



Colorado Springs Police Department General Order

500 Use of Force

Section 500 – Use of Force

Effective Date: 6/5/2024

Supersedes Date: 6/23/2023

.01 Purpose

The purpose of this policy is to provide department personnel with guidelines for the lawful use of deadly and less lethal force.

.02 Cross Reference

[GO 120 Treatment of the Public](#)

[GO 502 Use of Sedatives Prohibited](#)

[GO 510 Reportable Force](#)

[GO 1817 Early Intervention Program](#)

[DL-500-01 Conducted Electrical Weapons \(CEW\)](#)

[DL-500-02 Oleoresin Capsicum \(OC\)](#)

[DL-500-03 Specialty Impact Munitions \(SIM\) & Specialty Impact Delivery System](#)

[DL-1000-02 Law Enforcement Decision-Making](#)

[DL-1106-01 Deadly Force Investigations](#)

.03 Discussion

The Colorado Springs Police Department (CSPD) values the sanctity of human life and embraces its mission to protect the public while ensuring laws are being appropriately enforced. To accomplish this, police officers are granted the unique right to use force against the public, even deadly force, for legitimate law enforcement purposes.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, via the use of de-escalation techniques, nothing in this policy requires a sworn member to avoid the use of appropriate and lawful force.

The right to use force carries with it a heavy responsibility to prevent its abuse. Police agencies have an obligation to provide their employees with the policies, training, and tools necessary to accomplish their mission.

.04 Policy

When feasible, based on the circumstances, sworn members will use techniques and tactics that seek to reduce the likelihood of needing to use force.

This includes but is not limited to:

- De-escalation techniques
- Disengaging from a suspect to allow for additional resources or those with specialized training (e.g., mental health, crisis intervention, etc.) to respond
- Containing an area and conducting surveillance on a suspect

It is the policy of CSPD that sworn members use only the force that is reasonably necessary to effectively bring an incident under control. The use of force must be objectively reasonable considering the level of resistance or aggression posed by the subject or to the threat faced by citizens or officers.

- The sworn member must only use the force that a reasonably prudent officer would use under the same or similar circumstances.
- Sworn members will lessen the amount of force used as a suspect's resistance decreases.
- Sworn members will use force consistent with their knowledge, experience, training, and capabilities.
- Sworn members will immediately stop using force when they reasonably believe the subject of the force is fully under the control of law enforcement.

Sworn members are required to utilize nonviolent means during a police-citizen encounter unless and/or until the totality of the circumstances or the actions of the subject pose a safety threat to the sworn member or citizens, or the subject has shown clear intent to not comply with the sworn member after being given sufficient time to comply with a lawful order.

Warning Required

Prior to using force, a sworn member shall identify themselves as a peace officer.

The sworn member shall give a clear verbal warning of their intent to use force. If the warning is related to deadly force, the sworn member will specifically warn of the impending use of firearms or other deadly physical force, if possible. A warning must be given with sufficient time for the warning to be observed.

The sworn member is not required to give this warning when doing so would unduly place sworn member at risk of injury and/or would create a risk of death or injury to other persons. When a

warning cannot be given in a situation where force is used, the sworn member will document the reasons why in the case report.

.05 Definitions

Active Aggression: A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent. Threatening body language includes, but is not limited to, blading the body, assuming a boxer stance, circling a sworn member's position, clenching of the hands from an open to closed position, forming a fist, etc. Active Aggression is a higher level of resistance than Active Resistance.

Active Resistance: Physically evasive movements to defeat a sworn member's attempt to control, including, but not limited to, bracing, tensing, pushing, flailing arms, running away, or verbally signaling an intention to avoid or prevent being taken into or retained in custody. Active Resistance also includes attempting to avoid apprehension and failing to comply with a sworn member's order to reveal themselves from concealment or surrender. Walking away may be considered active resistance if the person continues to walk away from a sworn member after having been given a lawful order or having been told the person is under arrest. Active Resistance is a higher level of resistance than Passive Resistance.

Bodily Injury: As defined in C.R.S. § 18-1-901(3)(c), means physical pain, illness, or any impairment of physical or mental condition.

Chokehold (C.R.S. § 18-1-707(2.5)(b)): 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. Pursuant to state law, it 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.

Deadly Force: Any use of force that creates a substantial risk of causing death or serious bodily injury.

De-escalation: Taking action or communicating verbally or non-verbally in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and/or resources can be called upon to resolve the situation without the use of physical force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, slowing down the pace of an incident, or tactical repositioning.

Exigent Circumstance: Something that requires immediate action, including preventing harm to a person, the destruction of evidence, and the escape of a felon.

Firearm: Lethal firearms excluding those dedicated to deploying less-lethal munitions

Flight: The act of running away from a sworn member or hiding to avoid arrest.

Immediate: For the purpose of this policy, an action occurring instantly and without delay. Immediate is more time sensitive than imminent.

Imminent: For the purpose of this policy, an action that may occur at any moment. Imminent is less time sensitive than an immediate action.

Less Lethal Use of Force: Any use of force other than that which is considered deadly force.

Minimization of Injury: The degree of physical force necessary to control a situation or take a subject into custody, consistent with minimizing the degree of injury to the subject or other persons. The force used must be objectively reasonable, considering the resistance posed by the subject or to the threat faced by citizens or the sworn member.

Notwithstanding: In spite of, despite. (See section .10(B))

Nonviolent Means: The use of de-escalation techniques in a police-citizen encounter in an attempt to resolve the encounter without the use of physical force.

Nominal Force: A physical interaction meant to separate, guide, and/or control with the use of control techniques that are not likely to cause any pain or injury. This includes:

- Use of escort hold techniques that are not reasonably likely to cause pain.
- Use of hands or equipment to stop, direct, separate, or escort a person that are not reasonably likely to cause pain.
- Deployment of a canine that does not result in contact with the subject(s).

Objectively Reasonable Force: This is the term created by the Courts as the standard by which sworn members' actions will be evaluated in use of force situations (see *Graham v. Connor*). This term means the force that an objective, trained, and competent peace officer, faced with similar facts and circumstances, would consider necessary and reasonable to subdue an attacker, overcome resistance, effect custody, or gain compliance with a lawful order. The determination of reasonableness must be based on the totality of the circumstances and must include a consideration that sworn members are often forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving. The determination of reasonableness is not based on the 20/20 vision of hindsight. Some of the factors evaluated in the application of the term "objectively reasonable" include the severity of the crime at issue, whether the suspect poses an immediate

threat to the safety of the sworn member or others, and whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

Passive Resistance: Physical actions that do not prevent the sworn member's attempt to control, for example, a person who remains in a limp, prone position, or passive demonstrators.

Physical Force: As defined in C.R.S. § 24-31-901, means the application of physical techniques or tactics, chemical agents, or weapons to another person. This definition does not include a show of force.

Serious Bodily Injury (SBI): As defined in C.R.S. § 18-1-901 (3)(p), means bodily 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 second or third degree.

Sworn Member: For the purpose of this policy, this term refers to an officer or city marshal, both of which are P.O.S.T. certified positions.

Unlawful Force: Any use of force determined to be unlawful due to criminal charges being filed.

Vascular Neck Restraint: A physical maneuver in which a person applies pressure to vascular veins to temporarily cut off blood flow to the brain, rendering a person unconscious.

Warning Shot: An intentional discharge of a firearm into the air, ground, or an inanimate object with the intent of announcing the capability or willingness to apply deadly force.

.10 Use of Deadly Force (C.R.S. § 18-1-707)

A. An officer is only justified in using deadly force to make an arrest when all of the following are present:

- All other means of apprehension are unreasonable given the circumstances; **AND**
- The arrest is for a felony involving conduct that includes a suspect's use or threatened use of deadly physical force; **AND**
- The suspect poses an immediate threat of death or serious bodily injury to the peace officer or another person; **AND**
- The force employed does not create a substantial risk of injury to other persons.

Officers are prohibited from using deadly force to apprehend a person who is suspected of only a minor or non-violent offense (C.R.S. § 18-1-707 (2)(a)).

B. Notwithstanding (in spite of) any other provisions in C.R.S. § 18-1-707, an officer is justified in using deadly force when all of the following are present:

- The officer has an objectively reasonable belief a lesser degree of force is inadequate;
AND
- The officer has objectively reasonable grounds to believe, and does believe, that the officer or another person is in imminent danger of being killed or of receiving serious bodily injury.

.12 Use of Deadly Force Prohibited

- A. Chokeholds and vascular neck restraints are prohibited.
- B. An officer will not use deadly force against an unarmed person in flight unless expressly authorized by this policy (under .10, points A. or B.).

In all situations in which deadly force is used against a person, a thorough investigation will be conducted in accordance with [DL-1106-01 Deadly Force Investigations](#).

.20 Restrictions on Firearms as Deadly Force

1. Warning shots are prohibited.
2. Firearms shall not be discharged from a moving vehicle, except in cases of extreme emergency.
3. Sworn members should use caution when discharging a firearm if it appears an innocent person may be injured.
4. A sworn member threatened by an on-coming vehicle shall move out of its path, when possible, instead of discharging a firearm at it or any of its occupants, as the moving vehicle itself does not presumptively constitute a threat. Firearms may be discharged at a moving vehicle if the sworn member is authorized to use deadly force, pursuant to section .10 of the policy.

.30 Use of Less Lethal Force

A sworn member may use physical force only if nonviolent means would be or have been ineffective.

Sworn members shall use force in a manner that is consistent with the minimization of injury to others.

When sworn members are authorized to use less lethal force, they may only use the amount of force that is objectively reasonable.

Sworn members are authorized to use physical force when one or more of the following apply:

C.R.S. § 18-1-707: Use of physical force in making an arrest or in preventing an escape:

- (1) To effect an arrest.
- (2) To prevent an escape.
- (3) To prevent an imminent threat of injury to the peace officer or another person.

Nothing in this policy prevents the use of force authorized under sections other than C.R.S. § 18-1-707 of Colorado law; any force used by an officer must be used in a manner that complies with this policy.

.32 Additional Restrictions on Use of Less Lethal Force

There are additional restrictions on law enforcement action in response to protests, detailed in [GO 1210 Assemblies & Mass Events](#).

There are additional restrictions on the use of particular less lethal tools. The use of a particular tool may be restricted by the level of subject resistance (passive resistance, active resistance, active aggression). See the applicable department-level SOPs for this information, listed in the Cross References section of this directive.

There are additional restrictions on the use of canines as force, detailed in [GO 1203 Canine \(K9\) Unit](#).

Firearms will not be used as an impact tool, except in the most extreme of circumstances.

.40 Factors Considered in Use of Force Incidents

When determining whether to apply force and evaluating whether a sworn member has used reasonable force, the following factors will be taken into consideration:

1. The seriousness of the suspected offense/reason for the contact
2. A sworn member's legal authority
3. The suspect's actions
4. The immediacy of a threat posed to sworn members or others
5. Non-violent means
6. Minimization of injury to suspect and others
7. Medical aid or assistance rendered

Subject and officer factors may also be relevant in an incident involving force. Subject and officer factors include, but are not limited to, age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects, and subject impairment.

.50 Medical Considerations

Medical attention shall be provided as soon as practicable for any person who exhibits signs of physical distress, who has sustained a visible injury, expresses a complaint of injury or continuing pain, was rendered unconscious, or who requests medical attention. This may include providing first aid consistent with training, requesting emergency medical services, and/or arranging for transportation to an emergency medical facility. An individual showing signs of physical distress after an encounter should be continuously monitored until they can be medically assessed.

Even when no injury is apparent, sworn members shall request a medical response after the use of any of the following less lethal tools:

- Conducted electrical weapon
- Oleoresin capsicum (OC)
- Specialty impact munitions

Persons who exhibit extreme agitation, violent irrational behavior, accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who required a protracted physical encounter with multiple sworn officers to be brought under control may be at an increased risk of sudden death. Calls involving persons presenting with these types of behaviors should be considered medical emergencies. As such, sworn members will request that medical personnel respond to the scene in an emergent manner. While awaiting medical professionals, sworn members will monitor the person and, if necessary, render medical care in a manner consistent with training and experience.

.60 Duty to Intervene and Report for Sworn Personnel

A sworn member shall intervene to prevent or stop another peace officer from using physical force that exceeds the degree of force, if any, permitted by C.R.S. § 18-1-707, without regard to rank/chain of command or what agency employs the peace officer.

The intervening sworn member shall notify a supervisor of the intervention as soon as possible. A supervisor must respond when notified of such an incident.

A failure to intervene, as described in this section is a Class 1 misdemeanor under C.R.S. § 18-8-802(1.5)(d). Additionally, the P.O.S.T. Board is required to permanently decertify the officer upon

receipt of notice of the officer's discipline, if the incident resulted in serious bodily injury or death of the person. The revocation may only be overturned if the officer is exonerated by a court.

Retaliation, in any form, against sworn personnel reporting such a situation will not be tolerated.

.62 Duty to Intervene and Report for Non-Sworn Personnel

Non-sworn personnel will not intervene, physically or otherwise, in any use of force situation. If non-sworn personnel question the reasonableness of a sworn member's use of force, the personnel making such an observation will immediately report their concerns to an on-duty, sworn supervisor. The sworn supervisor receiving such an allegation will take immediate steps to investigate the use of force.

Retaliation, in any form, against non-sworn personnel reporting such a situation will not be tolerated.

.70 Review Responsibilities of the Responding Supervisor

The responding supervisor to a use of force event will ensure a complete and comprehensive investigation is completed, including those topics outlined in the Field Supervisor Response form.

.80 Use of Force Training

All sworn members will receive training, at least annually, on CSPD's use of force policies and related case law updates.

CSPD will provide regular and periodic training designed to do the following:

- Reinforce the importance of de-escalation techniques;
- Simulate shooting situations and conditions; and
- Enhance sworn members' discretion and judgment in using less-lethal and deadly force in accordance with this policy.

All use of force training will be documented, and such documentation maintained by the Training Division.

Attachment

[Field Supervisor Response Form](#)