

**Longmont Police Department
Policy - 601**

Use of Force / Use of Force Reporting

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601.01 Use of Force - Policy

Human life is highly valued and given the highest priority within the department's value system. The department values constitutional principles and recognizes the authority of federal, state, and local laws. Department members are authorized by law to use force when needed to carry out the responsibility of protecting the public welfare and to defend themselves. The department recognizes that a careful balancing of individual human rights and public interest is required when force is used by police. It is the policy of the department that members use only that force which is justified given the individual circumstances of an incident. As such, in order to be accountable to the public we serve, all uses of physical force by members in carrying out their duties must be reported to the Professional Standards Unit through the chain of command on the Use of Force Report. The amount and type of force used is to be reviewed so that a determination can be made whether or not it was reasonable and justified.

All use of force instructors shall be certified law enforcement officers.

Where feasible and necessary, those who have had force used against them will be offered medical treatment.

Use of Force - Procedure

A. C.R.S. 18-1-707(1) - 18-1-707(4) Use of Physical Force in Making an Arrest or in Preventing an Escape reads as follows:

(1.) Except, as provided in subsection (2) 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.

(3.)Nothing in subsection (2)(b) 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, which 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) and (2) of this section unless the warrant is invalid and is known by the officer to be invalid.

B. Where feasible, the officer must give some warning prior to using deadly physical force.

C. Lethal Force - General Provisions

1. The justification for the use of deadly physical force or lethal force must be limited to what reasonably appear to be the facts, as known or perceived, at the time the decision to use force is made. Facts, unknown to the officer, no matter how compelling, cannot be considered in later determining whether the use of lethal force was justified.

2. The law of justifiable use of physical force authorizes an officer to use lethal force when it reasonably appears necessary to protect ones self or another from immediate threat of serious bodily injury or from the imminent threat of death.

D. Discharge of Firearms

1. Firearm for this section applies to firearms designed to fire penetrating projectiles such as .45 cal, .223, 38, 9mm, .308 and .40.
An officer may discharge a firearm:
 - a. In accordance with the applicable laws of the state of Colorado;
 - b. At an approved target or firing range;
 - c. For practice, in a safe manner, in any area where firing a weapon would not be in violation of the law;
 - d. In order to destroy an animal that appears to be suffering from an apparent fatal wound or sickness, but only after making reasonable attempts to locate and receive permission from the animal's owner;
 - e. At any animal that he reasonably believes is mad or vicious and cannot otherwise be prevented from attempting to kill or seriously injure any person or other animal; or
 - f. While engaged in a legal recreational or sporting activity.
2. An officer is prohibited from discharging a firearm:
 - a. In conscious disregard of substantial risk of harm to an innocent bystander except where the risk of this injury reasonably appears to be outweighed by the need to defend your own or someone else's life;
 - b. When a lesser degree of force is reasonable and appropriate.
 - c. At or from a moving vehicle except in self-defense or in the defense of another from the use of deadly physical force;
 - d. In order to fire warning shots; or
 - e. In order to effect the arrest or prevent the escape of a misdemeanor unless the escapee is using a deadly weapon.

E. Less Lethal Force - General Provisions

1. Members are authorized to use department approved less than deadly physical force techniques and weapons for the resolution of incidents as follows:

- a. To prevent an imminent breach of the peace, or prevent suicide or self inflicted injury;
 - b. In making lawful arrests, searches and seizures, overcoming resistance to such arrests, searches or seizures, preventing escapes from custody, and in making an investigative detention of a person whom the member reasonably suspects is committing, has committed, or is about to commit a crime (C.R.S. 16-3-103);
 - c. In self defense or in the defense of another against unlawful force to person (C.R.S. 18-1-704);
 - d. To prevent or interrupt an intrusion or interference with the lawful possession of premises (C.R.S. 18-1-705);
 - e. To prevent a crime against property (C.R.S. 18-1-706), and
 - f. Other instances where the member can demonstrate that less than deadly physical force was lawfully used.
2. When members encounter situations in which the use of less than deadly physical force is reasonable and appropriate, they must assess the incident in order to determine which level of force is appropriate and which reasonably available less than deadly physical force technique or weapon allows for the situation to be brought under control safely.
 3. Even though the use of less than deadly physical force may be necessary in some situations, less than deadly physical force may not be resorted to unless other reasonable alternatives have been exhausted or would reasonably appear to be ineffective under the particular circumstances.

F. Administrative Suspension

1. Any officer whose application of force causes death or serious Bodily injury (as defined by C.R.S.) to any person may be placed on administrative suspension pursuant to section 3.04.465 of the Longmont Municipal.
2. Whenever possible the officer must complete all required reports prior to being placed on administrative suspension

G. Miscellaneous

1. Members use only as much force as reasonably necessary and appropriate to their lawful purposes, as permitted by this policy and applicable law. They do not use unnecessary force in dealing with any person. The use of physical force must end when its lawful purpose is accomplished.

2. The degree of force used by members must be in compliance with the training standards established by the department, which includes a use of force continuum.
3. No member is to use a greater degree of force without reasonably believing that lesser force would be ineffective.
4. All sworn personnel must be trained in this policy and any weapons related policies prior to authorization to carry a weapon.
5. Only the techniques and weapons authorized by the department may be utilized by a member to apply force unless the officer is in a position requiring an alternative technique. It is the officer's responsibility to justify any such deviation from techniques and weapons authorized by the department.
6. No department member is allowed to utilize use of force weapons or techniques until properly trained and tested for proficiency in the use of these weapons or techniques. All sworn personnel holding the rank of sergeant or below are required to participate in annual refresher training for less than deadly physical force techniques and weaponry; to include PPCT, OPN, SIMs (Speciality Impact Munitions), Advanced Taser, and Pepper Spray. All police commanders must participate in the annual refresher training listed above unless expressly excused by their respective supervisor prior to the specific training.
7. Except for training, inspections, cleaning, and maintenance, officers do not draw or display their weapon unless circumstances cause the officer to believe that it may be necessary to lawfully use the firearm in accordance with the provisions of this policy.

601.02 Use of Force Reporting – Policy

- A. Pursuant to C.R.S. 18-8-801 to 18-8-804, an employee who observes a police officer acting within the performance of his duty using physical force against any person in excess of this policy and procedure must report such occurrence to his immediate supervisor as soon as possible. The report must be both orally and in writing through the use of an In House Incident Report. Failure to do so may subject the employee not only to disciplinary action but also to criminal prosecution.
- B. Incidents that require members to complete a Use of Force Report and submit through the chain of command are as follows:
 1. Where injury or death occur;
 2. Where there is an intentional or unintentional discharge of a firearm during a use of force;
 3. Whenever an officer points a firearm at another person;

4. Whenever a member applies a less than deadly physical force weapon or technique.

Note: Escort techniques, which do not rely on pain compliance, are exempt from this requirement.
 5. Whenever a motor vehicle is used as a method in which to apply force (i.e., ramming, roadblock, etc.).
 6. Other incidents as deemed necessary by the member's supervisor.
- C. In addition to completing a Use of Force Report, members must verbally notify their supervisor as soon as possible whenever a use of force incident results in a weapon discharge, serious injury, unconsciousness, or death.
 - D. Supervisors must also complete Use of Force Reports whenever they direct one or more members to utilize physical force against a person or a group of persons.
 - E. An additional incident requiring members to complete an In House Incident Report and submit through the chain of command is: whenever a member discharges a firearm in a non-use of force incident other than in training or for lawful sporting or recreational purposes.
 - F. In regard to subsection (B) and (E) above, it is the responsibility of the member's supervisor to fully review the member's actions as soon as possible and offer a conclusion as to whether or not any policies were violated. Such review is to address all factors pertinent to the situation including, but not limited to, factors leading to the force used, the adherence to applicable laws and statutes, and compliance with policies and training. The supervisor must also ensure that a thorough preliminary investigation and report of the incident is completed. If the involved member is unable to complete the appropriate reports, the supervisor is to complete it and indicate why the involved member was unable to do so. It is also the responsibility of the member's supervisor to initiate a PSU investigation when required or warranted.
 - G. Use of Force or In House Incident Reports, along with any other documentation, are to be forwarded to the Professional Standards Unit through the chain of command for review and assessment of actions, training needs, liability issues, and filing.
 - H. As governed by applicable departmental policies, an investigation is mandatory under the following circumstances:
 1. An alleged misuse of force;
 2. Severe injury or death resulting from the member's act; or
 3. The discharge of a deadly weapon or use of any deadly weapon, whether on or off duty, in a manner which may result in injury or death including accidental discharge. Target practice and the authorized destruction of animals are not included.

I. Miscellaneous

1. All uses of physical force must be reported to the Professional Standards Unit through the chain of command on the Use of Force Report form. Exception: Normal handcuffing techniques and escort techniques, which do not rely on pain compliance, are exempt.
2. All firearm discharges, except in training or for legal sporting or recreational activities, must be reported both orally and in writing to an on duty supervisor as soon as possible.
3. The supervisor that is initially notified of a use of physical force or firearm discharge is responsible for seeing that a thorough preliminary investigation and report of the incident are completed. Should the involved member not be able to complete the appropriate reports, the supervisor shall complete it and indicate why the involved member was unable to do so.
4. Off duty members who use any degree of force or display any weapon in a law enforcement capacity are required to notify the on duty watch commander of the incident as soon as possible. A Use of Force Report is also to be filed as soon as possible.

601.09 Use of Force Option- Conducted Energy Weapons

A. Policy:

Officers are authorized to use and deploy less lethal Conducted energy Weapons (CEWS) as approved by the department and subject to the provisions of the Colorado Revised Statutes and Longmont Police Department Policies.

B. Definition:

Conducted Energy Weapons (CEWS) are less lethal weapons that conduct electrical energy to target, thereby controlling and overriding the central nervous system of the body of the target. They are designed to safely incapacitate potentially dangerous person(s) from a distance that minimizes the danger to the officers involved.

C. Basic Provisions:

1. **Only those CEWS currently approved by the department shall be used.**
2. **A list of authorized CEWS will be maintained by the SWAT Team Less Lethal Specialists.**
3. **Only those commissioned officers that have successfully completed an approved CEW course will be authorized to carry and deploy CEWS.**

4. **Officers authorized to carry and deploy CEWS will annually complete refresher training and qualify with the CEWS.**

D. Deployment:

1. **Officers will notify dispatch and other officers over the radio of the arrival and deployment of CEWS.**
2. **When CEWS are deployed in situations involving a deadly weapon(s), a backup officer is to directly accompany the CEWS user and be designated to utilize lethal force, if necessary, consistent with law and department policies and procedures.**
3. **Officers should use verbal persuasion and commands for suspects to obey police orders and cease illegal behavior prior to the use of CEWS if circumstances allow it without risk to the safety of the officer or others.**
4. **Only officers certified to use CEWS or qualified medical personnel should remove any CEWS probes that have penetrated into the subject.**
5. **All persons subjected to a CEW and taken into custody shall be examined by qualified medical personnel and medically cleared.**
6. **Unless unsafe to do so, officers shall photograph all CEW injuries.**