



105.00 USE OF FORCE

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**THIS POLICY IS A DRAFT FOR THE PURPOSE OF REVIEW AND COMMENT. PRIOR TO IMPLEMENTATION OF A FINAL VERSION OF THE USE OF FORCE POLICY, TRAINING WILL OCCUR FOR ALL AFFECTED PERSONNEL. TRAINING WILL ALSO OCCUR REGARDING DE-ESCALATION AND THE DECISION MAKING MODEL.**

105.01 APPLICATION

(1) PURPOSE:

The Denver Police Department recognizes the value and sanctity of all human life and is committed to respecting human rights, the dignity of every individual, and the right to be free from inappropriate force, whether deadly or not, by a law enforcement officer. Although the department's goal is force avoidance, Denver police officers may at times be required to make forcible arrests, overcome resistance and assaultive behavior to protect the public, other officers, themselves, and to meet department obligations. The Denver Police Department recognizes that its officers have the right of self-defense and supports their appropriate actions to avoid injury while discharging their duties. The use of force, especially force likely to result in serious bodily injury or death, is a serious action. When deciding whether to use force, and in the application of force, officers will act within the guidance and parameters of the decision-making model, department policy, and training (to the extent the training is consistent with this Use of Force Policy). Any force failing to meet the requirements of "necessary, reasonable, and appropriate force" in this Use of Force Policy will be deemed "inappropriate force."

The concept of de-escalation (when circumstances permit) is a core component and philosophy. Officers will avoid demeanor, tactics, and actions that unduly jeopardize safety or hinder successful incident resolution.

Except for certain definitions, this policy does not reference specific Colorado state statutes or federal law, and instead details force parameters authorized by the Denver Police Department. This policy complies with or exceeds state and federal law requirements.

(2) DEFINITIONS:

**Deadly Force:** That force, the intended, natural, and probable consequence of which is to produce death and which does, in fact, produce death.

**Decision Making Model – OMS 101.01:**

<b>Authority</b>	Do personnel have the authority or mandate to act in a particular instance?
<b>Necessary</b>	Is the intended action required or needed based on the totality of the circumstances?
<b>Reasonable</b>	Would a reasonable officer act similarly under the totality of the circumstances?
<b>Appropriate</b>	Based on continual reassessment of the situation, is the intended action proper under the totality of the circumstances?

**Imminent:** Ready to take place; hanging threateningly over one's head. An anticipated danger that is likely to happen, is impending.

**Reasonable and Necessary Force:** A standard which requires officers to use only that degree of force that is reasonable and necessary under the totality of the circumstances to safely accomplish a legitimate law enforcement function. Reasonable and necessary force is an objective standard, viewed from the perspective of a reasonable officer on the scene, without the benefit of 20/20 hindsight.

**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 (to include breaks or fractures of hard tissue such as bone, teeth, or cartilage), or burns of the second or third degree.”

**(3) TYPES OF RESISTANCE:**

- a. Psychological Intimidation: Non-verbal cues in attitude, appearance, demeanor, or posture that indicate an unwillingness to cooperate or a threat.
- b. Verbal Non-Compliance: Verbal responses indicating unwillingness to comply with an officer’s directions.
- c. Passive Resistance: Physical actions that do not prevent an officer’s attempt to control, for example, a person who remains in a limp or prone position.

*NOTE: Verbal Non-Compliance and Passive Resistance usually do not involve conduct sufficient to support criminal charges related to resistance. Charging DRMC 38-31 Interference with police authority (a) and/or (c) may be appropriate, depending on the circumstances.*

- d. Defensive Resistance – Physical actions that attempt to prevent an officer’s control including flight or attempt to flee, but do not involve attempts to harm the officer (includes “turtling”).
- e. 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.
- f. Aggravated Active Aggression: Deadly force encounter – see section (11).

**(4) FORCE GUIDING PRINCIPLES:**

- a. Guidelines:
  1. Officers may be required to decisively intervene and/or use force. The department will support such use that is authorized, necessary, reasonable, and appropriate - see OMS 101.00.
  2. There are many reasons an individual may be resisting arrest or unresponsive. It is possible that a person’s mental state may prevent him/her from comprehending the gravity of the situation, or he/she may not understand an officer’s commands or actions, and it may not be a deliberate attempt to resist. If circumstances permit, officers should consider reasons why an individual is unresponsive and attempt to utilize tactics appropriate for a safe resolution.  
A person’s reasoning ability may be dramatically affected by several factors, including but not limited to:
    - Medical condition and/or mental impairment
    - Developmental disability and/or physical limitation
    - Language barrier
    - Drug/alcohol interaction and/or emotional crisis.
- b. Considerations:
  1. An officer’s conduct or actions may influence the level of force necessary in a given situation.
    - When reasonable under the totality of circumstances, prior to using more forceful control options, officers will use tactical options, de-escalation techniques, and/or control options such as command presence, advisements, warnings, verbal persuasion, and commands, recognizing that he/she may withdraw to a position tactically more secure or which allows greater distance to consider or deploy a

greater variety of force options (using time, distance and cover). Use of these concepts will help officers maintain greater safety for themselves and others.

2. Officers will ensure they do not engage in unreasonable actions that precipitate the use of force because of tactical, strategic, or procedural errors that place themselves or others in jeopardy.
3. When situations occur that involve an elevated risk of physical resistance or danger to officers, and when circumstances permit, supervisors will respond to assist with successfully and safely resolving them.
4. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of community members, and may result in an unwarranted or accidental discharge of the firearm. An officer's decision to draw or exhibit a firearm will be based on the tactical situation and the officer's reasonable belief there are indicators of a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer will, as soon as practicable, secure or holster the firearm.
5. Whenever an officer who is not CIT trained learns through his/her observations or otherwise that a person with whom the officer is dealing may be mentally ill, developmentally disabled, or emotionally disturbed, the officer will, if circumstances reasonably permit, request that a CIT officer respond to the scene.

c. Inappropriate Force:

The authority to use force is an extraordinary power that must not be misused or abused. The community expects and the Denver Police Department requires that its officers use only force that is reasonable and necessary under the totality of circumstances. Force that is not reasonable and necessary will be deemed inappropriate force and officers will be subject to discipline for violation of any applicable department policies and/or rules and regulations, including but not necessarily limited to:

- RR-305 Duty to Protect Prisoner
- RR-306 Inappropriate Force
- RR-310 Mistreatment of Prisoners/Suspects

1. Duty to report:

- a. An officer who witnesses inappropriate force by other law enforcement officers will report it immediately to a supervisory or command officer.
- b. Failure to report inappropriate force is a violation of this Use of Force Policy and can be a violation of state law – CRS §18-8-802.

2. Duty to intervene:

When reasonable under the totality of the circumstances, officers will intervene whenever they witness inappropriate force and/or mistreatment of arrestees, suspects, or other persons.

**(5) FACTORS TO CONSIDER IN DETERMINING WHETHER TO USE FORCE:**

Every use of force must be necessary, reasonable, appropriate, and in compliance with the provisions of this policy. In determining the appropriate level of force, officers will rely on this Use of Force Policy, their training (to the extent it is consistent with this Use of Force Policy), experience, and continual situational assessment. Factors to consider include, but are not limited to:

- The severity of the crime at issue.
- Whether the individual poses an imminent threat to the safety of officer(s) or others.
- Whether the individual is actively resisting arrest or attempting to evade arrest by flight.

- Whether the individual has the means or capability to cause injury or death to an officer or another. This may include, but is not limited to, the individual's physical ability, size, age, strength, level of aggression, and any weapons in their immediate control.
- The proximity of weapons.
- Environmental factors.
- Presence of persons who are likely to interfere.
- Availability of cover officers/additional resources.
- Individual's demonstrated mental state.
- Whether a person is unresponsive and the reasons for that unresponsiveness.
- The availability of tactical options to avoid using force or to reduce the level of force necessary.

This policy does not require that an officer attempt to select or exhaust each option before moving to the next level of force, so long as the force employed is necessary, reasonable and appropriate.

It is the expectation of this department that when a suspect is under control, either through the application of physical restraint or the suspect's compliance, only the degree of force needed to maintain control will be used.

a. Force/control options: (See Resistance and Response Chart)

1. Command presence
2. Voice
3. Hand control / Restraint technique
4. Chemical agent
5. Hand strike, leg thrust / kick
6. Baton / Impact tools and devices
7. RIPP™ restraint device
8. Taser
9. Less lethal munitions
10. Police service dog
11. Deadly force

b. Deadly weapons:

When confronted by a suspect armed with a deadly weapon including edged weapons, an officer will, if circumstances permit, weigh the totality of the circumstances to determine whether force should be used and, if so, the appropriate level of force. Practical considerations may include, but are not limited to:

1. The ability to carry out an immediate attack
2. The speed at which the incident/situation is evolving
3. Use of force options that may be necessary, reasonable, appropriate, and available.
4. When reasonable for the safety of officers and other persons in the vicinity, the use of time, distance, and cover may help protect life and safely resolve a situation. Disengagement, repositioning, cover, concealment, barriers, or retreat may be tactically preferable to a confrontation.

**(6) CHEMICAL AGENT – AEROSOL AND GAS MUNITIONS:**

Chemical agents provide an effective force option and may be used in the following situations:

- a. To prevent an injury to an officer or a third person.
- b. To ward off threatening dogs and other animals.
- c. To subdue a person who is threatening or attempting physical harm to himself or another.

- d. Against individuals resisting arrest or interfering with an arrest (minimally defensive resistance).
- e. To quell rioting/disperse unlawful crowds.
- f. Any situation where the officer can clearly articulate the need for deployment.
- g. The use of a chemical agent for crowd or riot control will be in accordance with the Crowd Management manual.

**(7) BATON / IMPACT TOOLS AND DEVICES:**

- a. If an individual resists non-violently (defensive resistance), the impact tool/device may be used only to apply come along / escort / pain compliance techniques. A person who remains non-violent will not intentionally be struck with an impact tool.
- b. If an individual is displaying active aggression toward an officer or other person, an officer is permitted, if necessary, reasonable, and appropriate, to use authorized strikes, kicks, and impact tools/devices.
  - The head and neck will not be intentionally struck with an impact tool/device unless the officer is justified in using deadly force.
- c. An impact tool or device is intended to be used to overcome non-deadly force rising at least to the level of active aggression; however, in certain circumstances the impact tool or device can be used to apply greater force up to and including deadly physical force.
- d. Officers must be able to articulate a compelling need to use any device or object as an impact weapon, other than those authorized.
- e. Officers are discouraged from using a firearm as an impact weapon for the following reasons:
  - The inherent danger of an accidental discharge endangering the officer and other bystanders.
  - The firearm is generally an ineffective impact weapon due to its construction and weight.

**(8) LESS LETHAL FORCE AND CONTROL OPTIONS – SEE OMS 105.03.**

**(9) POLICE SERVICE DOGS – SEE SPECIAL OPERATIONS DIVISION PSD POLICY.**

**(10) CAROTID COMPRESSION TECHNIQUE:**

The carotid compression technique constitutes the application of deadly force and is prohibited for situations requiring less than deadly force.

**(11) DEADLY FORCE:**

Officers are justified in using deadly force when reasonable and necessary to defend themselves or a third person(s) from what they reasonably believe to be the use of, or the imminent use of deadly force or the infliction of serious bodily injury.

- a. When reasonably possible, before engaging in its use, officers will identify themselves as a police officer, give the command he/she wants followed, and state his/her intention to shoot or apply deadly force.
- b. An officer may use deadly force to affect the capture or prevent the escape of a suspect where the officer has probable cause to believe the suspect poses an immediate threat of death or serious bodily injury to the officer or others.
- c. The use of deadly force against a person who presents a danger only to themselves is prohibited.

**(12) DISCHARGE OF FIREARMS:**

- a. When authorized:

The discharge of firearms must comply with applicable policies and procedures (and therefore law). A Denver police officer may engage in the lawful use of firearms under the following conditions:

1. In strict compliance with the circumstances in section (11).

2. In accordance with OMS 104.38, to kill a dangerous animal or one that humane treatment requires its removal from further suffering and alternative methods of disposition are impractical.
  3. To participate in authorized training.
  4. To participate in any authorized competition or legitimate sporting activity.
- b. Prohibited discharge:
- Officers will not discharge firearms under the following conditions:
1. At another person, unless the circumstances are such that the officer would be justified in using deadly physical force under section (11).
  2. Where there is likelihood of serious injury to persons other than the person to be apprehended.
  3. As a warning or to gain attention.
  4. Solely to protect property.
  5. At a moving vehicle except as permitted in section (13) a.

**(13) MOVING VEHICLES:**

- a. Firearms will not be discharged at a moving or fleeing vehicle unless deadly force is being used against a police officer or another person present by means other than the moving vehicle.
- b. Firing at moving vehicles is prohibited for the following reasons:
  1. Firing at a moving vehicle may have very little impact on stopping the vehicle.
  2. Disabling the driver may result in an uncontrolled vehicle, and the likelihood of injury to occupants of the vehicle (who may not be involved in the crime) and bystanders may be increased when the vehicle is either out of control or shots are fired into the passenger compartment.

**(14) STOPPED / STATIONARY HIGH RISK VEHICLE CONTACTS:**

Where reasonably possible, officers are discouraged from immediately approaching a stopped/stationary vehicle after a pursuit or other high-risk stop or contact. Where circumstances permit, officers will use time, distance, cover, and assisting officers to their advantage, utilizing appropriate tactics to safely resolve the situation.

**(15) RESPONSIBILITY TO PROVIDE MEDICAL ATTENTION:**

- a. Officers are responsible for requesting emergency medical services as required by policy and/or in any circumstance where the officer has come into contact with an injured individual and any delay in treatment could potentially aggravate the severity of the injury. While awaiting emergency medical services, officers should provide first aid (when appropriate) to their level of training without any unreasonable delay, taking the following into consideration:
  1. The first priority of all officers is scene safety. Mitigating any potential threats prior to providing first aid will remain the most important task, because once treatment begins, officers may quickly lose any tactical advantage due to the fact they will be kneeling, crouched and/or have their attention diverted during the assessment and rendering of first aid.
  2. Officers rendering first aid should use care not to aggravate the injury.
  3. Officers electing to participate in the optional Tactical Casualty Care for Law Enforcement Officers and First Responders (TCC) course are authorized to utilize the approved trauma and/or tourniquet kit distributed by the Department upon successful completion of the course(s).

- If applied in the field, officers will document the use of the trauma kit within a street check.
- In order to replace the contents of the trauma kit, officers will submit a DPD 200, identifying the replacement items requested, the CAD number of the incident and a copy of the street check, to the Deputy Chief of Administration's Chief of Staff. Once submitted, the officer will be provided instructions on how to receive the replacement items.

b. Upon taking an individual into custody, arresting officers have the duty to exercise reasonable care for the prisoner's health and safety.

c. Ingestion of Contraband / Dangerous Substances:

The department's primary objective in dealing with individuals who are believed to be concealing or who have ingested narcotics in their mouth is the preservation of life. The secondary objective is to preserve and recover evidence whenever possible. Interacting with narcotics dealers or users comes with inherent risks. Users can often be desperate and their behavior can be very unpredictable. Safety, not the arrest of the suspect(s) or seizure of evidence is the most important factor to be considered in these instances.

1. Often, individuals fearing arrest will ingest or attempt to ingest controlled substances to avoid prosecution. Officers have a responsibility to ensure that individuals who face a potential medical emergency receive the necessary medical attention, regardless of the impact to any investigation. Consequently, experience has revealed that a person may be at risk if they chewed a narcotic for sufficient time to allow for ingestion (absorption) to occur, regardless of whether they actually swallowed the narcotic.
2. Officers may not use physical force solely to stop a person from swallowing a substance or to retrieve evidence from the person's mouth. Officers may use necessary, reasonable and appropriate force to take an otherwise resisting person in to custody.
3. When an officer believes that a person has ingested a narcotic, the officer will promptly call for an ambulance to assess and treat the individual.
4. The officer should ask the person if he or she has swallowed a narcotic or is holding narcotics in his/her mouth and encourage an honest reply by explaining the serious consequences of swallowing narcotics, including the possibility of overdose or death. These measures may save the life of the person who unknowingly places him or herself at serious risk of injury or death due to overdose.
5. Potential signs of ingestion are:
  - Loss of consciousness
  - Semi-consciousness
  - Apparent trouble breathing
  - Choking
  - Profuse sweating
  - Non-responsiveness (mental state)
  - Loss of mobility (inability to move or walk)
  - Vomiting
  - Extreme hyperactivity
  - Extremely violent behavior
  - Apparent imperviousness to pain
6. When an individual has been transported to the hospital, the reporting officer will:

- Notify a supervisor as soon as practical.
  - Accompany the individual to the hospital.
  - Notify the attending physician of the situation, including estimated time elapsed since the narcotic was ingested, and if possible, the type, quantity and packaging of the narcotic ingested.
  - Detail the incident in a GO report and statement, or complete a street check detailing medical treatment received.
  - Call the appropriate district narcotics unit for guidance on possible charges and to determine if there is a need for a search warrant for stomach contents or for a dry cell at the Denver Detention Center.
  - Notify the Denver Sheriff Department deputy assigned to the DHMC and provide them a completed Sick and Injured report (DPD 150). Write "Possible Narcotic Ingestion" on the form.
  - Book any evidence obtained as a result of medical treatment in accordance with established procedure.
- d. The involved officer(s) will visually examine the person displaying or claiming injury, request medical attention, and immediately notify a supervisor, whenever:
1. Injury results from force used by department personnel; or
  2. He/she is in contact with a person with obvious injuries who may claim they resulted from the contact with the officer; or
  3. A person is subjected to a chemical agent, impact techniques or use of a Taser.
- e. Medical treatment at the scene is deemed the most appropriate response, though it is understood that safety concerns may necessitate moving the subject to another location before treatment can occur. Medical personnel will determine whether further treatment is required.
- f. Only medical personnel will be allowed to remove probes from individuals shot with a CEW / TASER.
- g. Officers will advise responding medical personnel, and personnel taking custody of an arrestee/detainee, of any observations that indicate the subject is possibly under the influence of alcohol, controlled substance(s), medical or emotional duress, or displaying possible symptoms of excited delirium. (refer to training bulletin dated 2-14-2014)
- h. Arrestees suffering from any illness, injury, or other condition that requires medical attention, such as the ingestion of narcotics or other harmful substances, will be sent to Denver Health Medical Center or other hospital for treatment.
- i. It is the policy of the Denver Sheriff Department to refuse custody of injured arrestees unless accompanied by reports indicating that they have been examined or treated, or have refused to submit to examination or treatment at Denver Health Medical Center or another appropriate medical facility. Officers will notify detention personnel of the nature of force used when transferring custody of arrestees.

**(16) DEATH FOLLOWING APPLICATION OF FORCE:**

Should a subject die after a use of force or during custody by Denver police officers, the Major Crimes Division will be notified and the scene will be processed as an in-custody death investigation - see OMS 301.14 (8).

- The Crisis Services Division will be notified and offer assistance.

**(17) USE OF FORCE REVIEW:**

The Internal Affairs Division will review every use of force incident. Depending on the severity, a use of force incident may be subject to further review by the Use of Force Review Board, the Tactics Review



Board, the District Attorney's Office or other independent agencies as required by policy.

**(18) RESISTANCE AND RESPONSE CHART – SEE NEXT PAGE.**

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This graphic does not represent a force continuum. It is a guide with a general range of response options based on an individual's type of resistance.



1. The use of a police service dog is addressed in the Special Operations Division PSD policy
2. The police response during crowd control situations can include lower or higher levels of force based on circumstances