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**June 25, 2020**

**To:** Town Council

**Through:** Scott Robson, Town Manager  
Dwight Henninger, Chief of Police

**From:** Ryan Kenney, Operations Commander

**Subject:** Vail Police Department Use of Force Policies

On Friday, June 19, 2020, Governor Polis signed Senate Bill 20-217, Enhance Law Enforcement Integrity, into law. [https://leg.colorado.gov/sites/default/files/2020a\\_217\\_signed.pdf](https://leg.colorado.gov/sites/default/files/2020a_217_signed.pdf)

This new set of laws addresses a myriad of issues including: the use of body worn cameras, data collection, peace officer certification, use of force, qualified immunity and duty to intervene. The Vail Police Department created a presentation designed to update Town Council on our use of force policies, the effects of Senate Bill 20-217 and training.

The Vail Police Department's use of force policy required few changes to comply with SB217. Those changes, along with several key components of the use of force policy, are outlined in a Power Point presentation that accompanies this document. The complete policy manual is jointly managed by VPD and the Lexipol organization and follows the Colorado State model. Lexipol is in the process of updating all policies effected by SB217 and will issue policy updates in the coming days. Vail PD's policy manual can be accessed securely online and can be made available to Town Council at any time.

When judging the reasonableness of any application of force, the fact is that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving. Officers receive abundant training on decision making, de-escalation, use of force techniques and conflict resolution by classroom, practical, and scenario-based training. Vail PD tries to prepare our officers to respond to any incident, but the possibilities are endless.

In the past five years, the Vail Police Department has conducted a variety of training related to use of force. Below is a list of those training classes.

**May 2015** – VPD Sgt. Chris Botkins conducted a class on **In-Custody Death Prevention**. The curriculum was sponsored by the Institute for Prevention of In-Custody Deaths. The training included:

- Review of recurring incidents in order to avoid accusations and lawsuits stemming from “deliberate indifference to training” (Canton, Oh., v. Harris).
- The course educated officers on how to reduce the danger of criminal and civil liability, focusing on multi-disciplinary approaches (law enforcement, emergency medical service and hospital) that strive to ensure the safety of the subject, the public, and the officer.
- Thorough background of excited delirium, to include symptoms, origins, and past cases.
- The proper control of individuals who may exhibit drug induced “super-human” strength and familiarize with effective apprehension techniques.
- Discussed the latest information about positional asphyxia and its relation to restraint by law enforcement officers.
- How to effectively document use of force incidents.
- Reviewed information on the use of electronic control devices for excited delirium incidents and familiarized proper response protocols aimed at protecting the subject, the public and law enforcement.

**May 2016** – VPD Commander Daric Harvey conducted a class on **Implicit Bias and Policing**, which included:

- Implicit bias is the science of bias and the negative consequences of letting “hidden biases” impact perceptions and behavior and, most importantly, focused on teaching police professionals the skills that they need to reduce and manage their biases.
- The training enhanced the officers’ abilities to engage more safely, justly and effectively.
- The skills also furthered the agency’s efforts to strengthen the relationship between the department and the community that it serves.

**May 2017** – Basalt PD Chief Keith Ikeda (ret.) conducted a class on **Community Policing**, which included:

- Community policing is a philosophy that promotes organizational strategies, which support the systematic use of partnerships and problem-solving techniques, to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder, and fear of crime.
- Community policing focuses on crime and social disorder through the delivery of police services. The training focused on prevention, problem-solving techniques and strategies, community engagement, and developing partnerships.

**May 2017** – VPD Sgt. Luke Causey and Sgt. Justin Liffick conducted a training on **Fair and Impartial Policing**, which included:

- Discussed the modern science of bias to public safety; the effect of implicit bias and discussed skills officers need to reduce and manage their biases and not just racial/ethnic bias, but biases based on other factors, such as gender, sexual orientation, religion and socio-economic status.

- Curriculum addressed various biases and their implications for law enforcement, including implicit associations, attentional bias, confirmation bias, and we/they bias and dehumanization.
- Everyone was given skills to identify biased behavior in their decision making and take corrective actions when they detect biased decision-making.

**April 2017** – Angelo Fernandez, Vail Centre For Community Leadership, conducted a course on **Ethics**.

**May 2019** – VPD Chief Dwight Henninger followed up with a course specific to **Police Ethics**. The trainings included the following:

- Ethics plays a role across every profession and every discipline but perhaps none more significantly than in law enforcement.
- In today's environment, with the use of body cams and camera phones, increased media, and public scrutiny, law enforcement agencies must ensure an ethical environment both for themselves and the public they serve.
- The course focused on identifying positive ethics and values and how to develop an ethical mindset, with discussion around the importance of improving ethics in policing through awareness and training, along with examining ethical dilemmas.

In both **Spring 2018** and **Spring 2019**, training courses were conducted on **De-Escalation Techniques**.

In 2018, Michelle Muething, a Crisis Counselor from the Hope Center facilitated the training. In 2019, VPD Detective Lachlan Crawford conducted training. The trainings included the following:

- These courses identified techniques for de-escalation, plans for minimizing use of force, explained the importance of training officers for these encounters and explained how to apply these strategies to de-escalate volatile situations.
- Officers are now better equipped mentally to make the critical decisions under stress necessary to de-escalate crisis situations and to minimize the force used when use of force becomes necessary.

Recently, as of **May 2020**, the following trainings were completed by all VPD officers (through an online platform due to COVID-19). The trainings were hosted by Police One and CIRSA, both nationally recognized training platforms. The courses included the following:

- **Less Lethal Force**
- **De-escalation and Minimizing Use of Force**
- **Ethical and Effective Policing**
- **Anti-Bias Training**
- **Community Policing**

In addition to these courses, officers attend Spring and Fall training each year. Colorado Peace Officer Standards and Training (POST) require 24 hours of training each year. Vail PD provides 80 hours each year which covers a myriad of topics.