statistical data related to the case.
- Notify the FIU Sergeant of case completion and statistical data obtained.
- Provide in-person presentation to FRB for Tier 2 and 3 cases and when directed.

If a Tier Three use of force involves an investigation by the Major Crimes Homicide Unit (MCHU), the FIU investigation will commence at the conclusion of the MCHU investigation. If a District Attorney (DA) review is conducted, the FIU investigation will wait for the declination letter or other documentation provided to the Department advising no criminal charges are forthcoming. The IAB Commander will track the report, with any additional administrative paperwork to the Compliance and Professional Standards Division Chief and FIU Supervisor. After receipt of the documentation from the DA's Office and absent any pending external reviews, the FIU investigation will commence. The FIU Investigator for review and preparation for the FRB. The FIU Investigator will present the case to the City of Aurora's legal advisor(s) prior to presenting it to the FRB for deliberation and adjudication.

5.06.08 POTENTIAL CRIMINAL CHARGES

If, at any time during case processing, it is determined there are potential criminal charges, significant policy violations, or if the force is believed to be excessive, investigators will discontinue their investigation and notify the FIU Sergeant immediately. The FIU Sergeant will contact the Professional Standards Section Lieutenant and the Professional Standards and Training Division Chief to determine whether the case should go to the Internal Affairs Bureau or the appropriate district detective unit to investigate criminal charges. The FIU investigation will be subordinate to any criminal and/or Internal Affairs administrative investigation unless directed by the Chief of Police or designee.

5.06.09 CLARIFICATION INQUIRY

If additional information regarding the facts of the case is required to clarify the use of force incident. The FIU Supervisor shall contact the involved member's supervisor to have the member provide the required details in a supplemental report.

AURORA POLICE DEPARTMENT

DIRECTIVES MANUAL

05.07 INVESTIGATING USES OF LETHAL FORCE

Approved By:	Art Acevedo, Interim Chief of Police
Effective:	Aug-18-2023
Revised:	Aug-18-2023
Associated Policy:	DM 10.03, 10.05, 10.11, 10.12, 14.01
Associated Forms:	023, 111, 112, 125, 192, 520-333
References:	C.R.S § 24-31-305(2.5), C.R.S § 24-33.5-114(4) C.R.S § 24-72-303, HB 19-119, SB 15-218, SB 19-166, COA Charter § 3-16(8)
Review Authority:	Chief of Police and APD Legal Advisor(s)

5.7.01 PURPOSE

The purpose of this directive is to outline the procedure that shall be followed when an Aurora Police Department (APD) sworn member(s) is involved in a lethal force incident (i.e., officer-involved shootings, fatal use of force, etc.).

5.7.02 SCOPE

This directive applies to all sworn members of APD.

5.7.03 DEFINITIONS

Definitions from the following directives apply to this directive:

- [DM 05.01 - Use of Force](#)
- [DM 05.02 - Use of Force Model](#)
- [DM 05.03 - Less-Lethal Devices, Weapons, and Techniques](#)
- [DM 05.04 - Authorized Firearms, Weapons, and Ammunition](#)
- [DM 05.05 - Reporting Use of Force](#)
- [DM 05.06 - Investigating Use of Force](#)

Public Safety Statement: A statement by a sworn member given immediately after being involved in any use of lethal force incident. Public safety statements are given to ensure the safety of the public and other sworn members.

Involved Sworn Member: The sworn member who is alleged to have used lethal force.

Involved Agency: The law enforcement agency with whom the involved sworn member is associated by employment or other similar contractual relationship, or the law enforcement agency that requests activation of the Multi-Agency Team (MAT).

Witness Sworn Member: Any sworn member identified as a witness to the incident who, based on the evidence, is not an involved sworn member.

5.7.04 POLICY

In accordance with C.R.S. § 16-2.5-301, APD shall participate in a Multi-Agency Team (MAT) to investigate an *incident involving the discharge of a firearm by a peace officer that resulted in injury or death, or other use of force by a peace officer that resulted in death.*

The MAT and APD Major Crimes Homicide Unit (MCHU) will conduct separate criminal investigations independent of one another and free of outside interference. While both investigations will arise from the same incident, the MAT investigation will determine whether there was any violation of criminal law by any Involved Sworn Member, and the MCHU investigation will determine whether any crimes were committed by any involved subjects. Neither investigation will be subject to the authority of the other. It is permissible for both the MAT and the MCHU to request information from each other, provided that the information is not shared in a manner that compromises the credibility or independence of each investigation. IAB will conduct any directed concurrent administrative investigations independent from any criminal investigations. Any compelled statements will be subject to *Garrity* protections.

The investigations shall be conducted in the following manner:

The Multi-Agency Team (MAT):

MAT, on behalf of the appropriate district attorney's office, is responsible for investigating the use of lethal force by any sworn member(s) and whether any part of that use of force violated criminal statutes. At the conclusion of the MAT investigation, the lead investigator will present their findings, first to the appropriate district attorney's office and second to the APD Chief of Police. The purpose of the presentation to the district attorney is to provide them with all available facts and information in order to make a decision on whether any involved sworn member(s) committed any criminal violations. The purpose of the presentation to the Chief of Police is to provide the head of the agency with facts and information on the actions of any sworn member(s) during the course of the incident. It is the policy of the APD to cooperate in all aspects of these investigations with the goal of conducting objective, thorough, and professional investigations into such incidents.

Major Crime Homicide Unit (MCHU):

MCHU will be the lead investigative unit and single point of contact responsible for investigating any criminal activity by any involved subjects leading up to, during, and after the use of lethal force by any sworn member(s).

Force Investigation Unit (FIU):

FIU completes a fact-finding internal administrative investigation regarding the use of force and will investigate any potential policy violations in conjunction with IAB.

Internal Affairs Bureau (IAB):

IAB is responsible for investigating whether sworn member(s) acted within APD policy throughout the incident.

5.7.05 DISCHARGE OF A FIREARM

Whenever a member discharges a firearm while on duty, working secondary employment, or acting under the color of authority in an off-duty capacity, regardless of the member's intent, the incident will be handled as use of lethal force/officer-involved shooting (OIS).

The following three exceptions exist:

- a. During training exercises, approved qualification courses, or authorized firearms practice sessions conducted by the Aurora Police Department where death, serious bodily injury, or hospitalization of a person does not occur.
- b. Unintentional discharges, outside of item "a" above, where only City of Aurora property or no property was damaged, will be investigated in accordance with Aurora Police Department Directive [DM 05.09 - Unintentional Discharge of Weapon](#).
- c. Intentional discharges for the purpose of destroying a critically injured or vicious animal. These situations will be handled in accordance with [DM 05.01 - Use of Force](#).

5.7.06 MAT AND MCHU ACTIVATIONS

The MAT and APD MCHU will investigate the following incidents as uses of lethal force:

- Use of force involving the intentional discharge of a firearm by a sworn member(s).
- Other uses of force by a sworn member(s) that result in death.
- When a sworn member(s) recklessly or consciously disregards a substantial and unjustifiable risk to the life of a member of the public while using any force.

If the incident occurs outside of the City of Aurora, the agency with jurisdictional authority will be notified, and they will handle the investigation according to their policy. APD personnel shall be notified and, if required, respond to the incident according to the [OIS Matrix](#).

5.7.07 INVOLVED SWORN MEMBER

For purposes of this specific directive, "involved sworn member" refers only to the sworn member(s) who discharged their firearm or used other means of lethal force during the event under investigation.

Any sworn member(s) involved or a witness to a use of lethal force incident shall personally notify a supervisor of the incident and location as soon as practical. This notification should be done through an **Aurora911** primary radio channel (i.e., PD-1, PD-2, or PD-3). A delay in the required notification is allowed, if required, to render first aid, maintain an arrest, prevent an escape of a subject, protect a crime scene, or when the sworn member is incapacitated, or an immediate threat to the public or sworn member(s) still exists (e.g., multiple active shooters).

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

The involved sworn member(s) shall provide a public safety statement advising the arriving and/or relieving sworn member(s), supervisor(s), MCHU, and/or MAT investigator(s) of the location of occurrence, suspect(s), witness(s), and evidence.

Once the involved sworn member(s) is being transported to APD headquarters, they shall not discuss any aspects of their use of lethal force, the incident, or surrounding events or circumstances with anyone until they have spoken with the attorney representing them in their individual capacity.

The involved sworn member is required to protect their firearm for examination. When the scene is secure and safe, the involved sworn member shall keep their firearm in their holster until they are transported to APD Headquarters and met by a member of MAT or MCHU accompanied by a member of the Crime Scene Unit (CSU). If the firearm used is a rifle, the supervisor on the scene will collect the firearm and secure it in their vehicle, transport it to APD Headquarters, and will be met by a member of MAT or MCHU accompanied by a member of the Crime Scene Unit (CSU). The involved sworn member is to keep their firearm in the condition that it was in at the conclusion of the incident. No unloading of firearms shall be done until directed by a member of the MAT or MCHU. The firearm will be safely unloaded in an interview room and video/audio recorded. Still photographs will be taken by CSU.

In circumstances where the involved sworn member(s) is incapacitated and transported to a medical facility or otherwise unable to respond directly to headquarters, the scene supervisor is responsible for ensuring that the involved sworn member's firearm(s) still on their person is removed. The firearm will remain in the condition in which it was received until transferred to the control of a member of MAT or MCHU accompanied by a member of CSU for processing and safekeeping.

The Chief of Police or designee will advise the member of their regular duty status being changed to administrative leave.

The involved sworn member(s) shall not access digital evidence related to the incident until after their interview with MAT investigators.

5.7.08 ON-SCENE SUPERVISORS

An on-scene supervisor is required to ask the involved sworn member(s) to provide a public safety statement. The sworn member shall provide a public safety statement that is limited to the questions outlined in section [5.7.09 - Public Safety Statements](#).

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

The on-scene supervisor will have the involved sworn member(s) transported separately to the waiting area in the Investigations Bureau at APD Headquarters as soon as they are no longer needed at the scene. The use of lethal force incident or surrounding events or circumstances shall not be discussed between the involved sworn member(s) and the transporting sworn member(s).

5.7.09 PUBLIC SAFETY STATEMENT

Public safety statements are given to ensure the safety of the public and other sworn members after any use of lethal force. Failure to provide a public safety statement could subject the involved sworn member(s) to formal discipline up to and including termination as outlined in [DM 10.02 - Complaint and Discipline Procedures for Sworn Members](#).

Public safety statement questions may include and must be limited to the following questions:

1. Is there anyone injured?
 - If so, where are they located?
2. Where did the incident(s) take place?
3. Are all suspects in custody?
4. If a firearm was discharged, what direction was it fired?
5. Is there any evidence that needs to be secured?

5.7.10 BODY-WORN CAMERA DEACTIVATION AFTER A CRITICAL INCIDENT

The on-scene supervisor, either a sergeant or lieutenant, will obtain the body-worn camera (BWC) from all the involved members prior to the sworn members leaving the scene of the incident. The on-scene supervisor will retain the BWC(s) until the Electronic Support Section (ESS) supervisor arrives on the scene and takes possession of the BWC(s). The ESS supervisor will prepare the BWC video for viewing within the command post for designated members and CIRT.

The supervisor will coordinate the relocation of the involved member(s) by pairing them with a transport officer(s). Once the involved member(s) and transport officer(s) have entered a transport vehicle, the transport officer shall turn off their body-worn camera.

5.7.11 PERSONNEL ASSIGNED TO TRANSPORT THE INVOLVED SWORN MEMBER(S)

Personnel assigned to transport the involved sworn members shall do the following:

- a. The involved sworn member(s) shall be transported separately to the Investigations Bureau at APD Headquarters and taken to a private room. The MAT and MCHU investigators will be advised of the involved sworn member's location.
- b. Before the involved sworn member(s) washes their hands, they need to request authorization to complete such action with a member of the MAT or MCHU. If a sworn member has biohazards on their person, they may be allowed to de-contaminate themselves for safety reasons.
- c. The involved sworn member should be provided with [APD Form 226 - OIS Officer Resource Advisement](#) and a Trauma Response Team Packet.
- d. Visitation to the involved sworn member(s) shall be limited to an attorney and/or any member outlined in the Involved Officer Resource Advisement form approved by the involved sworn member(s). All other individuals requesting visitation with an involved sworn member shall first receive authorization from the responding Investigations Bureau Commanding Officer, the Major Crimes Investigations Section Lieutenant, or a Major Crime Homicide Unit Sergeant. **The sworn member that provided the transport shall remain in the room with the involved sworn member at all times except when the involved sworn member's attorney, peer support, and/or psychological services personnel are with the involved sworn member with prior approval.**
- e. All movement of the involved sworn member(s) or visitors shall be noted by the transporting sworn member in their supplemental report.

- f. In the event that the involved sworn member(s) is injured and transported to a medical facility, the transporting sworn member shall control access to the involved sworn member(s) in the same manner as listed above until relieved by MAT or MCHU personnel.
- g. The transporting sworn member shall advise the relieving sworn member of the status of the above and ensure that the relieving sworn member is provided with the Critical Incident (OIS) –Transport Officer Responsibilities [APD Form 227 - OIS Transport Protocol](#).

5.7.12 RESTRICTED ACCESS TO INVESTIGATIVE AREAS

During use of lethal force 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.

The following rules apply to restricted areas:

- a. Only those individuals who have a desk or function in given areas will be allowed inside the restricted area. The only other persons allowed to enter the restricted area are the Chief of Police, Deputy Chief of Police, Division Chiefs, Duty Executive Officer, Investigative Bureau Commanding Officer, Major Investigations Section Lieutenant, Major Crimes Homicide Unit Sergeant, Multi-Agency Team personnel, and Major Crimes Homicide Unit Detectives, the on-call District Attorney, CSU personnel, Peer Support, Psychological Services, and the attorney approved by the involved member.
- b. The Investigations Bureau Commander, Major Crimes Investigations Section Lieutenant, Chief of Police, or designee must approve all other personnel for entry to the restricted area, including all Fraternal Order of Police (FOP) or Aurora Police Association (APA) board members or their designees.
- c. All other personnel who have an immediate need to be near the proceedings may wait in the APD Headquarters break room or front lobby.
- d. If conflicts arise regarding the use of designated areas, the Multi-Agency Team and/or Major Crimes Homicide Unit will have priority over other needs, and the Investigations Bureau Commander will resolve conflicts.

5.7.13 INITIAL PROCEDURES

Please refer to the following MAT Protocols for initial procedures:

- 17th Judicial District – Adams County and Broomfield County
[Appendix 5.11-17JD Adams CIRT Protocols](#)
- 18th Judicial District – Arapahoe County and Douglas County
[Appendix 5.11-18JD Arapahoe CIRT Protocols](#)
- If a use of lethal force incident occurs outside the jurisdiction of the 17th or 18th Judicial Districts, the on-call Investigations Bureau Command Officer will notify the law enforcement agency of where the incident occurred and coordinate the response of the appropriate MAT. APD personnel shall be notified and, if required, respond to the incident according to the [OIS Matrix](#).

5.7.14 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 the on-scene supervisor and, if required, other sworn members, the Patrol Lieutenant shall initiate the notification process (see [OIS Matrix](#) for further information).

Duty Lieutenant

- Duty Executive
- On-call Investigations Bureau Command Officer
- Force Investigation Unit (FIU) supervisor
- Electronic Support Section (ESS) supervisor

Investigations Bureau Command Officer

- On-call Major Crimes Investigations Lieutenant
- Victim Services Unit

Major Crimes Investigations Lieutenant

- The MCHU Lieutenant and Sergeant shall respond directly to the incident scene.
- Notification to the appropriate Judicial District Critical Incident Response Team (CIRT) depending on the location of where the incident occurred.
 - The MCHU Lieutenant shall direct the lead MAT investigators to respond to the incident scene. The Michael Thomas conference room at HQ will be open and available to the MAT. The MCHU Lieutenant and Sergeant shall designate and assign a liaison for the Michael Thomas conference room at APD HQ.
 - 17th Judicial District – Adams County and Broomfield County
[Appendix 5.11-17JD Adams CIRT Protocols](#)
 - 18th Judicial District – Arapahoe County and Douglas County
[Appendix 5.11-18JD Arapahoe CIRT Protocols](#)
 - If a use of lethal force incident occurs outside the jurisdiction of the 17th or 18th Judicial Districts, the on-call Investigations Bureau Command Officer will notify the law enforcement agency of where the incident occurred and coordinate the response of the appropriate CIRT.

Duty Executive

- Internal Affairs Bureau (IAB) Commander
- Chief of Police or designee
- Deputy Chief of Police

- Duty Chief
- Division Chief of the Involved Member
- Aurora City Attorney's Office Police Legal Advisor(s)
 - Consent Decree Monitor (CDM)
- Aurora Police Association (APA) Board of Directors Member or a Board Member from the Fraternal Order of Police (FOP) – Any involved member should be asked for clarification regarding their affiliation to make appropriate notifications. The board member may arrange for an attorney for the involved member(s).
- Public Information Officer (PIO)
- The Psychological Services Unit only after coordination with the Major Crime Homicide Unit (MCHU) and the Major Crimes Investigations Bureau Commander.

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

5.7.15 INITIAL MCHU BRIEFING

The District Patrol Watch Commander or, if none, the District Sergeant will gather all pertinent information pertaining to the incident and a timeline of events from the time of dispatch until briefing and conduct the presentation to investigators. The sworn member assigned to complete the briefing shall have completed and have available [APD Form 231 - Initial MCHU Briefing Checklist and Timeline](#) prior to the briefing. Officer-level members will not conduct the briefing.

Upon gathering all required information at the scene, either the MCHU Lieutenant or Sergeant shall respond to the Michael Thomas conference room to provide CIRT representatives with a detailed briefing.

5.7.16 PSYCHOLOGICAL SERVICES UNIT

The Psychological Services Unit will contact all involved sworn members in a lethal force incident. Unless the involved sworn member(s) is in immediate need of psychological counseling, the psychologist will meet with the sworn member in coordination with the Employee Support and Wellness Unit.

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

5.7.17 OTHER OFFICERS AND PERSONNEL ASSIGNED

Sworn members involved in the incident shall not discuss anything about the incident with other involved sworn members until permission is granted by the Chief of Police or when the sworn members(s) receive their declination letter from the appropriate district attorney's office; however, all existing legal privileges apply.

5.7.18 COMPLETION OF REPORTS

Only sworn members who discharged their firearms and/or used lethal force, or are specifically identified by MAT investigators, shall participate in an audio and/or video interview. Sworn members who participate in audio and/or video interviews with MAT investigators 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 MAT.

All other sworn members involved with the event under investigation shall complete written reports as required by Aurora Police Department Directives [DM 08.10 - Reports](#) and [DM 05.05 - Reporting Use of Force](#).

5.7.19 INFORMATION RELEASE

All public statements regarding a lethal force incident shall be made by the Chief of Police or designee.

The lead MCHU investigator and designated Public Information Officer (PIO) will collaborate and be responsible for all requests related to CCJRA.

The MCHU detective will collaborate with the Digital Evidence Unit supervisor, and they will be responsible for digital media releases pertaining to the incident for all requests related to C.R.S. § 24-31-902.

5.7.20 CHIEFS BRIEFING

The following day of the incident, the lead MCHU representative will brief the Chief(s). The briefing shall be attended by a designated representative(s) from the following:

- Public Information Officer (PIO)
- Electronic Support Section (ESS)
- Crime Scene Unit (CSU)
- Duty Executive
- Force Investigation Unit (FIU)
- Internal Affairs Bureau (IAB)
- Aurora City Attorney's Office Police Legal Advisor(s)
 - Consent Decree Monitor (CDM)
- Auxiliary investigative specialty unit that has been assigned to assist MCHU with the investigation.
- Community Relations Representative

During the briefing, MCHU and CSU or their designees will collaborate and provide the list of physical and digital evidence that exists for the incident.

5.7.21 ADMINISTRATIVE REVIEW

Prior to the Chief of Police approving the involved sworn member's return to any duty assignment, sworn members shall have been approved for return to duty by Psychological Services. Also, the Chief of Police will be provided an update by MAT, MCHU, Employee Support and Wellness Unit, and Media Relations Unit (PIO) on the incident. The initial update is set to occur no later than 60 days after the incident.

At this meeting, the following information will be provided:

- MAT will provide a review and status of the investigation into the use of lethal force.
- MCHU will provide a review and status of the investigation into the criminal actions of the subject.
- Employee Support and Wellness Unit 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 completing the 60-day review, the Chief of Police or designee will either return the sworn member to their regular duty assignment, continue their administrative assignment, or reassign the sworn member to another non-regular duty assignment. If the decision by the Chief of Police 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 90-day time frame post-incident, the Chief of Police will have the option to defer further reviews until substantial updates occur in the investigation. If the review is deferred, the involved sworn member shall be contacted and advised of the reasons for the extended delay.

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

5.7.22 FIREARM RETURN PROCESS

When a firearm or other weapon has been used in an officer-involved shooting or fatal use of force, it is seized as evidence. When the appropriate district attorney's office determines that no criminal charges will be filed against the sworn member, they notify APD MCHU.

Once MCHU is notified, they will notify the APD FIU and the Property and Evidence Unit at apdpropertysupv@auroragov.org that the declination letter has been received and that the weapon is available for department compliance testing.

FIU will pick up the firearm and take it to the APD Range Unit for firearm inspection. Once completed, FIU will place the firearm back into APD Property and Evidence.

Once FIU has presented the use of force investigation to FRB and the use of force has been adjudicated, FIU will notify IAB that there is no further necessity for MCHU, FIU, or FRB to hold the firearm.

Upon the conclusion of all criminal and administrative investigations, IAB will make the final determination to release the firearm back to the sworn member. IAB will notify the Property and Evidence Unit and the sworn member that they can pick up the weapon.

05.08 USE OF FORCE ADJUDICATION

Approved By:	Art Acevedo, Interim Chief of Police
Effective:	Aug-18-2023
Revised:	Aug-18-2023
Associated Policy:	DM 05.01, 05.02, 05.06, 08.32, 09.06
References:	C.R.S. § 18-1-707, 18-8-802, 24-31-905, SO 23-03
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

5.8.01 PURPOSE

The purpose of this directive is to provide sworn members of the Aurora Police Department (APD) with clear and direct guidelines to follow when adjudicating Tier One, Two, and Three uses of force. This directive also defines the membership, mandate, and operational workflow of the Force Review Board (FRB). Through a thorough adjudication process, APD seeks to establish and sustain a culture of continuous improvement, critical self-evaluation, and promotion of APD's mission and values.

5.8.02 SCOPE

This directive applies to all sworn members of APD tasked with adjudicating use of force incidents. Uses of force will be reviewed for policy compliance, conformance to law, and the objective reasonableness of the application of force.

5.8.03 DEFINITIONS

Definitions from the following directives apply to this directive:

- [DM 05.01 - Use of Force](#)
- [DM 05.02 - Use of Force Model](#)
- [DM 05.03 - Less-Lethal Devices, Weapons, and Techniques](#)
- [DM 05.04 - Authorized Firearms, Weapons, and Ammunition](#)
- [DM 05.05 - Reporting Use of Force](#)
- [DM 05.06 - Investigating Use of Force](#)
- [DM 05.07 - Investigating Use of Lethal Force](#)

5.8.04 POLICY

The policy of the Aurora Police Department is that all uses of force are adjudicated in a timely, thorough, impartial, and accurate manner. APD commits to using a transparent adjudication process and a process of critical analysis leading to continuous improvement to further the legitimacy of the agency by the public and promoting trust between the APD and the community we serve.

5.8.05 CORE PRINCIPLES

The following core principles are provided to guide sworn members regarding when the adjudication of use-of-force incidents:

Accountability: We are responsible for our actions and decisions. We are committed to holding ourselves and each other responsible for misconduct and performance failures.

Continuous Improvement: Building a culture dedicated to bettering performance individually and as a department is crucial for a professional law enforcement agency. Use of force review can provide valuable lessons for individual sworn members as well as show trends, patterns, and areas where the agency needs strengthening or where the department is excelling in training (such as baseline arrest control proficiency) and policy updates that can be used to enhance department operations.

Critical Assessment: Evaluation of use of force incidents should identify successes, failures, and constructive steps needed to improve for individual members and collectively as an agency.

Objectivity: Use of force adjudications shall focus on the facts and circumstances pertinent to the use of force and precipitating events. The review and determination of whether the use of force complies with department policies and state, federal, and binding case law shall be free of personal bias or agenda. Opinions or statements that are not a component of conducting a fair and unbiased analysis shall not be included in the review.

5.8.06 USE OF FORCE REVIEW RESPONSIBILITIES

Chain of Command:

The review and adjudication of a Tier One use of force will be handled by the involved sworn member's chain of command up to their captain or commander.

Force Review Board:

Tier Two and Three uses of force will be reviewed and adjudicated by the Force Review Board (FRB). The FRB will also review Tier One cases at the request of the subject member's chain of command, which require further review or as directed by the Chief of Police or designee.

The FRB will evaluate the need for department-wide improvements relative to the following:

- Tactics
- Training
- Policy
- Supervisory incident management, investigation, and documentation of the use of force incident.

Generally, use-of-force incidents can have significant training value. A sworn member of any level of the review process may recommend that material from a use-of-force incident be used for training. The sworn member shall be notified before their reports and videos are used for training. Videos shall be approved for training by the Chief of Police or designee [DM 16.04.22 - Body-Worn Cameras](#) and requested for download through the Electronic Support Section (ESS). No use of force shall be used for training until the chain of command or FRB has adjudicated it.

5.8.07 FACTORS CONSIDERED IN THE ADJUDICATION OF USES OF FORCE

The following dimensions should be considered when adjudicating a use of force at any level of review (also see [Use of Force Report Considerations](#)):

- Information Sharing: Available information sought and obtained pre-contact. Aurora911 information, CAD/RMS location history, RP statements, other sworn members, etc.
- Pre-Event Decision-Making: Efforts made prior to contact. Coordination of resources, avenue of approach, contact/cover, use of cover/concealment.
- Communication: Efficacy of communication between sworn members, assignment of sworn member roles, airing of new/changing information, and communication between Aurora911 and sworn members.
- Lawful Presence: Legal basis for contact, including the lawful authority for all actions. Dispatched call or proactive contact, Private/Public area, Consent/Reasonable Suspicion/Probable Cause, Implications of bias [DM 08.32 - Bias-Based Policing](#)
- De-Escalation: Taking action or communicating verbally or nonverbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force.
- Use of Force Analysis: Objective reasonableness of the actions taken by sworn members in light of the facts and circumstances confronting them at the time of the incident. The review of each use of force shall be based on the totality of the circumstances faced by sworn members, including:

[Graham v. Connor, 490 US 386 - Supreme Court 1989](#)

- The severity of the crime.
- The immediate threat to the sworn member(s) or others.
- Whether the subject was actively resisting arrest or attempting to evade arrest by flight.

Per [C.R.S. § 18-1-707\(1\)](#), a peace officer may use physical force only if nonviolent means would be ineffective in:

- effecting an arrest;
- preventing an escape or;
- preventing an imminent threat of injury to the peace officer or another person.

Per [C.R.S. § 18-1-707\(2\)](#), when physical force is used, a peace officer shall:

- Not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense;
- Use only a degree of force consistent with the minimization of injury to others;
- Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and

- Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

Per [C.R.S. § 18-1-707\(3\)](#), a peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstances and:

- The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;
- The suspect poses an immediate threat of death or serious bodily injury to the peace officer or another person;
- The force employed does not create a substantial risk of injury to other persons.

Other factors pertaining to the use of force analysis MAY include:

- Information as to the subject's proximity and access to weapons.
- Subject's apparent intoxication.
- Subject's apparent size, strength, physical skill, and ability.
- Subject's perceived mental health.
- Time available to the sworn members to make a decision or attempt to resolve the situation through non-violent means.
- Environmental factors.
- Risk posed to the public and other exigent circumstances.
- Additionally, APD uses the criteria of the non-binding decision of [Hill v. Miracle - Court of Appeals, 6th Circuit 2017](#), to evaluate the use of force on subjects experiencing a medical or mental health-related emergency in which no criminal charges exist. The non-exhaustive factors listed in the above decision for determining whether officers' actions were objectively reasonable are:
 - Subject was experiencing a medical or mental health-related emergency and incapable of making rational decisions.
 - Some degree of force objectively reasonable to ameliorate the immediate threat (to the subject and others).
 - Force was objectively reasonable under the circumstances.
- Medical Response/ intervention: Monitoring of the subject, offering and provision of medical attention in a timely manner and compliant with [DM 09.06 - Coordination with Aurora Fire Rescue and Emergency Medical Services](#)
- Officer Relief Protocol: Replacement of involved officers as soon as practical, consistent with [DM 05.10 - Officer Relief Process](#).

- Incident Management: Appropriateness of the incident and scene management, including supervisory response and oversight. Clarity and appropriateness of directions from supervisors at the scene. Whether police actions placed sworn members or civilians at unnecessary risk.
- Policy Compliance: Compliance with [DM 05.01 - Use of Force](#) and other APD policies.
- Equipment: Availability and functionality of all equipment.
- Report Writing: Quality of written reports. Thorough articulation of the event, all facts and circumstances confronting sworn members, the force used, factors members relied on in making their decisions, and legal justifications for all actions.
- Evaluation of Tactics and Training: Efficacy of the tactics used, proficiency of the involved sworn members, and currency of their certifications, as well as the viability of other options and the possibility that engaging sooner would have been more effective and possibly led to a better, safer outcome for officers and civilians.
- Evaluation of Supervisory Review: Quality of the supervisor's initial investigation and evaluation of factors considered for adjudication of the use of force and review of written reports.
- Sworn Member History: A sworn member's use of force history shall not be used to determine whether the use of force under consideration is within policy. However, it should be utilized to determine an appropriate level of remediation, if any, including training, coaching for improvement (CFI), or enhanced supervision.

5.8.08 ASSIGNED MEMBERS OF THE FORCE REVIEW BOARD

The Force Review Board (FRB) shall be chaired by the Professional Standards and Training Division Chief or designee and shall consist of the following members:

Seats Required for a Quorum / Voting Seats:

- Professional Standards and Training Division Chief or designee (Chair)
- Aurora City Attorney's Office Police Legal Advisor
- Training Section Sworn Member
- At-Large Command Officer from any Division
- Operations Sergeant (Peer)
- Operations Officer (Peer)

Non-voting Seats:

- Chief of Police
- Deputy Chief of Police
- Patrol Division Chief or designee
- Investigations Division Chief or designee

- Special Operations Bureau Division Chief or designee
- Police Chief of Staff or designee
- Business Services Division Manager or designee
- Training Section Commanding Officer or designee

Ad Hoc Seats:

- Subject Matter Experts (SMEs)
- Internal Affairs Bureau (IAB) Sworn Member

Observer Seats:

- Consent Decree Monitor(s)
- Consultant(s)

Two (2) sworn members will be designated for each quorum position; one member will be the primary, and the other will be a backup if the primary cannot attend. Only the primary quorum member for that position will vote if both members are present. The FRB Chair will assign/ appoint members to the peer and at-large command officer positions based on their training and qualifications. Other Chiefs may attend FRB meetings at their discretion. Any member of the FRB may be excused from a particular use of force review by the Chair, Deputy Chief, or Chief of Police because of a conflict of interest.

The FRB may call upon experts or other informed individuals to help determine if the use of force under review was legal and policy compliant.

5.8.09 QUALIFICATION, SELECTION, AND TERM OF FRB MEMBERS

The Chief of Police will determine the qualifications and selection process for members and may rely on the members' knowledge and/or experience regarding use of force. The Chief of Police or designee will approve all FRB members. For consistency, members of the FRB should remain for at least an entire year.

5.8.10 TRAINING OF FRB MEMBERS

The Training Division Commander shall ensure all FRB members receive continuing professional training in the following subjects:

- Expectations, goals, and mission of the FRB.
- Department use of force policies.
- Aurora Arrest Control Techniques (ACT).
- Demonstrations of training techniques and properly using department-issued tools, e.g., less lethal options and firearms.
- FIU procedures

- Investigative Process Criminal and administrative techniques, practices, and standards presented and/or coordinated by the Training Academy.
- Legal updates on use of force case law presented by representatives from the City Attorney's or the District Attorney's Office.
- Officer-involved shootings (OIS), vehicle pursuits resulting in serious bodily injury or death, and in-custody death investigations.
- Human performance factors.
- Value of critical assessment and culture of continuous improvement.
- Appropriate methodology in conducting a critical assessment.

5.8.11 FREQUENCY OF MEETINGS

The FRB meets weekly at the discretion of the Chair but no less frequently than monthly.

5.8.12 PARTICIPATION IN FORCE REVIEW BOARD MEETINGS

Only FRB quorum/voting members may actively participate in the meeting discussion unless called upon by the board chair.

5.8.13 OBSERVATION OF FORCE REVIEW BOARD MEETINGS

Sworn members are invited and encouraged to attend FRB meetings in observation status as coordinated by the FIU Supervisor or designee. Currently, sworn members are not allowed to observe presentations of uses of force in which they were involved.

Representatives of the labor organizations are also invited and encouraged to attend in an observation status subject to the approval of the FIU Supervisor or designee. Labor organization observers will adhere to observer conditions defined in [DM 10.2.4](#) to avoid a conflict of interest or the appearance of a conflict of interest.

All members assigned to the FRB and observers shall read, understand, and sign the [APD Form 236 - Chief's Office Confidentiality Acknowledgement](#) located in [PowerDMS](#).

5.8.14 CONDUCT OF MEETINGS

During FRB meetings, FIU investigators present cases to the board on the relevant information about using force for analysis and discussion. After the presentation, the FRB Chair will facilitate a discussion in which each quorum member contributes their evaluation of the use of force incident. Following that discussion, the FRB Chair will oversee a vote of the primary quorum members (or, if not present, their backup) on whether the use of force was reasonable.

FIU presentations include the following:

- Date, time, and location of the event.
- Agency case number.

- Involved officers' names, identification numbers, and weapon type (including serial number if applicable).
- Witness officers' names and identification numbers.
- Investigating supervisor.
- Subject's name and date of birth.
- Identification of each use of force and level thereof.
- Synopsis of event.
- Information that led to the officer(s)' initial encounter with the subject.
- BWC of each use of force.
- Identification of post-force actions, including when applicable:
 - Placing the subject in the recovery position when safe (after the subject is under control and a search for weapons has been done).
 - Call for Aurora Fire Rescue (AFR) to respond, evaluate the subject, and render aid if necessary.
 - Provision of first aid until the arrival of AFR/EMS.
 - Turnover to AFR.
 - Processing of subject at the Aurora Detention Center (ADC).
- Compliance with Body-Worn Camera Policy
- Presentations may also include any of the following if relevant to the case:
 - CAD Notes
 - Map of the area both zoomed out and zoomed in.
 - Photographs or still frames of BWC footage.
 - TASER Downloads
 - Weapons Inspections
 - Weapons Specifications (e.g., CS Vapor Canister information)
 - Statements of civilian witnesses identified by the investigating supervisor.

5.8.15 VOTING BY CONSTITUENT MEMBERSHIP

Following the quorum discussion, the FRB Chair will oversee a vote of the primary quorum members (or, if not present, their backup) as to the objective reasonability of the use of force. The vote is by the majority and will determine the board's findings. In the case of a split decision, the dissenting opinion will be summarized in writing, and the case will be presented to the Chief of Police by the FIU to make the final determination. Decisions on follow-up recommendations will be made through a consensus of the quorum.

The FRB can reach the following findings:

- The use of force was within policy. This means the use of force was objectively reasonable and comported with all statutory and policy requirements. The following recommendations may accompany this finding:
 - No follow-up training is required.
 - Referral to Chain of Command for after-action debrief.
 - Referral to training
 - Referral for Coaching for Improvement
 - Referral for Enhanced Supervision
 - Referral to IAB
- The use of force was outside of policy. This means the use of force was not objectively reasonable and/or did not comport with statutory and/or policy requirements. The following recommendations may accompany this finding:
 - Referral to the District Attorney (DA) for a potential criminal investigation where not previously referred.
 - Referral to IAB
 - Referral to Training Section
 - Referral for Coaching for Improvement
 - Referral for Enhanced Supervision
- Determination relative to supervisory oversight and responsibilities:
 - Referral to IAB
 - Referral to training
 - Referral for Coaching for Improvement
 - Referral for Enhanced Supervision

5.8.16 REFERRAL FOR CRIMINAL OR INTERNAL REVIEW

If there is insufficient information for the board to determine whether the force was within policy, the FRB Chair will decide whether the case will be routed to the FIU or IAB for additional investigation. If routed to FIU, the supervisor will conduct a clarification inquiry according to [DM 05.06 – Investigating Uses of Force](#). If the force used is believed to be excessive, the use of force report shall be routed to the IAB for investigation. The IAB Commander shall initiate an investigation and assign it to the appropriate level in the organization. Generally, uses of force involving a criminal or internal investigation will not be adjudicated until those investigations have concluded. Nothing will preclude the Chief of Police from adjudicating a use of force prior to the receipt of the declination letter or closure of the internal investigation.

5.8.17 RETENTION OF RECORDS

To include voting tabulations of the Committee.

5.8.18 FOLLOW-UP AND TRACKING PROCESS

Once the use of force has been adjudicated, a summary of the decision/ determination will be included in the use of force report workflow and routed to the involved member through their chain of command. The member's supervisor will ensure any referrals for training, CFI, or enhanced supervision are done/satisfied. The training shall be documented by the person providing it and included in their workflow notes.

5.8.19 PERIODIC ANALYSIS OF THE USE OF FORCE REPORTS

The Training Section shall coordinate with FIU to analyze the use of force reports every quarter. This analysis shall be used to make suggestions to the command staff regarding the policy or training that needs revisions based on the identified issues, patterns, or trends.

Quarterly, FIU performs a random body-worn camera audit of a case adjudicated by the FRB to determine policy compliance and training value.

05.09 REPORTING AND INVESTIGATING UNINTENTIONAL DISCHARGES

Approved By:	Art Acevedo, Interim Chief of Police
Effective:	Aug-18-2023
Revised:	Aug-18-2023
Associated Policy:	DM 05.01, 05.02, 05.06, Unintentional Discharge Matrix, Unintentional Less-lethal Discharge Matrix
References:	C.R.S. § 18-1-707, 18-8-802, 24-31-905
Review Authority:	Professional Standards and Training Division Chief and APD Legal Advisor(s)

5.9.01 PURPOSE

The purpose of this directive is to provide sworn members of the Aurora Police Department (APD) with clear and direct guidelines to follow when reporting, reviewing, and adjudicating unintentional discharges.

5.9.02 SCOPE

This directive applies to all sworn and non-sworn members of APD who are authorized to carry firearms and/or less-lethal devices in the course of their duties. This policy applies to all sworn and non-sworn members while on duty, working secondary employment, and off duty. Only weapons used or authorized for the performance of official duties are subject to these guidelines.

5.9.03 DEFINITIONS

Definitions from the following directives apply to this directive:

- [DM 05.01 - Use of Force](#)
- [DM 05.02 - Use of Force Model](#)
- [DM 05.03 - Less-Lethal Devices, Weapons, and Techniques](#)
- [DM 05.04 - Authorized Firearms, Weapons, and Ammunition](#)
- [DM 05.05 - Reporting Use of Force](#)
- [DM 05.06 - Investigating Use of Force](#)
- [DM 05.07 - Investigating Use of Lethal Force](#)
- [DM 05.08 - Use of Force Adjudication](#)

Unintentional Discharge: Discharge of a firearm or less-lethal device that is reported to be unintentional by the discharging sworn member at the time of the incident.

Off Duty: A sworn member who is **not working** a scheduled shift, secondary employment, or otherwise acting in an official capacity.

Secondary Employment: Employment requiring the use or potential use of police authority as defined in [DM 08.12 - Secondary and Additional Employment](#).

Administrative Activity: An incident during which manipulation of a firearm or less-lethal device results in an unintentional discharge, such as loading, unloading, function checking, and spark testing. These activities are commonly done to prepare for or finish official duties or when preparing a firearm or less-lethal device for inspection.

5.9.04 POLICY

The policy of the Aurora Police Department is that unintentional discharges of a firearm or less-lethal device shall be reported, thoroughly investigated, reviewed, adjudicated, and appropriate notifications made, consistent with the level of intentional uses of the same firearm or less-lethal device. See the [Unintentional Discharge Matrix](#) and [Unintentional Less-lethal Discharge Matrix](#), which are included in this policy. The Chief of Police or designee may deviate from this policy as they deem appropriate (e.g., MAT, MCHU, etc.).

5.9.05 REPORTING UNINTENTIONAL DISCHARGE INCIDENTS

Unintentional discharges of a firearm or less-lethal device require personal notification to an on-duty supervisor by the involved sworn member or another sworn member present as soon as practical, as stated in [DM 05.07 - Investigating Uses of Lethal Force](#) or [DM 05.05 - Reporting Uses of Force](#). If the member is off duty, they will call the watch commander.

That supervisor will report the incident to the Duty Lieutenant.

5.9.06 INVESTIGATING UNINTENTIONAL DISCHARGE INCIDENTS

Unintentional discharges of a less-lethal device that do not strike or affect another person will be entered as complaints in the administrative management system. Tier Two use of force reports will be entered into the administrative management system if the unintentional discharge of the device impacts another person. Supervisors will conduct an initial inquiry into all reported unintentional discharges and forward the results to the IAB in an administrative management system report.

When the unintentional discharge involves a firearm, the on-scene supervisor will notify the Duty Lieutenant, who will begin required notifications according to the [Unintentional Discharge Matrix](#). The supervisor shall document the event in a use-of-force report if a bullet or fragment struck a person. If the incident was a training accident and no one was struck or injured, the investigating supervisor will enter a complaint in the administrative management system.

Incidents that occur within the City of Aurora will result in a response by APD members from FIU, IAB, MCHU, and CSI, if appropriate, according to the [Unintentional Discharge Matrix](#). The Duty Lieutenant will notify the appropriate jurisdiction if the member is outside the city. That agency will determine its response to the incident. FIU and IAB will also be notified to respond if appropriate.

A use of force shall be separately reported and documented according to the corresponding Tier requirements when the member involved in the unintentional discharge also uses force against a person during the same incident.

5.9.07 ADMINISTRATIVE ACTIONS IN UNINTENTIONAL DISCHARGE INCIDENTS

Any sworn or non-sworn member whose unintentional discharge of a firearm or less-lethal device results in the death, serious bodily injury, or hospitalization of a person, or their actions otherwise may require prosecutorial review, will be relieved of front-line duty (i.e., any assignment involving direct contact with the

public), pending criminal and administrative investigation. The Chief of Police or designee may place the member on administrative leave according to [DM 08.02 - Leave and Scheduling Procedures section 8.2.3 \(f\)](#).

The involved sworn member will be sent home for the remainder of their shift. The investigating supervisor will coordinate with the Duty Lieutenant and/or Executive to make an interim determination of the involved member's duty status. If the event occurred over the weekend, the member might be assigned to work a non-enforcement assignment pending an official duty-status decision.

When no injury occurs because of a member's unintentional discharge, 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 be placed on administrative leave. The decision of the Duty Executive and/or the IAB commanding officer will be reported through Personnel Orders to the Chief of Police or designee as soon as practical. The Chief of Police or designee will determine the appropriate action from that point. Administrative leave will end at the order of the Chief of Police or designee.

Any unintentional discharge of a firearm requires an inspection by the department's armorer to ensure the firearm is safe to put back into service consistent with inspections following a lethal use of force.

The following actions/processes take place during the review of the incident:

- If the incident is being reviewed administratively:
 - A member of the Force Investigations Unit (FIU) will take possession of the weapon used by the involved member.
 - That FIU Investigator will take firearms to the range for inspection. CEW's will be taken to the APD Academy and/or Quartermaster's office for inspection, with the possibility of the CEW being sent back to the manufacturer for further testing if required.
 - Following a successful inspection, the weapon will be transferred back to the FIU Investigator, who will return it to the member.
 - If a firearm is not functioning properly, Range staff will issue a replacement firearm to the member. If a CEW is not functioning properly, Quartermaster will issue a replacement CEW to the member.
- If the incident is being reviewed criminally:
 - CSI will take possession of the weapon used and place it into the APD Property and Evidence Unit as evidence.
 - If criminal charges are filed, the weapon will be held as evidence according to appropriate evidence protocols until the conclusion of the case.
 - On receipt of a declination letter from the District Attorney, the assigned FIU investigator will collect the weapon from the APD Property and Evidence Unit and take it to the range to be inspected.
 - Upon completion of the inspection, the FIU investigator will return the weapon to the property section.
 - The commanding officer of IAB will notify the sworn member when the weapon is available to be collected.

5.9.08 UNINTENTIONAL DISCHARGE OF A FIREARM

Unintentional firearm discharges will be reported and investigated according to the [Unintentional Discharge Matrix](#). These situations include, but are not limited to:

- Training at the firing range when a bullet strikes no person.
- On duty while conducting a law enforcement activity when no person is hit, and no person is placed at risk of bodily injury or death.
- While working secondary employment.
- Incidents that occur off duty, on public or private property.
- Any discharge of a firearm that a sworn member mistook to be a less lethal device.
- Any training accident involving a firearm when a bullet or fragment strikes another person.
- Any training accident involving a firearm or less-lethal device when a person is hospitalized or dies.

5.9.09 UNINTENTIONAL DISCHARGE OF A LESS-LETHAL WEAPON

Unintentional discharges of a less-lethal weapon will be reported and investigated consistent with the [Unintentional Less-Lethal Discharge Matrix](#). These situations include, but are not limited to:

- During training or administrative activity.
- On duty while conducting a law enforcement activity.
- While working secondary employment.
- Incidents that occur off duty on public or private property.

5.9.10 ADJUDICATING UNINTENTIONAL DISCHARGES

The Chief of Police or designee will ultimately adjudicate an unintentional discharge.