

**City of Aurora, Colorado**  
**Police Department**  
Directives Manual

**Less Lethal Devices and Weapons**

No. 5.8

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This directive addresses the training and use of Less Lethal weapons and associated projectiles. The Aurora Police Department recognizes that combative, non-compliant, armed and/or violent subjects cause control problems that may require special training and equipment. Thus, the department has adopted the less-lethal force philosophy to assist with the attempt to deescalate these potentially violent confrontations.

**5.8.1 Definitions**

Less Lethal Force -- An amount of force that when used is not likely to cause death or serious bodily injury.

Kinetic Energy Impact Projectiles -- Flexible or non-flexible projectiles, which are intended to gain compliance or incapacitate a subject through pain compliance, with a reduced potential for causing death or serious injury when properly used, as compared to conventional weapons or projectiles.

Less Lethal Weapons -- Weapons designed to incapacitate a subject or gain compliance from a subject to affect a safer transition of the subject into custody. Less Lethal weapon options include, but are not limited to:

- TASER
- Baton
- SD-1
- K-9
- O.C. Spray
- Chemical agents
- Kinetic Energy Impact Projectiles including 12 gauge and launcher based projectiles
- PEPPERBALL

Specialty Rounds include:

- Glass Breaking rounds
- Paint Marking rounds
- Water rounds

### **5.8.2 Certification Requirements**

Officers must be certified as trained users in the use of specific weapon systems through courses approved by a Training Section Command Officer. These courses may include:

- Aurora Police Department Training Section internal training courses
- Manufacturers certification courses
- Certification courses taught by other agencies

Officers who are trained users of the 12 Gauge Less Lethal shotgun will, at a minimum, re-certify and qualify annually with the 12 Gauge Less Lethal shotgun and sock rounds.

Officers who are trained users of the PEPPERBALL system and / or TASER will, at a minimum, re-certify and qualify once annually.

The Master User classification designates members certified by the Aurora Police Department as users with all of the following less-lethal weapons:

- 12-gauge sock round
- PEPPERBALL system
- TASER
- Specialty rounds
- OC sprayers
- Batons

### **5.8.3 Deployment and Use of Less Lethal Weapons**

The concept in the use of Less Lethal weapons is to meet operational objectives with less potential for causing death or serious injury than with the use of a firearm.

Only certified users may deploy and use Less Lethal weapons. Officers may deploy and use Less Lethal weapons when there is justification for the use of that level of force as defined in C.R.S., Directive 5.1: Use of Deadly and Potentially Deadly Force and Directive 5.3: Use of Physical Force. The mere act of an individual fleeing does not constitute reasonable suspicion of criminal activity and does not justify the use of Less Lethal weapons. Justification for use of Less Lethal weapons may include those

occasions when officers:

- Encounter subjects who cannot effectively be controlled by lesser means or in situations that lead the officer to reasonably believe that lesser means will be ineffective. This would include, but not limited to, situations such as the following:
  - Dealing with the mentally ill subject who is perceived to be violent
  - Armed subjects
  - Warrant service where the subject is perceived to be violent
  - Violent persons under the influence of drugs and / or alcohol
  - Persons expressing the intent and possessing the means to commit suicide
  - When deemed a reasonable alternative to lesser force options that will likely be ineffective
  - When deemed a reasonable alternative to greater force alternatives that may be inappropriate given objective circumstances

The TASER should not be pointed at any individual unless the officer reasonably believes it will be necessary to use the device. Members should not deploy the TASER when:

- In close proximity to flammable liquids, gases, blasting materials or any other highly combustible materials including, but not limited to, any subject who may be contaminated with combustible liquids
- In conjunction with a second electrical restraint device

Members should avoid using the TASER when engaged in a non-lethal situation involving:

- Persons in wheelchairs
- Pregnant women
- People with heart problems known to the officer
- People with debilitating illness
- The elderly, children or individuals under 80 pounds
- People with neuromuscular disorders known to the officer, such as multiple sclerosis, muscular dystrophy or epilepsy
- People with pacemakers or other bio-medical devices sensitive to electrical current known to the officer.

The TASER will not be used:

- To coerce or intimidate any individual
- On handcuffed or otherwise restrained individual, except under extraordinary, articulable circumstances
- To escort individuals

Prior to deploying a Less Lethal weapon an officer should, when feasible, notify assisting officers that the weapon is being deployed. This may prevent assisting officers from mistakenly believing that lethal weapons are being used or fired.

Officers should avoid targeting the head, neck, throat, heart, groin, kidneys and spine with Less Lethal shotgun rounds unless the intended use and outcome is serious bodily injury or potentially deadly force.

Officers should avoid targeting the head, neck, throat, groin and spine with the PEPPERBALL or TASER systems unless the intended use and outcome is potentially serious injuring force or potentially deadly force. An exception to this policy exists when an officer elects to employ the “drive stun” technique. In this situation the TASER is utilized as a contact weapon and the barbs of the TASER are not discharged into the subject.

#### **5.8.4 Impact Weapons: Specifications and Special Considerations**

The straight baton may be carried and deployed by sworn members who have, at a minimum, attained the basic user certification. Batons authorized for issue by the department include:

- The standard 29” straight baton
- The 42” straight baton

The SD-1 may be carried and deployed by sworn members who have attained appropriate user certification.

The SD-1 is to be used as an alternative intermediate less lethal defensive weapon in a manner similar to that of the straight baton. It is to provide less lethal impact weapon alternatives to officers when the standard baton cannot reasonably be deployed. The SD-1 is not intended to replace the standard straight baton.

Non-uniform members may carry the SD-1 concealed. Authorized uniform members will carry the SD-1 on the duty belt in a black basket weave holder.

The Training Section is responsible for maintaining a list of all authorized impact weapons and specifications for each weapon.

Sworn members are only authorized to carry impact weapons approved by the department. At the expense of the member, a sworn member may elect to purchase an impact weapon other than one issued by the department. Prior to purchasing any impact weapon for use on duty, the member must be certified in the use of the specific weapon. Members must verify that the specific weapon is on the authorized list and meets the specifications maintained by the Training Section.

### **5.8.5 Procedure for Approving Impact Weapons for Use**

Members may suggest specific weapons for consideration by the department for authorization. The recommendation will be in writing, directed to a Training Section Command Officer and accompanied by a sample of the suggested weapon. The Training Section Command Officer will ensure the weapon is inspected and tested by appropriate Training Section personnel. The Training Section Command Officer will prepare a response for Services Division Chief, with a copy of the response sent to the suggesting member.

The Services Division Chief may disapprove the request or present the request to Command Staff for consideration. The Services Division Chief will notify the suggesting member of the action taken regarding the request.

Based on the conclusions of Command Staff, the recommendation with the approval or disapproval of the Chief of Police or designee, will be returned to Training Section Command Officer. The Training Section Command Officer will notify the member of the final disposition of the request. If the weapon was approved, the Training Section Command Officer will ensure the weapon is included on the authorized weapons master list. A copy of the authorized weapons and ammunition master list will be forwarded to the Professional Standards Section on a quarterly basis for archival purposes.

### **5.8.6 Less Lethal Shotgun Specifications, Storage and Transport Procedures**

Only the visually modified “Orange” Remington 870, 12 gauge shotguns are approved as the platform for 12 gauge extended range kinetic energy Less Lethal impact projectiles.

Only 12 Gauge Less Lethal ammunition approved by the SWAT Command Officer will be used on duty, in or stored with the visually modified shotgun. The Less Lethal shotgun will be stored in its individual case and will be kept separate from other shotguns. Less Lethal shotguns will not be stored in the patrol car shotgun rack. The patrol car shotgun rack is reserved for lethal shotguns only. When transporting a Less Lethal shotgun in a

patrol car, officers will store the shotgun in the trunk of the car. In patrol vans Less Lethal shotguns should be stored in the designated compartment.

Officers are cautioned that Less Lethal shotguns are physically capable of firing lethal rounds. Lethal ammunition will not be loaded in or stored with a visually modified Less Lethal shotgun.

At the beginning of each shift, trained users transporting visually modified Less Lethal shotguns will visually and physically inspect the weapon. Each round will be visually and physically inspected and will not be used unless it is clearly marked as a Less Lethal round. Each case and gun should have a minimum of 5 rounds available. The shotgun will be kept in the “cruiser safe” mode while on duty.

The weapon will be returned to the District Station storage area in an unloaded condition and the unused Less Lethal ammunition will be stored separately.

Lethal ammunition and lethal shotguns will be kept separate from Less Lethal ammunition and shotguns at each district station.

### **5.8.7 Less Lethal PEPPERBALL™ Specifications, Storage and Transport Procedures**

Only those launchers approved by the Training Section will be used to deploy PEPPERBALL rounds. Only “Red” PEPPERBALL O.C. rounds will be used on duty with the launcher. The Less Lethal PEPPERBALL gun will be stored in its individual case. When transporting a Less Lethal PEPPERBALL gun in a patrol car, officers will store the weapon in the trunk of the car or in the secured front passenger compartment, especially during cold weather. In patrol vans, the weapon should be stored in the designated compartment.

Specialty ammunition that may be capable of causing serious injury will be kept separate from “Red” Less Lethal O.C. rounds at each district station. Only “Master Users”, ERT or SWAT specialists / technicians will be issued or use specialty rounds.

Officers are cautioned that PEPPERBALL launchers are physically capable of firing other specialty rounds that may cause serious injury or death.

At the beginning of each shift, trained users transporting a PEPPERBALL gun will visually and physically inspect the weapon. The gun should not be taken on duty if it has not been inspected or if it does not have proper air pressure. Each round will be visually and physically inspected and will not be used unless it is the authorized duty “Red” round. Each case and gun should have a minimum of 20 rounds available. Specialty

rounds may be used in special situations as justified.

The gun will be kept in the “charged” mode while on duty with the safety on.

The weapon will be returned to the District Station storage area in a “safe” condition with the safety on.

Only those trained officers should fill pressurized air bottles.

### **5.8.8 Less Lethal TASER® Specifications, Storage and Transport Procedures**

Trained Users may only deploy TASER systems colored yellow to distinguish the weapon from a lethal handgun and approved by the Training Section.

The TASER will be stored in an individual case or worn by the officer in a specialty holster or duty belt holster. During transport in a patrol car, the weapon will be stored in the trunk of the vehicle, unless the officer elects to wear the TASER in a holster. During transport in a patrol van, the TASER will be stored in a designated compartment.

Members should not carry TASER cartridges loosely in pockets or in a similar fashion as static electricity may cause accidental discharge and potential injury to the officer. TASER cartridges will be properly secured in holsters or in the shipping package until deployed for discharge.

### **5.8.9 Medical Treatment and Decontamination**

When Less Lethal weapons are used on a subject appropriate and reasonable first aid, medical attention or decontamination will be provided to the subject. Officers should remain cognizant of cross contamination and ventilation issues when using chemical weapons.

When a 12 gauge, 37MM or 40 MM launcher based kinetic energy impact projectile is used upon a subject, officers will call for rescue to respond and provide first aid or treatment as necessary. On the advice from medical rescue personnel, follow-up care will be obtained through either a Detention Center nurse or hospital.

Chemical OC usages including PEPPERBALL may not require any follow-up medical treatment. Officers should provide decontamination and psychological assurance to the suspect that they are not in danger. If a person still suffers from side effects after 30 minutes, rescue should be called and the Aurora Detention Center nurse notified as an allergic reaction may be occurring.

On-scene Aurora Fire Department EMS personnel will evaluate and determine the appropriate treatment for any individual subjected to the effects of Less Lethal munitions. In the event an individual is transported directly to the hospital by an officer or by ambulance, the arresting officer will notify the on-duty nurse of the Aurora Detention Center.

Upon arrival at the Aurora Detention Center, the detention nursing staff is responsible for evaluating, treating and determining the appropriate medical treatment related to the effects of any Less Lethal munitions, as well as any secondary injuries.

Under normal circumstances, when a TASER is used, the arresting officer will transport the subject to the Aurora Detention Center where the on-duty nurse will remove the barbs. In the absence of an on-duty nurse, the arresting officer will request the on-call nurse be notified immediately to respond to the facility. If the on-call nurse is unavailable or advises that the individual should be taken directly to the hospital, the arresting officer will transport the subject to the hospital for barb removal.

Prior to transport by either the arresting officer or ambulance, on-scene police personnel will disconnect the electrical wires from the barbs. Only in emergency circumstances may an Aurora Police Officer remove the TASER barbs and decontaminate the affected body area. The barbs shall be treated as a biohazard needle and disposed of in an appropriate “sharps” container per standard medical protocol.

When a subject is struck in the head, neck or throat area with any Less Lethal munitions or when the subject suffers more than a minor secondary injury as a result of being subjected to Less Lethal munitions, Aurora Fire Department EMS should be called to the scene to evaluate the individual’s condition. In addition, any time a pregnant woman is subjected to Less Lethal munitions Aurora Fire Department EMS should be called to the scene to evaluate the individual’s condition. In those situations, Police personnel will follow the direction of Aurora Fire Department EMS personnel who will determine the appropriate follow-up care for the individual.

In the event the subject is transported to any other detention facility, the transporting member has the responsibility to notify the facility nursing staff that the individual was subjected to Less Lethal munitions as well as any secondary injuries or conditions that may exist.

#### **5.8.10 Reporting the Use of Less Lethal Force**

When officers use Less Lethal weapons or force, except as part of a training exercise, they will immediately notify a supervisor. In accordance with Directive 5.4: Reporting the Use of Deadly, Potentially Deadly and Physical Force, members utilizing Less Lethal



weapons on an individual will request a supervisor to respond to the scene.

The Investigating Supervisor will be responsible for immediately initiating a Use of Force Report (APD 050). This report will include at a minimum the following information:

- On-scene assessment of the severity of the subject's injuries if any, which may include a copy of the AFD medical or trip reports.
- The supervisor will check the number and duration of stun cycles used, by accessing the memory of the weapon's computer data port. The data report will be attached to the Use of Force Report. The supervisor should only attach that historical data to the report that is pertinent to the current event.
- The supervisor in their reports will note special conditions of the subject including but not limited to:
  - intoxication (drug or alcohol)
  - mental instability
  - pregnancy
  - injuries subject had prior to Police contact.

### **5.8.11 Supervisor Responsibility**

The responding/investigating supervisor will adhere to Directive 5.4.4 -- Report Responsibilities of Supervisory Officer Notified. The supervisor will complete the Use of Force Report (APD 050). The Investigating Supervisor will initiate the Use of Force Command Review (APD 141).

### **5.8.12 Inspection and Inventory**

The Training Section / Range Unit will conduct annual inspections of all departmentally owned Less Lethal shotguns and PEPPERBALL guns. The Range Unit will maintain a current list of all departmentally approved Less Lethal munitions.

Each Bureau or Section will be responsible for inventory control of all departmental weapons issued to that bureau or section.

### **5.8.13 Personally Owned TASER?**

Sworn members will only carry and / or deploy Department authorized TASERS. A Training Section Command Officer will maintain a list and specifications of authorized

TASER weapons and holsters. Prior to purchasing a TASER, members should verify that the device meets the specifications required by the Department.

Members who elect to carry a personally owned TASERS must register the TASER with a Training Section Commanding Officer.

Personally owned TASERS are subject to inspection by supervisory members. Members who elect to carry a personally owned TASERS must agree to allow the department access to download data from memory bank of the weapon.

Members purchasing a TASER for duty-carry are responsible for properly securing the weapon at all times to protect from damage, theft or misuse.

It is the member's responsibility to qualify with the approved TASER as specified by a Training Section Commander. If a member is unable to qualify with an approved TASER, the Chief of Police may revoke that member's privilege to carry a TASER.

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