

18-1-707. Use of physical force in making an arrest or in preventing an escape - definitions

- (1)** Except as provided in subsections (2) and (2.5) of this section, a peace officer is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary:

 - (a)** To effect an arrest or to prevent the escape from custody of an arrested person unless he knows that the arrest is unauthorized; or
 - (b)** To defend himself or a third person from what he reasonably believes to be the use or imminent use of physical force while effecting or attempting to effect such an arrest or while preventing or attempting to prevent such an escape.
- (2)** A peace officer is justified in using deadly physical force upon another person for a purpose specified in subsection (1) of this section only when he reasonably believes that it is necessary:

 - (a)** To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
 - (b)** To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes:

 - (I)** Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or
 - (II)** Is attempting to escape by the use of a deadly weapon; or
 - (III)** Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.
- 1. (2.5)** (a) A peace officer is justified in using a chokehold upon another person for the purposes specified in subsection (1) of this section only when he or she reasonably believes that it is necessary:

 - (I)** To defend himself or herself or a third person from what he or she reasonably believes to be the use or imminent use of deadly physical force or infliction of bodily injury; or
 - (II)** To effect an arrest, or to prevent the escape from custody, of a person whom he or she reasonably believes:

 - (A)** Has committed or attempted to commit a felony involving or threatening the use of a deadly weapon; or
 - (B)** Is attempting to escape by the use of physical force; or
 - (C)** Indicates, except through a motor vehicle, that he or she is likely to endanger human life or to inflict serious bodily injury to another unless he or she is apprehended without delay.
 - (c)** For the purposes of this subsection (2.5), "chokehold" means a method by which a person holds another person by putting his or her arm around the other person's neck with sufficient pressure to make breathing difficult or impossible and includes, but is not limited to, any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air.
- (3)** Nothing in subsection (2)(b) or subsection (2.5) of this section shall be deemed to constitute justification for reckless or criminally negligent conduct by a peace officer amounting to an offense against or with respect to innocent persons whom he is not seeking to arrest or retain in custody.
- (4)** For purposes of this section, a reasonable belief that a person has committed an offense means a reasonable belief in facts or circumstances that if true would in law constitute an offense. If the believed facts or circumstances would not in law constitute an offense, an erroneous though not unreasonable belief that the law is otherwise does not render justifiable the use of force to make an arrest or to prevent an escape from custody. A peace officer who is effecting an arrest pursuant to a warrant is justified in using the physical force prescribed in subsections (1), (2), and (2.5) of this section unless the warrant is invalid and is known by the officer to be invalid.
- (5)** Except as provided in subsection (6) of this section, a person who has been directed by a peace officer to assist him to effect an arrest or to prevent an escape from custody is justified in using

reasonable and appropriate physical force when and to the extent that he reasonably believes that force to be necessary to carry out the peace officer's direction, unless he knows that the arrest or prospective arrest is not authorized.

- (6) A person who has been directed to assist a peace officer under circumstances specified in subsection (5) of this section may use deadly physical force to effect an arrest or to prevent an escape only when:
- (a) He reasonably believes that force to be necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or
 - (b) He is directed or authorized by the peace officer to use deadly physical force and does not know, if that happens to be the case, that the peace officer himself is not authorized to use deadly physical force under the circumstances.
- (7) A private person acting on his own account is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary to effect an arrest, or to prevent the escape from custody of an arrested person who has committed an offense in his presence; but he is justified in using deadly physical force for the purpose only when he reasonably believes it necessary to defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.
- (8) A guard or peace officer employed in a detention facility is justified:
- (a) In using deadly physical force when he reasonably believes it necessary to prevent the escape of a prisoner convicted of, charged with, or held for a felony or confined under the maximum security rules of any detention facility as such facility is defined in subsection (9) of this section;
 - (b) In using reasonable and appropriate physical force, but not deadly physical force, in all other circumstances when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be the escape of a prisoner from a detention facility.
- (9) "Detention facility" as used in subsection (8) of this section means any place maintained for the confinement, pursuant to law, of persons charged with or convicted of an offense, held pursuant to the "Colorado Children's Code", held for extradition, or otherwise confined pursuant to an order of a court.