

POLICY NUMBER**11.04****Effective Date:**

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Chapter

Law Enforcement Operations

Article**Use of Force****PURPOSE**

To establish the Department's expectations concerning the appropriate and acceptable use of physical force by police employees who are authorized to use physical force in the performance of their duties. The Loveland Police Department's highest priority is the sanctity of life and dignity without prejudice to all persons. Officers who use justifiable and reasonable force increase the confidence of the community that they serve, reinforce the legitimacy of a police officer's authority, and the Department's ability to provide effective law enforcement services to the community. Unjustifiable use of force is contrary to training and not tolerated and is inconsistent with the values of the Department and the expectations of the community. Unjustifiable use of force may subject the Department and the City to liability and may also subject the officer to personal civil or criminal liability.

POLICY

Department officers are authorized to exercise the use of force in an objectively reasonable manner, and in a way that does not violate the civil rights guaranteed by our federal and state Constitutions and other applicable laws to, effectuate an arrest, overcome resistance to arrest, prevent an escape, or to defend and protect themselves or others from what they reasonably believe to be the imminent use of unlawful physical force by another person, and to protect themselves or others from the imminent threat of bodily injury, with the safety of both officers and innocent persons of paramount importance.

Officers are often required to make split-second decisions and use of force incidents are rapidly changing dynamic events that require continual assessment to appropriately escalate or deescalate the type of control in response to the type of resistance. Deciding whether to utilize force when authorized in the conduct of official responsibilities is among the most critical decisions made by law enforcement officers. It is a decision which must be made quickly and under difficult, often unpredictable and unique circumstances. Sound judgment and the appropriate exercise of discretion will always be the foundation of police officer decision making in the broad range of possible use of force situations. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this policy is intended to provide the best guidance and direction possible to officers when called upon to confront and address the most difficult of situations, while at the same time striving to preserve the sanctity of life. Officers whose actions are consistent with the law and the provisions of this policy will be strongly supported by the Department in any subsequent review of their conduct regarding the use of force.

DEFINITIONS

Authorized Weapons are weapons that meet Department specifications and officers are permitted to carry and for which officers successfully complete proficiency and safety training.



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BolaWrap® is a hand-held remote restraint device that discharges an eight-foot bola-style Kevlar cord to entangle an individual at a range of 10-25 feet. The wrap is equipped with entangling barbs at each end of the Kevlar cord.

Crime means any violation of the law that is a felony, any misdemeanor (municipal or otherwise), petty offense, misdemeanor traffic offense, or municipal traffic misdemeanor. Crime shall not include traffic infractions consistent with C.R.S. § 42-4-1701 and Loveland Municipal Code Section 1.12.010(B).

Chemical Agents are intermediate weapons, Orthochlorobenzalmalononitrile (CS), and smoke.

Chokehold, as defined in C.R.S. § 18-1-707 (2.5) means a method by which a person applies sufficient pressure 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, and also means applying pressure to a person's neck or either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.

Conducted Electrical Weapons (CEW) are less lethal weapons that conduct electrical energy in order to overcome resistance and stop aggression. They are designed to safely incapacitate potentially dangerous person(s) from a distance that minimizes the danger to the officers and suspects involved.

Conducted Electrical Weapon Cycle is a single trigger pull causing the CEW to activate for a predetermined amount of time as set by the manufacturer.

Deadly Force is any force used by an officer that has a high likelihood of causing serious bodily injury or the loss of human life.

De-escalation is taking action to stabilize a situation and reduce the immediacy of the threat so that more time, options, and resources are available to resolve the situation to gain voluntary compliance of subjects, when feasible, and thereby reduce or eliminate the necessity to use physical force.

De-escalation of Force is a decrease in the amount of force used to control a subject in direct response to a decrease in resistance.

Excessive Force means physical force which exceeds the degree of force permitted pursuant to CRS § 18-1-707 and to CRS § 18-1-704. Excessive Force includes the use of any physical force, excluding De Minimis Force, upon a person who has been rendered incapable of resisting arrest.

De Minimis Force means physical force used to separate, guide, or control, that is not intended or reasonably likely to cause pain or injury (such as handcuffing without resistance or escorting a subject to a police vehicle).

Extended Range Impact Weapons are those weapons that launch or otherwise propel less-lethal impact projectiles for the purpose of encouraging compliance, overcoming resistance or preventing serious injury without posing a significant potential of causing death.



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Physical Force or Force means the application of physical techniques or tactics, chemical agents, or weapons to another person.

Imminent Threat is an officer's reasonable perception of impending physical injury, death, or serious bodily injury from any action or outcome that may occur during an encounter.

Impact Weapons are Department-approved tools used to strike subjects when lethal force is not justified, but when empty-hand control techniques are ineffective or are reasonably believed to be insufficient to effectuate an arrest, overcome resistance to arrest, prevent an escape, or to defend and protect an officer or another from the imminent threat of serious bodily injury or death.

Improvised Impact Weapons are items that could include, but are not limited to flashlights or other objects, which could be used to strike a subject, as long as the force is justifiable.

Intermediate Weapons are Department-approved tools such as OC, chemical agents, impact weapons, CEWs, K-9s when used for physical apprehension, and any improvised weapons when empty-hand control techniques would be an ineffective form of force to effectuate an arrest, overcome resistance to arrest, prevent an escape, or to defend and protect an officer or another from the imminent threat of bodily injury.

Ketamine is a medical anesthetic used by medical practitioners.

Less-Lethal Force is force that is not intended to cause death.

Law Enforcement Member means any person who is a P.O.S.T. certified peace officer under Colorado law, regardless of the agency.

Mechanical Restraint means a physical device used to involuntarily restrict the movement of a person or the movement or normal function of a portion of a person's body.

Nonviolent Means is any verbal or non-physical tactic or use of de minimis force that does not involve physical force.

Objective Reasonableness is the standard where the level of force used is appropriate when analyzed from the perspective of a reasonable officer possessing the same information and faced with the same circumstances. Objective reasonableness is not analyzed with hindsight, but will take into account, where appropriate, the fact that officers must make rapid decisions regarding the amount of force to use in tense, uncertain, and rapidly evolving situations. This definition applies to all applications of force, not only the use or application of deadly force.

Officer(s) as used in this policy means those Department employees who are authorized and trained to use force in the performance of their duties and includes both community service officers and sworn officers.

Oleoresin Capsicum (OC) is an inflammatory agent that is naturally occurring in the cayenne pepper plant. OC comes in a liquid or powder.



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Orthochlorobenzalmalononitrile (CS) is a chemical compound that is classified as an irritant. CS is commonly called tear gas. CS comes in a liquid, powder, or solid form.

Passive Resistance is any type of resistance where the subject does not attempt to defeat the officer's attempt to touch or control him/her but he/she does not voluntarily comply with verbal and physical attempts of control.

PepperBall® System consists of a compressed-air (or carbon dioxide) launching device that delivers .68 caliber plastic sphere projectiles filled with either: water, dye marker, a solid core, or powdered or liquid 5% Oleoresin Capsicum (OC). The OC projectiles burst on impact and release the powder or liquid that is intended to subdue suspects by inflaming the mucous membrane in the nose, lungs and respiratory tract (resulting in coughing, shortness of breath and involuntary closing of the eyes).

Prone Position is a position in which a person is lying on a solid surface with the person's chest and abdomen positioned downward even if the person's face is turned to the side or the person has one shoulder lifted.

Prone Restraint means a use of physical force, including, but not limited to, the use of a mechanical restraint, in which the person who is being restrained is in a prone position.

Recovery Position is a position other than a prone position that allows the person to breathe normally.

Reasonable Belief is a belief based on specific and articulable facts or circumstances that would cause a reasonable and prudent police officer to act or think in a similar way under similar circumstances.

Sanctity of Life is a principle of implied protection regarding aspects of the intrinsic value of life. Every life has value and deserves to be treated with dignity and respect.

Serious Bodily Injury 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 permanent disfigurement, or a substantial risk of a 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. <CRS §18-1-901 (3)(p)>

GENERAL GUIDELINES

General <CALEA 4.1.1>

- An officer may use objectively reasonable force in the exercise of his or her duties as outlined in this policy and in compliance with applicable law.
- An officer may use tactical withdrawal as an option to decrease the type or need for force and to increase officer and civilian safety. Disengagement, area containment, surveillance, waiting out a subject, summoning additional resources (such as CIT or SWAT), or calling in specialized units may be an appropriate response.
- When tactically feasible, an officer will identify him/herself as a police officer and issue verbal commands and warnings prior to or during the use of force. A verbal warning is not required in circumstances where the officer must make a split-second decision, or if the officer reasonably believes that issuing the warning would place the safety of the officer or others in jeopardy.



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- When tactically feasible, an officer will allow individuals a reasonable amount of time, given all circumstances, to comply with commands before force is used.
- An officer will de-escalate force as the resistance or risk of physical injury decreases.
- Officers are to apply nonviolent means, when possible, before resorting to the use of physical force.
- Officers shall only use physical force if nonviolent means would be ineffective in effectuating an arrest, preventing an escape, or preventing an imminent threat of bodily injury to the officer or another person.
- Officers are prohibited from utilizing deadly physical force to apprehend a person who is suspected of a minor or nonviolent offense.
- Officers may only utilize a degree of force that is consistent with the minimization of injury to others in order to preserve the sanctity of life. It cannot, however, be understated that police engagements can escalate quickly and that force, including deadly force, may be necessary, reasonable and proportional to the threat presented at the time.
- Officers shall not use, direct, or unduly influence the use of ketamine upon another person nor direct an emergency medical service provider to administer ketamine.
- Officers are prohibited from using a chokehold upon another person.

Use of Force Authorization and Limitations <CALEA 4.1.1> <CRS § 18-1-707> <CRS § 18-1-704> <CRS § 18-1-703(1)(d)> <CRS § 27-65-105>> <CRS § 27-81-111> <CRS § 27-82-107><Casey v. City of Fed. Heights, 509 F.3d 1278 (10th Cir. 2007)> <C.R.S. § 42-4-1701><24-31-905>

Officers are authorized to use only the amount of force necessary to accomplish lawful objectives.

Force may be used:

- To effect an arrest of a person whom the officer reasonably believes has committed a crime.
- To prevent the escape from custody of a person whom the officer reasonably believes has committed a crime.
- To defend or protect the officer or others from the use, or imminent use, of physical force.
- To take persons into protective custody when a person is an imminent risk to themselves or others, or gravely disabled, as a result of a perceived mental illness, alcohol intoxication, or drug intoxication.
- To prevent someone from committing suicide or inflicting serious physical injury upon themselves.
- To manage public disorder where the objective is to disperse people, in a manner that is consistent with this policy.
- To conduct searches and seizures as authorized by a warrant.

The authorized use of force ends when resistance ceases and/or the officer has accomplished the objective necessitating the use of force.

Factors Used to Determine Reasonableness of Type of Control and Use of Force <Graham v. Connor, 490 U.S. 386 (1989); <Blossom v. Yarbrough, 429 F.3d 963, 968 (10th Cir. 2005); <Holland v. Harrington, 268 F.3d 1179 (10th Cir. 2001)><Casey v. City of Fed. Heights, 509 F.3d 1278 (10th Cir. 2007)><Lee v. Tucker, 904 F.3d 1145 (10th Cir. 2018)><Cordova v. Aragon, 569 F.3d 1183 (10th Cir. 2009)><Estate of Larsen ex rel. Sturdivan v. Murr, 511 F.3d 1255 (10th Cir. 2008)><Weigel v. Broad, 544 F.3d 1143, 1147 (10th Cir. 2008)><Sevier v. City of Lawrence, Kan., 60 F.3d 695 (10th Cir. 1995)><Estate of Ceballos v. Husk, 919 F.3d 1204 (10th Cir. 2019)> <CRS § 18-1-707> <CRS § 18-1-704>



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An officer's use of force must be objectively reasonable under the totality of the circumstances and only after an officer has determined that non-violent means, including any physical force, would be ineffective to effectuate an arrest, overcome resistance to arrest, disperse a crowd, prevent an escape, or to defend and protect an officer or another from the imminent threat of bodily injury. In determining the appropriate type of force to use, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- The seriousness of the crime
- The type of resistance or threat presented by the subject
- The immediacy of the threat posed by the subject to the safety of the officers or others
- The potential for injury to citizens, officers or subjects from either the force used by the officer or the subject
- Whether the subject is actively resisting arrest or attempting to evade arrest by flight
- An attempt by the subject to escape
- The conduct of the subject being confronted, including credible information of diminished capacity as perceived by the officer at the time
- The time available to an officer to make a decision
- The availability of other resources
- The training and experience of the officer
- The access to or proximity of weapons to the subject
- The differences between the subject and an officer such as age, size, relative strength, skill level, injury/exhaustion and the number of officers versus subjects
- The environmental factors and tactical considerations

Objective reasonableness requires more than an officer's subjective belief about a subject and the type of threat that the subject poses. Any physical force applied must be used only to a degree consistent with the minimization of injury to others, including the subject upon which physical force is applied. Use of force decisions cannot be based on a "hunch" or a "feeling," but on specific and articulable facts, including what he or she observed, heard, or otherwise collected through reliable police channels and the source of that information. Based on those specific and articulable facts, an officer can then use his or her training and experience to interpret the known and unknown information and reach a reasonable conclusion as to any threat posed by the subject. Officers should utilize time, distance, and a plan to the extent the circumstances permit.

While using any type of control or use of force, an officer should not make derogatory statements that may suggest the officer harbors ill-will or is acting out of an improper motive. An officer should also not make reckless or deliberately provocative conduct or statements that may create a situation making use of greater amounts of force necessary.

BolaWrap®

Officers who have successfully completed the BolaWrap® training may carry the BolaWrap®. BolaWrap® is most effective and least dangerous when used on persons who are stationary or moving slowly and targeted between the ankles and mid-thigh, to control the legs, or between the wrists and elbows, to control arms that are by their sides. BolaWrap® is authorized for use when an officer



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reasonably believes that a subject is displaying psychological intimidation and passive resistance, or higher, toward the officer or another person.

De-escalation

An officer shall apply objectively reasonable de-escalation techniques to the extent permitted under the circumstances, which includes, but is not limited to, effective communication, using time, distance, and tactical repositioning to generally slow down when an immediate threat is not present. Applying an objective reasonableness standard recognizes that officers are often forced to make split-second decisions, in circumstances that are tense, uncertain, dynamic and rapidly evolving, about the amount of force that is necessary in a particular situation. De-escalation options will be guided by the totality of the circumstances with the goal of attaining voluntary compliance to minimize the use of force. De-escalation strategies can include but are not limited to:

- Communications – using verbal persuasion, giving clear instructions, and assessing reasons for lack of compliances.
- Utilizing time – attempting to slow down or stabilize the situation to gain more time to utilize options and available resources to resolve the incident.
- Distance – increasing space to maximize tactical advantages and allow for greater reaction time.
- Tactical repositioning – utilizing cover and concealment for tactical advantages moving locations as necessary.
- Clearing the call – if no crime is committed which needs immediate resolution, consider clearing the call to allow the subject to de-escalate in their own based on personal decisions.

Less-Lethal Force <CALEA 4.1.4> <CALEA 4.3.2>

Officers shall only carry less-lethal weapons that are issued or approved by the Department. Each officer that is issued a CEW and currently certified shall carry it when in uniform along with a baton or OC. All other officers must carry a baton or OC at all times when in uniform and out of the car. Officers should use control techniques that are approved for use by the Department. An officer's use of less-lethal force shall conform to applicable Department standards of conduct, policies, procedures, and training. An officer shall successfully complete the relevant Department-approved training, including demonstrating proficiency, for each weapon or technique prior to carrying any less-lethal weapons, or employing any less-lethal techniques.

Permitted Use of Intermediate Weapons <CALEA 4.1.4> <CRS § 18-1-704>

Officers are permitted to use intermediate weapons when objectively reasonable in the following instances:

- Against subjects who are resisting or attempting to escape in a manner that, in the officer's judgment, is likely to result in injuries to themselves or others.
- To subdue a subject who poses a threat of imminent physical injury to himself/herself, the officer, or others.
- During a physical confrontation with an individual and an officer attempts to lawfully control the subject after an officer determines that non-violent means would be ineffective, or when lower levels of force or tactics have been, or will be ineffective.
- Against aggressive animals that pose a threat of physical injury to officers or others



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- During a protest or demonstration only after issuing a loud and clear order to disperse in such a manner to ensure that the order is heard, repeated as necessary, which allows sufficient time and space to allow for compliance with the order.
- Any use of improvised weapons such as flashlights, radios, or any other items not issued or trained specifically as defensive weapons is discouraged but may be used when objectively reasonable given the existing circumstances.

Intermediate Weapons Restrictions <CALEA 4.1.4>

- Intermediate weapons shall not be used, except as objectively reasonable to prevent imminent bodily harm to the officer or another person or persons against:
 - Persons in handcuffs
 - Persons who are obviously very young or old, infirm, or disabled in an obvious manner
 - Persons who are obviously pregnant
 - Passively resisting subjects
- Intermediate weapons should not be used to restrict a person's airway or to strike a person about the head and/or neck unless the use of deadly force is objectively reasonable

Use of CEW <CALEA 4.1.4>

Personnel should not intentionally activate more than one CEW at a time against a subject. Each CEW cycle is considered a use of force and each CEW cycle must be legally justified. Any time a subject is exposed to 15 seconds of activation, whether due to multiple activations or continuous cycling, alternate control methods must be considered. Officers must consider the severity of the offense, the subject's threat level to others, and the probability of serious injury to the subject when using a CEW on a fleeing subject.

Officers should avoid use of a CEW, if possible, in the following situations:

- In areas of potential fire or explosion (gas leaks, grain silos, etc.)
- Subjects who have knowingly come into contact with flammable liquids or in environments where flammable liquids are obviously present
- In an elevated position where the subject's fall could reasonably result in substantial injury or death
- In or near a body of water deep enough to reasonably cause drowning
- Against a subject who is in physical control of a vehicle in motion or in gear, except when exigent circumstances exist

Impact Weapons <CALEA 4.1.4>

Officers may use impact weapons for striking, blocking, escorting, and/or applying leverage to subjects consistent with Department training. Officers may also use impact weapons as a tool for lawful entry.

The Patrol 37 mm Launcher <CALEA 4.1.4>

37 mm Launcher is an Extended Range Impact Weapon for purposes of this policy. However, a few additional requirements exist concerning use of the 37 mm Launcher. SWAT Officers, acting in a SWAT capacity, shall use the 37 mm and 40 mm Launchers in accordance with SWAT training.



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- Officers shall maintain at least ten feet (10ft) of distance between the officer and the subject target upon discharging the 37 mm Launcher, unless deadly force is justified.
- Officers shall check in and check out the 37 mm Launcher at the beginning and end of a shift. The 37 mm Launcher is not permitted to be stored in a patrol vehicle between shifts unless extraordinary circumstances arise.

PepperBall® System

The PepperBall System can deliver projectiles with enough kinetic energy to produce temporary abrasions, bruises, and/or welts. Water and dye marking projectiles are intended to foster (pain) compliance to orders given by peace officers, or to mark and identify individuals for arrest. The PepperBall System is considered less-lethal force by its manufacturer; however, members should be cognizant that serious injury is possible, such as when a person is shot in the eye. Response to inhaling PepperBall OC varies greatly among individuals. In most cases, the symptoms last for five to twenty-five minutes.

Officers who have successfully completed the authorized training may use the Department issued PepperBall Systems, consistent with this Use of Force Policy. Unholstering as a show of force, deployment, or accidental discharge of the PepperBall System will be documented in a Blue Team consistent with policy

Target Body Areas When Deploying Less-Lethal Weapons

Officers will target areas of the body for deployment of less-lethal weapons based upon their training by the Department's Less-Lethal Force instructor. Officers will make an assessment based upon the less-lethal weapon being used and the totality of the circumstances of a particular incident when determining which body area is appropriate for deployment of less-lethal.

Deadly Force <CALEA 4.1.2> <CRS § 18-1-707(4.5)> <Tennessee v. Garner, 471 U.S.1 (1985)>

Use of Deadly Force

The use of deadly force shall be based on the totality of circumstances known to the officer at the time indicating that an imminent threat of serious bodily injury or death to any person exists and that all other methods of force to control the subject(s) would be inadequate or have already proven to be ineffective. An imminent threat refers to an impending violent act or resistance that an officer reasonably believes will occur, based on the totality of the circumstances. Thus, a subject may pose an imminent threat even if he or she is not at that very moment pointing a weapon at an officer. An officer is justified in using deadly physical force only when he/she reasonably believes such force is necessary to:

- Defend the officer or a third person from the imminent threat of serious bodily injury or death
- Effect an arrest or prevent the escape from custody of a person whom the officer reasonably believes;
 - Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon or infliction or threatened infliction of serious bodily injury; and
 - Is attempting to escape by the use of a deadly weapon; and
 - The person still poses a significant threat of serious bodily injury or death to the officer or other persons if not apprehended without undue delay.



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Where tactically feasible, officers will give a verbal warning, with sufficient time for compliance with the warning, before engaging in the use of deadly force. An example of this warning is: "POLICE - DON'T MOVE or I will shoot!" A verbal warning is not required in circumstances where the officer has to make a split-second decision, or if the officer reasonably believes that issuing the warning, or providing sufficient time for compliance, would place the safety of the officer or others in jeopardy. The use of a verbal warning will be incorporated in firearms qualifications training.

An officer may use deadly force against an animal that represents a significant threat to public safety, to the officer's safety, or as a humanitarian measure if the animal is seriously injured and only after the owner of the animal has authorized the measure (to the extent practicable) and the officer's supervisor has approved the measure. Pursuant to Colorado's Dog Protection Act, alternate types of control should be considered prior to the use of deadly force against a dog and, if feasible, allow the owner the opportunity to remove the dog from the immediate area. <CRS § 29-5-112>

Deadly Force Specific Provisions

- Deadly physical force is prohibited to effectuate an arrest against a person for a minor or non-violent offense
- Deadly physical force is justifiable when all other means to effectuate an arrest are unreasonable under the circumstances or otherwise consistent with this policy and CRS § 18-1-707(4.5)
- An officer shall not fire warning shots <CALEA 4.1.3>
- An officer shall not discharge firearms at or from a moving vehicle unless the officer reasonably believes deadly force is justified
- An officer will minimize the risk of harm to innocent bystanders by being aware of the field of fire, including the backstop. An officer will not discharge a firearm under circumstances that create a greater risk to innocent human life than the subject's actions

Rendering Medical Aid Following Law Enforcement Actions <CALEA 4.1.5>

Any time a person has visible injuries or complains of being injured following any law enforcement action, the officer must take appropriate actions to provide medical aid for the injured person as quickly as reasonably possible. The provisions may include first aid, requesting emergency medical services, and/or arranging for other transportation to a hospital or emergency medical facility.

Officers will ensure appropriate medical aid is provided to those persons on whom lethal or less-lethal weapons were used. The provision of medical aid will be rendered when safe to do so and after threats of violence to the officer or others have ceased. If any person on whom force was used refuses medical attention, the officer(s) will document the refusal in all necessary reports and, whenever practicable, should be witnessed and documented by other officers and/or medical personnel.

The minimum provisions for medical aid will be provided when a use of force involves the application of the following:

- Impact Weapons— The subject must be treated by a physician.
- OC – The subject must be treated by a paramedic or physician.



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- Prone Restraint – The subject must be safely transitioned and placed into a recovery position as soon as practicable. If the subject shows signs of injury or complains of pain following the use of force, officers must seek assistance from medical personnel in the field or at a medical facility.
- CEW – Any person on whom a CEW was used will be taken for a medical evaluation in the field or at a medical facility. Officers must seek assistance from medical personnel in the field or at a medical facility for any person hit by a dart in the head, face, neck, throat, groin, or female breasts. Only medical personnel should remove these probes. When the darts penetrate any other area of the body, a CEW certified officer or qualified paramedic may remove it. Suspects who have been exposed to more than three applications should be transported to a medical facility for evaluation.
- BolaWrap® – Any person who was restrained by the BolaWrap® and reports pain or appears to have sustained an injury as a result of its application shall be evaluated by a paramedic or physician, either on scene or at an appropriate medical facility.

Documenting and Reporting Use of Force Incidents <CALEA 4.2.1><CALEA 1.2.10><CRS § 18-8-803><Estate of Booker v. Gomez, 745 F. 3d 405 (10th Cir. 2014)> <CRS § 18-8-802 (2)>

Any officer who uses physical force, uses deadly force, attempts to use or uses an impact weapon, CEW, BolaWrap®, chemical munition, or less-lethal munitions against a person, animal, or inanimate object shall complete a BlueTeam report. Any officer who displays a firearm, BolaWrap®, or CEW as a means of control must complete a BlueTeam report as a show of force. Officers involved in an incident, that involves more than one officer, may designate a single officer to complete a BlueTeam report and list the other officers involved. A BlueTeam report is not required with de minimis force such as handcuffing, escorting a person, placing a person into a police vehicle, or other similar holds. Any officer who witnesses or is on scene during such a use of force incident by a Department member must complete an offense/supplemental report. A supervisor will ensure a BlueTeam report is completed whenever an officer is incapacitated, unable, or involved in an action in which the officer involved incident protocol is invoked.

Intervention and Notification of Use of Force Incidents <CALEA 1.2.10> <C.R.S. § 18-8-802>

All employees, not just sworn peace officers, have a duty to intervene within their scope of authority and training and notify appropriate supervisory authority if they observe a Department employee, another agency employee or public safety associate engage in any unreasonable use of force or if they become aware of any violation of departmental policy, state or federal law, or municipal ordinance. However, this does not require non-sworn employees to intervene in use of force situations where they are not properly trained or required by oath of office or law to take such actions.

Sworn peace officers are specifically required to intervene under the following circumstances and utilize the outlined procedures:

- Officers who, in pursuance of their law enforcement duties, witness another officer, in pursuance of such other officer's law enforcement duties, in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, or in the process of crowd control or riot control, use physical force which exceeds the degree of physical force permitted pursuant to CRS § 18-1-707 or CRS § 18-1-704 must notify any sworn supervisor as soon as reasonably possible and complete a report. At a minimum, the report shall include the



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date, time, and place of the occurrence, the identity, if known, and the description of the participants, and a description of the events and the force used. The written report shall be made within ten (10) days of the occurrence of the use of force. An officer who fails to report such use of force commits a class 2 misdemeanor.

- Officers who are on-duty shall intervene to prevent or stop another officer, regardless of the chain of command, from using physical force that exceeds the degree of force permitted, if any, pursuant to C.R.S. § 18-1-707 or CRS § 18-1-704, in pursuance of the other officer's law enforcement duties in carrying out an arrest of any person, placing any person under detention, taking any person into custody, booking any person, or in the process of crowd control or riot control. Officers who intervene as required by law shall notify any sworn supervisor and shall report such excessive force, in writing, within ten (10) days of the occurrence and provide, at a minimum, the date, time, and place of the occurrence, the identity, if known, and a description of participants and the intervention taken. This report must be attached to other reports concerning the same incident. An officer who fails to intervene to prevent the use of unlawful force commits a class 1 misdemeanor.

The officer who uses force must ensure that the on-duty supervisor is notified without undue delay. The supervisor must ensure:

- Appropriate medical attention is provided to all affected persons
- Photographs are taken to document injuries or the lack of injuries. If the subject refuses to be photographed, officers will document that fact in their reports
- Notifications are made to any holding facility the subject is transferred to
- Necessary reports are completed prior to the end of the officer's shift unless the supervisor approves a delay
- The officer deploying a CEW must upload the CEW data without undue delay

An officer who knowingly makes a materially false statement, which the officer does not believe to be true, in any report made pursuant to this section, commits false reporting to authorities pursuant to CRS § 18-8-111(1)(a)(III).

Retaliation against an officer for intervening as described in this policy, reporting unconstitutional conduct, or for failing to follow what the officer reasonably believes is an unconstitutional directive, is prohibited.

Review of Use of Force Incidents <CALEA 4.2.2>

The Department is committed to upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after force incidents. The Department will review and/or investigate all uses of force by Department members requiring a use of force BlueTeam report. This includes force prevention efforts, effective tactics, and dispassionate and objective review of every qualifying incident. An officer's use of force shall be in conformance with the Department's policies, procedures and training. Officers who use excessive force or unauthorized force or fail to use physical force, when necessary, may be subject to discipline, possible criminal prosecution, and/or civil liability.



POLICY 11.04	Chapter	Law Enforcement Operations
	Article	Use of Force

Training and Qualifications <CALEA 4.3.3 (a) (b) (c)> <CALEA 4.3.4>

Officers shall receive and successfully complete Department authorized training from or monitored by certified weapons or tactics instructors designed to simulate actual situations and conditions and, as otherwise necessary, to enhance an officer's discretion and judgment in using deadly and less-lethal force, and the use of force standards not inconsistent with Colorado law, as follows:

- All officers shall complete pre-service training and demonstrate proficiency in the use of firearms, impact weapons, OC spray, LLM, CEWs, and control techniques prior to using or employing such weapons and techniques
- All officers who are issued a BolaWrap® shall complete training and demonstrate proficiency in the use of the BolaWrap® prior to using or employing the device
- All officers shall receive and complete in-service training in the Department's Use of Force Policy and related case law updates annually
- All officers and CSOs shall complete in-service training and demonstrate proficiency for batons, LLM, BolaWrap®, and OC biannually
- All officers shall complete annual in-service training and demonstrate proficiency with firearms. Both officers and CSOs shall complete annual in-service training and demonstrate proficiency with CEWs, including the deployment of at least one cartridge.
- Training and proficiency results for any authorized weapon or tactic will be documented by instructors and maintained by the Department
- An officer who fails to demonstrate the required proficiency with Department-issued weapons and tactics will be subject to the Department's remedial training policy
- Officers who fail to demonstrate weapon proficiency may not return to duty with that weapon until they successfully complete required testing or remedial training and provide documentation of proficiency.

Issuance of Weapons <CALEA 4.3.1 (c)>

Lead weapons instructors or designees will issue weapons to officers only after they:

- Review the weapon to make sure that it meets the Department's approved weapons/ammunition criteria
- Inspect the weapon to determine operational readiness
- Approve the weapon for issuance

Removal of Unsafe Weapons <CALEA 4.3.1 (d)>

Officers who notice that any of their Department issued weapons are in an unsafe condition will notify a supervisor and the appropriate weapons instructor without undue delay. The weapons instructor will issue the officer a replacement weapon without undue delay.

Annual Analysis <CALEA 4.2.4>

The Professional Standards Unit (PSU) shall conduct an annual analysis of the Department's use of force incidents to determine patterns/trends that could indicate Department training needs and/or the need for policy modifications.

