

VAIL POLICE DEPARTMENT

Use of Force



AGENDA

- Use of force policy
- SB217 requirements
- Policy changes
- Use of force techniques demonstration
- Body Worn Camera footage
- Training
- Questions?



EXISTING POLICY

VPD policy 300 covers the use of force.

The purpose of the policy is to provide guidelines on the reasonable use of force.

The backbone of the policy is;

“Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.”



EXISTING POLICY

Any officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he/she reasonably believes it necessary (CRS § 18-1-707(1)):

1. To effect an arrest or to prevent the escape from custody of an arrested person, unless he/she knows that the arrest is unauthorized.
2. To defend him/herself or a third person from what the officer reasonably believes to be the use, or imminent use, of physical force while effecting or attempting to effect the arrest of a suspect or while preventing or attempting to prevent the escape of a suspect.

Officers shall not apply force in excess of the force permitted by CRS § 18-8-803 to a person who has been rendered incapable of resisting arrest.

EXISTING POLICY

Factors used to determine reasonableness of force

1. **Immediacy and severity of the threat to officers or others.**
2. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
3. **Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).**
4. The effects of drugs or alcohol.
5. Subject's mental state or capacity.
6. **Proximity of weapons or dangerous improvised devices.**
7. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
8. **The availability of other options and their possible effectiveness.**



EXISTING POLICY

Factors used to determine reasonableness of force

9. **Seriousness of the suspected offense or reason for contact with the individual.**
10. Training and experience of the officer.
11. **Potential for injury to officers, suspects and others.**
12. Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
13. **The risk and reasonably foreseeable consequences of escape.**
14. The apparent need for immediate control of the subject or a prompt resolution of the situation.
15. **Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.**
16. Prior contacts with the subject or awareness of any propensity for violence.
17. Any other exigent circumstances.

(VPD Policy 300)

EXISTING POLICY

Deadly Force (VPD Policy 300)

Use of deadly force is justified in the following circumstances:

An officer may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.

An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.



EXISTING POLICY

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the officer or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.



SB217

18-1-707. Use of force by peace officers

(1) PEACE OFFICERS...SHALL APPLY NONVIOLENT MEANS, WHEN POSSIBLE, BEFORE RESORTING TO THE USE OF PHYSICAL FORCE. 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 SERIOUS BODILY INJURY OR DEATH TO THE PEACE OFFICER OR ANOTHER PERSON.

(2) (a) NOT USE DEADLY PHYSICAL FORCE TO APPREHEND A PERSON WHO IS SUSPECTED OF ONLY A MINOR OR NONVIOLENT OFFENSE;

(b) USE ONLY A DEGREE OF FORCE CONSISTENT WITH THE MINIMIZATION OF INJURY TO OTHERS;



SB217

(c) ENSURE THAT ASSISTANCE AND MEDICAL AID ARE RENDERED TO ANY INJURED OR AFFECTED PERSONS AS SOON AS PRACTICABLE; AND

(2.5) (a) A PEACE OFFICER IS PROHIBITED FROM USING A CHOKEHOLD UPON ANOTHER PERSON.

(b) (I) FOR THE PURPOSES OF THIS SUBSECTION (2.5), "CHOKEHOLD" MEANS A METHOD BY WHICH A PERSON APPLIES SUFFICIENT PRESSURE TO A PERSON TO MAKE BREATHING DIFFICULT OR IMPOSSIBLE AND INCLUDES BUT IS NOT LIMITED TO ANY PRESSURE TO THE NECK, THROAT, OR WINDPIPE THAT MAY PREVENT OR HINDER BREATHING OR REDUCE INTAKE OF AIR.



SB217

18-1-707 (contd.)

(II) "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.

(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:

(a) THE ARREST IS FOR A FELONY INVOLVING CONDUCT INCLUDING THE USE OR THREATENED USE OF DEADLY PHYSICAL FORCE;

(b) THE SUSPECT POSES AN IMMEDIATE THREAT TO THE PEACE OFFICER OR ANOTHER PERSON;

(c) THE FORCE EMPLOYED DOES NOT CREATE A SUBSTANTIAL RISK OF INJURY TO OTHER PERSONS.

SB217

18-1-707 (contd.)

(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, WOULD CREATE A RISK OF DEATH OR INJURY TO OTHER PERSONS.

(4.5) NOTWITHSTANDING ANY OTHER PROVISION IN THIS SECTION, A PEACE OFFICER IS JUSTIFIED IN USING DEADLY FORCE IF THE PEACE OFFICER HAS AN OBJECTIVELY REASONABLE BELIEF THAT A LESSER DEGREE OF FORCE IS INADEQUATE AND THE PEACE OFFICER HAS OBJECTIVELY REASONABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT HE OR ANOTHER PERSON IS IN IMMINENT DANGER OF BEING KILLED OR OF RECEIVING SERIOUS BODILY INJURY.



POLICY CHANGES

300.3 Use of Force will add language to address the **level of force consistent with the minimization of injuries to other.**

300.4 The current **VPD policy**, Deadly Force Applications **is more restrictive than SB217** as currently written. Additional language will be added to address the risk of injury to other persons.

300.3.4 Carotid Control Hold is deleted. Current policy only allowed for use when deadly force was justified.

303.8 Kinetic Energy Projectile will add language to address target areas.



DEFENSIVE TACTICS TECHNIQUES DEMONSTRATION

Use of Force Continuum:

Officer Presence

Verbal Direction

Soft Empty Hand – Pressure
Points/Joint Locks

Hard Empty Hand – Strikes/Arm Bar
Takedown

Intermediate Weapon – Taser
X26P/Collapsible Baton

Deadly Force (simulator)

Chokehold vs. Carotid Control Hold



FORCE OPTIONS

- Officer Presence
- Verbal Direction
- Soft Empty Hand
(pressure points, joint locks)



FORCE OPTIONS

- Hard Empty Hand
(strikes, arm bar takedown)
- Intermediate Weapon
(Collapsible baton, taser)
- Deadly Force
- Chokehold vs. Carotid Control



VPD

WFCLAUSEN

2018/02/25 19:50:52

BWC FOOTAGE

MCHON
Unit PO

2019/07/03 21:22:11

BWC FOOTAGE



BWC FOOTAGE

LJCAUSEY
Unit PO

2020/04/05 23:32:15

BWC FOOTAGE

CHSOTKINS
Unit PO



2020/06/02 19:35:02

BWC FOOTAGE

TRAINING

What Vail PD has focused on the past five years.

In-Custody Death Prevention -2015

Implicit Bias and Policing-2016, 2017 & 2020

Proper Restraints and Holds-2017 & 2020

Fair and Impartial Policing- 2017

Community Policing-2017 & 2020

De-escalation Training- 2018, 2019 & 2020



TRAINING CONTINUED

Crisis Intervention Training-2018

Less Lethal Force Option- 2016, 2018 & 2020

Minimizing use of force and Proper Holds and Restraints 2017 & 2020

Ethical and Effective Policing – 2017, 2019 & 2020

Anti-Bias training -2016 & 2020

Community Policing-2017 & 2020





Questions?

SB217 CROWD CONTROL

Mandated Use of Force Changes;

24-31-905. Prohibited law enforcement action in response to protests. (1) IN RESPONSE TO A PROTEST OR DEMONSTRATION, A LAW ENFORCEMENT AGENCY AND ANY PERSON ACTING ON BEHALF OF THE LAW ENFORCEMENT AGENCY SHALL NOT:

(a) DISCHARGE KINETIC IMPACT PROJECTILES AND ALL OTHER NONOR LESS-LETHAL PROJECTILES IN A MANNER THAT TARGETS THE HEAD, PELVIS, OR BACK;



SB217 CROWD CONTROL

Mandated Use of Force Changes;

(b) DISCHARGE KINETIC IMPACT PROJECTILES
INDISCRIMINATELY INTO A CROWD; OR

(c) 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.

