

DOUGLAS COUNTY SHERIFF'S OFFICE		Policy and Procedure
Specific Policies		P&P-B-100
Response to Threats of Serious Bodily Injury or Death (Deadly Force Guidelines)		
Effective Date: 01-21-26 Supersedes 10-13-25	Approval: Sheriff	Number of Pages: 5
References: 16-2.5-402(1)(e) & (2)(a), 16-2.5-403, 18-1-703, 18-1-704, 18-1-707, 18-1-901, 18-8-802, 18-8-803, 18-8-804, 24-31-905, 25-1-310, 27-10-105 27-65-101 C.R.S., SB15-219, SB20-217, Tennessee v. Garner & Graham v. Connor	Reevaluation Date: Annually	Standards: CALEA LE 1.2.2, 4.1.1, 4.1.2, 4.1.4, 4.1.5, 4.1.7, 11.3.4, 41.2.3 ACA 4-ALDF-2B-01, 2B-04, 2B-07, 2B-08,

I. RELEVANT STATUTES AND COURT RULINGS:

- 16-2.5-402 C.R.S. *Definitions*
- 16-2.5-403 C.R.S. *Peace officer-involved shooting or fatal use of force policy*
- 18-1-703 C.R.S. *Use of physical force – special relationships* 18-1-704 C.R.S. *Use of physical force in defense of a person* 18-1-707 C.R.S. *Use of physical force by peace officers*
- 18-1-901 C.R.S. *Definitions*
- 18-8-802 C.R.S. *Duty to report use of force by peace officers – duty to intervene*
- 18-8-803 C.R.S. *Use of excessive force*
- 18-8-804 C.R.S. *Approved policy or guidelines*
- 24-31-905 C.R.S. *Prohibited law enforcement action in response to protests*
- 25-1-310 C.R.S. *(27-81-111 Emergency commitment)*
- 27-10-105 C.R.S. *(27-65-105 Emergency Procedure)* 27-65-101 C.R.S. *Legislative declaration*
- SB15-219 *Concerning Measures to Provide Additional Transparency to Peace Officer- Involved Shootings*
- SB20-217 *Enhance Law Enforcement Integrity*
- Tennessee v. Garner, 471 U.S 1 (1985)
- Graham v. Connor 490 U.S. 386 (1989)

II. PURPOSE:

To provide sworn members with guidelines in responding to threats of serious bodily injury (SBI) or death.

III. DEADLY FORCE GUIDELINES:

- A.** 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:
 - 1.** The arrest is for a felony involving conduct including the use or threatened use of

deadly physical force and;

2. The suspect poses an immediate threat of death or serious bodily injury to the peace officer or another person and;
 3. The force employed does not create a substantial risk of injury to other persons.
- 18-1-707 (3) Use of force by peace officers

- B.** Members shall identify themselves 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. 18-1-707 (4) Use of force by peace officers
- C.** Notwithstanding any other provisions, 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 ground to believe, and does believe, that he or another person is in imminent danger of being killed or receiving serious bodily injury. 18-1-707(4.5) Use of force by peace officers
- D.** Graham v. Connor 490 U.S. 386 (1989): All uses of force in arrest and seizure of a free citizen are judged by 4th Amendment's objective reasonableness standard to include deadly force.

Objective Reasonableness Analysis Considers:

1. Severity of offense suspected.
 2. Does the suspect pose an immediate threat to the officer or others.
 3. Is the suspect actively resisting or attempting to escape.
- E.** Tennessee v. Garner, 471 U.S. 1 (1985): The Fourth Amendment prohibits the unreasonable use of deadly force to seize citizens. In deciding Tennessee v. Garner the Supreme Court ruled, "use of deadly force to prevent escape of all felony suspects, whatever the circumstances, is constitutionally unreasonable." The Court pronounced that "deadly force" can be used when:
1. The officer has probable cause to believe that the suspect poses a threat of serious physical harm to the officer or others, the suspect uses a weapon to threaten the officer, or there is probable cause to believe that the suspect committed a crime involving the infliction or threatened infliction of serious physical harm;
 2. It is necessary to prevent escape; and if where feasible;
 3. Some warning has been given. <2B-01><2B-08>

IV. DEFINITIONS:

- A. Bodily Injury:** Physical pain, illness, or any impairment of physical or mental condition. 18-1-901(3)(c) Definitions.
- B. Deadly Physical Force:** Force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death. 18-1-901(3)(d) Definitions <4.1.2>
- C. Less Lethal Force:** Any force, action, or weapon, which produces a result that is necessary to control the actions of another and does not involve the use of deadly physical force. <4.1.1, 4.1.4>
- D. Serious Bodily Injury:** 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 the second or third degree. 18-1-901(3)(p) Definitions <4.1.1, 4.1.2, 4.1.5>

- E. **Choke Hold:** A choke hold is 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. A choke hold (also known as the lateral vascular neck restraint) 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. 18-1-707 Use of force by peace officers (2.5) (a)(b)(I)(II) <4.1.7>
- F. **De-escalation:** Taking action or communicating verbally or non-verbally 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 or with a reduction in the force necessary. De-escalation may include the use of communication, time, distance, use of cover or positioning a barrier between subject and peace officers. De-escalation may not always be appropriate if the suspect poses an immediate threat of injury, serious bodily injury, or death to the officer or another.

V. **POLICY** <1.2.2, 4.1.1, 4.1.2>

- A. Members shall not fire their weapons to kill, but rather, to stop and incapacitate an assailant from completing an act requiring the use of deadly physical force. For maximum stopping effectiveness and minimal danger to innocent bystanders, the officer should shoot at the center of mass of the target provided.
- B. A peace officer is prohibited from using a chokehold upon another person. 18-1-707 Use of force by peace officers (2.5) (a)(b)(I)(II) <4.1.7>
- C. Members may utilize non-lethal force in incidents involving the threat of serious bodily injury or death if safe to do so with lethal coverage.
- D. Members should practice de-escalation tactics if it does not compromise the safety of the officers or other parties.
- E. When a moving vehicle is involved, use of deadly force by discharging a firearm is dangerous, can be ineffective, and should not occur when there is an unreasonable risk to the safety of persons other than the subject. Whenever possible, officers should avoid stepping in front of a moving vehicle or placing themselves in a position where use of deadly force is the only alternative.
- F. Members shall not fire at moving or fleeing vehicles, unless that vehicle is itself being used as a deadly weapon, or if any occupant of the vehicle is using a deadly weapon against any person. In such circumstances, members must attempt to target only the person using the weapon. <41.2.3ab>
- G. Members are strictly prohibited from discharging a firearm as a "warning" shot.
- H. Members shall not use deadly physical force to apprehend a person who is suspected of only a minor or nonviolent offense. 18-1-707 (2) (a) Use of force by peace officers
- I. Use only a degree of force consistent with the minimization to others. 18-1-707 (2)(b) Use of force by peace officers
- J. Ensure that assistance and medical aid are rendered to any injured or affected person as soon as practicable. 18-1-707 (2)(c) Use of force by peace officers
- K. Sworn members will not surrender their firearms to anyone who may be holding a hostage or is a suspect of criminal activity.
- L. Members may use deadly physical force on any animal that presents a serious and imminent danger to the member or others.
- M. Members may use deadly physical force to destroy any animal that appears to be suffering

from an apparently fatal wound or sickness. The following must apply:

1. If the animal is domesticated, a reasonable attempt to locate the owner must be made prior to destroying the animal, or;
2. If the animal is classified as wildlife, the animal may be destroyed without specific prior notification of the Division of Wildlife.

VI. PROVIDING MEDICAL AID AFTER USE OF FORCE:

- A. It is the Sheriff's Office policy to render reasonable medical aid to any person after the use of lethal, less lethal, or physical force.
- B. Medical aid will be rendered to injured persons when it is safe to do so.
- C. Any deputy who may have caused injury by lethal force, after the immediate threat has ceased and it is safe to do so, may approach the suspect to determine if life-saving measures and/or appropriate medical aid should be initiated. Should the deputy determine immediate medical aid should be rendered, or is not absolutely sure death has occurred, the deputy will notify responding medical units, make the scene safe, and provide appropriate medical first aid to the suspect.

VII. DISPLAY OF FIREARM

- A. The policy of this Office is that members shall not draw their firearms unless there is a likelihood of danger to the officer or other persons. This order shall not be construed in its most narrow sense and is not intended to include the drawing of weapons on an approved range.
- B. Unless authorized by other general orders, personnel shall only draw or otherwise display their firearms when the suspect is potentially armed with a deadly weapon, they are arresting or attempting to arrest any person who they believe is about to commit or is in the process of committing, or who has recently committed a felonious crime, or when entering a structure, area, or approaching a vehicle, or any situation in which there is a likelihood of danger to the officer or other people.
- C. The introduction or use of firearms within a detention facility (except in the sally port) will only occur in the most extreme circumstances. For example, an inmate has disarmed an officer and is within the detention facility using, or threatening to use the firearm against others, or an inmate has a dangerous weapon and is using it or threatening to use it against others. In extreme circumstances where there is the immediate need to address an imminent deadly force situation, the approval to introduce a deadly weapon into the Detentions facility can be authorized by the Sheriff, Undersheriff, Division Chief, or the on-duty Watch Commander. <2B-04><2B-08>
- D. Intentionally pointing a firearm at an individual requires an incident or offense report to justify the circumstances. This does not include drawing a firearm and maintaining it at the low-ready position. A member shall report in writing to the member's immediate supervisor any incident involving an on or off-duty member intentionally pointing a firearm at another person. The supervisor will assess the circumstances of the incident and will take appropriate actions to include documentation and Staff notifications if necessary. <11.3.4>

VIII. IMMEDIATE RESPONSIBILITIES OF INVOLVED MEMBERS:

Members of the Office who are on-scene and involved in the incident have the following immediate responsibilities:

- A. Notify Dispatch of the location and nature of the situation. Request emergency medical assistance, additional patrol units, and supervisory response as appropriate.

- B.** As soon as safety allows, render lifesaving assistance to anyone needing it.
- C.** The scene must be immediately secured with a perimeter of sufficient distance away to safeguard evidence. As soon as resources allow, an inner and outer perimeter should be established. Access to the inner perimeter must be very tightly controlled. A “Crime Scene Log” should be started as soon as resources permit, to establish documentation and control of the scene.
- D.** In the event there are no other members present that can give an adequate overview, the involved member may be required to provide a brief administratively ordered Public Safety Statement.
- E.** When not needed for lifesaving efforts, entry by fire or other rescue personnel should be restricted to the absolute minimum required.
- F.** Witnesses should be separated and requested to remain at the scene. Ideally, keep the witnesses within the outer perimeter to minimize their exposure to media, other members, and the public.
- G.** No items shall be moved inside the scene or removed from the scene without the approval of the Use of Force Response Team and the criminalistics laboratory unless absolutely necessary for public or officer safety or for the preservation of evidence.
- H.** If possible, have a member photograph the scene from all angles right away. This may be the best evidence later of what the scene looked like immediately after the incident.
- I.** The physical and psychological wellbeing of the involved member(s) and other peripheral personnel present at the scene is an important and significant consideration. Without discussing the facts of the case, other non-involved members should offer emotional support. To avoid cross-contamination, physical contact with members and other persons who may have fired weapons should be avoided.

By order of the Sheriff