



## Colorado Springs Police Department General Order 705

### Section 7: Use of Force – Force, Detention, and Arrest

Active Date: 5/13/2019

Supersedes Date: 5/25/2018

Last Review Date: 5/9/2019

## .01 Purpose

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

## .02 Cross Reference

[GO 815, Deadly Force Investigations](#)

[GO 710, Reporting Use of Force](#)

[GO 1917, Early Intervention Program](#)

## .03 Discussion

Police officers are given the unique right to use force against others, even deadly force, for legitimate law enforcement purposes. The right to use force carries with it a heavy responsibility not to abuse it. Police agencies have an obligation to provide their employees with the policies, training, and tools necessary to accomplish their mission.

The Colorado Springs Police Department places a high value on resolving confrontations, when practical, with less force than the maximum that may be allowed by law. The department values the use of de-escalation techniques to avoid or minimize force when the use of such techniques is reasonable, safe, and appropriate for the situation. While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

This policy should not be construed as creating a higher legal standard of safety or care, in an evidentiary sense, with respect to third-party claims. Violations of this directive will form the basis for departmental administrative sanctions only. Violations of law will form the basis for civil and criminal sanctions in a recognized judicial setting.

## .04 Policy

It is the policy of the Colorado Springs Police Department that officers use only the force that is reasonably necessary to effectively bring an incident under control. A use of force must be

objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances.

When feasible prior to the use of force, an officer or marshal should announce themselves as a law enforcement officer, warn the subject of an impending use of force, and give them the chance to comply with verbal orders. This warning is not necessary when delaying the use of force would be unsafe, the element of surprise is necessary to minimize the risk of harm, or is otherwise not feasible.

## **.05 Definitions**

**CHOKER HOLD:** A physical maneuver by which a person intentionally holds another person's neck for the purpose of incapacitation by applying sufficient pressure to make breathing difficult or impossible. This does not include vascular neck restraints.

**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 during a potential force encounter in an attempt to stabilize the situation, reduce the immediacy of the threat, and minimize the likelihood of injury 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 such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

**LESS LETHAL USE OF FORCE:** Any use of force other than that which is considered deadly force.

**FIREARM:** Lethal firearms excluding those dedicated to deploy less-lethal munitions

**OBJECTIVELY REASONABLE FORCE:** This is the term created by the Courts as the standard by which officers' 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 officers are often forced to make split second decisions in circumstances which 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 officers or others, and whether s/he is actively resisting arrest or attempting to evade arrest by flight.

**SERIOUS BODILY INJURY:** "Serious bodily injury," as defined in CRS § 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.

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.

## **.07 De-escalation**

Officers should consider using de-escalation techniques to avoid or minimize force when it is reasonable, safe, and appropriate to do so. De-escalation will not always be appropriate and officers should not place themselves or others in danger by delaying the use of less-lethal or even deadly force when warranted.

## **.10 Use of Deadly Force**

- A. An officer is authorized to use deadly force when the officer reasonably believes it is necessary:
  - a. To protect the officer or others from what is reasonably believed 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 the officer 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 s/he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay. (CRS § 18-1-707(2))
- B. Choke holds are prohibited unless deadly force is authorized.

In all situations in which deadly force is used against a person, a thorough investigation shall be conducted in accordance with [GO 815, 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. Officers should use caution when discharging a firearm if it appears an innocent person may be injured.
4. An officer 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 officer is authorized to use deadly force pursuant to section .10 of the policy.

## **.30 Use of Less Lethal Force**

Where deadly force is not authorized, officers shall use only the amount of force that is objectively reasonable to bring an incident under control. Officers are authorized to use less lethal force techniques when one or more of the following apply:

- a. To protect the officer or others from physical harm.
- b. To restrain or subdue a resistant individual.
- c. To bring an unlawful situation safely and effectively under control.

## **.40 Factors to Consider in Use of Force Incidents**

Because of differences in size, strength, and specialty training among officers, different levels of force may be objectively reasonable for different officers in similar situations. When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. Some of these factors are listed below. This list is not inclusive of every factor that may be considered. This list is not prioritized, nor is it meant to imply any one factor or combination of factors should have greater weight than another.

- a. Seriousness of the suspected offense or reason for contact with the individual.
- b. Immediacy and severity of the threat to officers or others.
- c. The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- d. Whether the person appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- e. The risk and reasonably foreseeable consequences of escape.
- f. The apparent need for immediate control of the subject or a prompt resolution of the situation.
- g. Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

- h. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- i. Officer and subject factors such as age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects.
- j. The effects of drugs or alcohol.
- k. The subject's mental state, mental capacity, and/or physical capacity.
- l. Proximity of weapons or dangerous improvised devices.
- m. The availability of other options and their effectiveness.
- n. Training and experience of the officer.
- o. Potential for injury to officers, suspects, and others.
- p. Prior contacts with the subject or awareness of any propensity for violence.
- q. Any other exigent circumstances.

## **.50 Medical Considerations**

Medical attention shall be provided for any person who exhibits signs of physical distress, who has sustained 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 s/he can be medically assessed. Even when no injury is apparent, officers shall request a medical response after use of any of the following less lethal tools: conducted electrical weapon, oleoresin capsicum (OC), baton as an impact weapon, or 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 (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable.

## **.60 Duty to Intercede and Report**

Any officer present and observing another officer using force that is beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force. An officer who observes another employee use force that exceeds the degree of force permitted by law must promptly report these observations to a supervisor. (CRS § 18-8-802)

## **.70 Use of Force Training**

1. All officers shall receive training, at least annually, on CSPD's use of force policies and related case law updates.
2. CSPD shall provide regular and periodic training designed to do the following:
  - a. Reinforce the importance of de-escalation techniques;
  - b. Simulate shooting situations and conditions; and
  - c. Enhance officers' discretion and judgment in using less-lethal and deadly force in accordance with this policy.
3. All use of force training shall be documented and such documentation maintained by the Training Academy.