



**CHAPTER 21
USE OF FORCE**

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21.0 PURPOSE

The purpose of this chapter is to provide guidelines and requirements for use of less lethal and deadly physical force.

21.1 POLICY

It is the policy of the Golden Police Department that members may use only the amount of physical force which they reasonably believe to be necessary to overcome resistance from a person being taken into custody, to stop an assault upon a third person, in self-defense, or as reasonable and necessary to perform their duties. These include Less Lethal Physical Force, Impact Weapons, OC Spray, Conducted Electrical Weapon, Less Lethal Shotguns with Bean Bag rounds and Deadly Physical Force. SWAT members may use Specialized Intermediate Force Instruments. Every member shall have knowledge of § 18-1-701 (2)(a), § 18-1-702 (1), § 18-1-703 (1)(d), § 18-1-704, § 18-1-707, and § 18-1-901 (3)(d), C.R.S. and act in accordance with the laws in all use of force situations. Any use of force greater than that necessary to gain compliance is considered excessive. Members will not use unnecessary force, whether it be physical or mental, against another person.

DEFINITIONS:

Bodily Injury – Physical pain, illness, or any impairment of physical or mental condition.

Conducted Electrical Weapon – A device that uses propelled wires or direct contact to conduct energy to affect the sensory and motor functions of the nervous system.

Deadly Physical Force – Force that when used, the intended, natural, and probable result is death.

Imminent Threat – Impending or immediate indication of danger or harm.

Less Lethal Physical Force – Any use of force that when used, the outcome is not intended to cause death or serious bodily injury.

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Reasonable Belief – Facts or circumstances a member knows, or should know, such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Serious Bodily Injury – Bodily injury, which involves a substantial risk of death, a substantial risk of serious permanent disfigurement, or a substantial risk of, protracted loss of impairment of the function of any part or organ of the body.

21.2 GENERAL

Members will treat the public with dignity and respect in adherence with the rights afforded by the United States Constitution, State of Colorado Constitution, and federal and state laws. Members are directed to read, know, and understand their legal rights, limitations, and obligations regarding the use of force.

It is not the intent of this chapter to require members to unnecessarily or unreasonably endanger themselves or others. This chapter is intended to be used to set forth guidelines and regulations for the necessary application of force. It is understood that no directive or other guideline can possibly cover all possible scenarios that may occur.

The department recognizes that situational, environmental and other factors can create a need to escalate or deescalate a member's use of force. As a result, a member may initiate a use of force at any level as long as their actions are reasonable in response to the actual or perceived threat. Members are expected to use sound judgment when employing any use of force option based on the totality of the circumstances which includes the information known to the member at the time.

Factors that may influence the level of force used include, but are not limited to:

- A. The nature of the offense(s);
- B. The behavior, actions, and number of subjects;
- C. Physical size and condition of the subject(s) and member;
- D. The availability of alternative responses;
- E. The availability of other members;

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- F. Proximity of weapons;
- G. Special knowledge;
- H. Injury or exhaustion;
- I. Imminent danger;
- J. Fitness and skill levels; or
- K. Disabilities.

In all cases of use of force, certain individuals such as juveniles, the elderly, persons of small stature, regardless of their age, those who are believed to be pregnant, persons with known / suspected medical problems or other disabilities, unconscious persons, and those under the influence of drugs / alcohol and/or showing symptoms associated with excited delirium, may be more susceptible to injury than others. Members should consider the greater potential for injury when deciding which type of force to use.

21.3 TRAINING AND PROFICIENCY

Members may carry / utilize a use of force instrument or technique only after successfully:

- A. Completing classes addressing:
 - 1. Department directives;
 - 2. State laws on the use of force; and
 - 3. Training applicable to the use of force instrument or technique.
- B. Demonstrating proficiency as directed by the department for the applicable use of force instrument or technique.

Any application of force must be in accordance with training received.

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21.4 LESS LETHAL PHYSICAL FORCE

A member is justified in using less lethal physical force when verbal persuasion has been ineffective or it is reasonably believed that verbal persuasion would be inadequate.

Empty hand force techniques:

- A. The use of strikes, punches, kicks, pressure point techniques, distraction techniques, joint locks, strength techniques and other forms of empty hand force techniques may be used when a lesser degree of force is ineffective or impractical. Impacts to certain parts of the body such as eyes, ears, nose, throat, groin, and knees may cause permanent injury and should be avoided whenever possible.
- B. The use of any type of arterial or neck restraint is prohibited unless the use of deadly physical force is justified.

Intermediate force instruments:

- A. Members will only carry / utilize intermediate force instruments that have been authorized by the Chief of Police.
 - 1. The specifications are outlined in *Appendix A* of this chapter.
 - 2. Members may request the authorization of additional items within a previously approved category by submitting a memorandum to the Chief of Police through their chain of command via the lead instructor of the affected discipline. The request must address sufficient and articulable reasoning as to why.
 - 3. Members may request the authorization of additional categories of intermediate force instruments utilizing the procedures outlined in *GPD PPM Chapter 15 – Planning Research and Development*.
- B. Sworn members conducting field activities are required to carry an impact weapon, oleoresin capsicum (OC) spray, or conducted electrical weapon (CEW) to provide them with a less lethal alternative

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to the use of deadly force. The method of carry will depend on a member's assignment.

1. Uniformed members will carry the item on their duty belt
2. The method for carry for non-uniformed members is their own individual preference.

C. Members should store intermediate weapons they are assigned in their department locker or other safe location when they are off duty.

D. Impact weapons:

1. An impact weapon, typically an expandable or wood baton, may be used when a lesser degree of force is ineffective or impractical.
2. Members must exercise caution not to fatally or permanently injure a person. Members should avoid strikes to a subject's head, neck, throat, or spine, unless deadly physical force is justified.
3. Items that could be used as an impact weapon, i.e., flashlights, will only be used as such when no other instrument is immediately available.
4. Riot batons will generally not be deployed in non-crowd or non-riot control situations.

E. Oleoresin capsicum (OC) spray (pepper spray):

1. OC spray may be used when a lesser degree of force is ineffective or impractical.
2. OC spray will not be used on subjects who are already restrained unless the actions of the subject are such that handling them could result in injury to them or a member.
3. Subjects that have been OC sprayed will be decontaminated and medically cleared by medical personnel as soon as possible following the exposure. Whenever possible, this should be done at the scene / prior to transport to another location.

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4. Aerosol grenade delivery systems will not be used without the approval of the watch commander due to the level of contamination and decontamination requirements associated with their use.

F. Conducted electrical weapon (CEW):

1. A conducted electrical weapon (CEW) may be used when a lesser degree of force is ineffective or impractical when dealing with subjects:
 - a. That are actively resisting; or
 - b. Have signaled or indicated their intentions to actively resist. A subject's refusal to comply with verbal commands by itself does not necessarily constitute active resistance.
2. Members should not use a CEW in the following circumstances:
 - a. In environmental conditions that may pose a threat of unintended injury such as situations where:
 - i. There is a known or suspected presence of combustible or flammable substances, liquids, vapors, or gasses, i.e., alcohol based OC spray, gasoline, natural gas, propane.
 - ii. Subject's fall may reasonably result in death or serious bodily injury, such as from an elevated structure, unless deadly physical force is justified.
 - b. On fleeing subjects that simply flee to avoid contact and disobey a member's commands to stop as sole justification for use. A member's reasonable belief and/or probable cause that a subject has committed, is committing, or is about to commit a crime as well as other surrounding circumstances must be considered.
 - c. On subjects that are in physical control of a vehicle in motion such as automobiles, motorcycles, all terrain

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vehicles, bicycles, and scooters unless exigent circumstances require it.

- d. From a moving vehicle, unless the use of the device can be justified as a weapon of last resort prior to a higher level of force being used.
 - e. On subjects who are subdued / under control, i.e., in restraints and/or obeying police orders.
3. Due to the similarities in appearance and functionality between CEW's and a handgun, when a CEW is carried, it will be carried on the opposite side of the body as a member's handgun.
 4. Upon the decision to use a CEW, the device will be used the least number of times necessary (generally no more than 3 cycles) to overcome resistance and gain control of a subject.
 - a. Members are reminded that while under the effects of an CEW, a subject may not be able to respond to commands given during or immediately following the exposure. Members must observe a subject's behavior and look for signs of compliance prior to additional use of the device.
 - b. As with other types of force, CEW's may not be completely effective in some situations. Members must be prepared to secure / restrain a subject while they are still disabled by the effects of a CEW or use another type of force to minimize the amount of exposure to a CEW and risk of injury to a subject.
 5. Application of an CEW to sensitive areas of the body such as the head, neck, throat, groin and spine should be avoided unless exigent circumstances exist or another area is not available.
 6. When firing a CEW, members will provide appropriate verbal warnings unless impractical.
 7. Probe removal guidelines

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- a. Only members that have completed CEW training will remove probes that have penetrated the body unless the probes are located in a sensitive area such as the neck, throat, face, groin, spine and female breast areas.
 - b. Probes in sensitive areas will be removed by medical personnel consistent with their protocols. If they cannot remove the probes, they will transport the subject to the hospital to have the probes removed.
 - c. Probes that have penetrated the body will be treated as biohazards and will be disposed of accordingly.
8. Any subject that has had a CEW applied, regardless of the device configuration or the actual penetration of probes, will be medically cleared by medical personnel.
 9. If a CEW is utilized, the serial number of the CEW and the cartridge, if applicable, will be listed in the report narrative.
 10. It is not necessary to collect any of the cartridge identification tags or keep the cartridge for evidentiary purposes, unless it is related to a Critical CEW Incident (i.e. serious bodily injury or death). Procedures outlined in the GPD Submission and Packaging Manual should be followed for collecting and securing physical evidence related to Critical CEW Incidents. This does not prohibit a member from doing so if they feel it is necessary due to the nature of the deployment or other related circumstances.
 11. As soon as possible following the incident where a CEW was used, it will be taken out of service and forwarded to Professional Standards so information stored by the device can be downloaded / archived.
- G. Less lethal extended range impact devices (bean bag rounds - 12 gauge):
1. Less lethal extended range impact devices (bean bag rounds) designed for use with a 12-gauge shotgun may be used when a lesser degree of force is ineffective or impractical.

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2. Members must exercise caution not to fatally or permanently injure a person. Members should avoid strikes to a subject's head, neck, throat, chest, spine, or groin unless deadly physical force is justified.
3. Due to the increased potential for internal injury, subjects that have been hit with a bean bag round will be medically cleared by medical personnel as soon as possible following the application of force. Whenever possible, this should be done at the scene / prior to transport to another location.
4. Less lethal shotguns will be used for this purpose only. At no time will any other type of shotgun ammunition be loaded into or carried with a less lethal shotgun.
5. Bean bag rounds will be stored separate from other types of shotgun ammunition.
6. Carry requirements;
 - a. A less lethal shotgun will be carried in each of the patrol vehicles designated as supervisor vehicles. Excluding tactical situations, the less lethal shotgun will be secured in a locking gun rack or trunk/hatch until deployed.
 - b. Members may check out a less lethal shotgun from the armory for carry while they are on duty. Excluding tactical situations, the less lethal shotgun will be secured in the trunk / hatch in a case until deployed.
 - c. At least one less lethal shotgun will be carried in the field at all times. It is the responsibility of the watch commander to ensure compliance with this requirement.
7. Less lethal shotguns will be carried in a cruiser ready configuration specific to the less lethal shotgun.
 - a. The less lethal shotgun cruiser ready configuration:
 - i. Chamber empty;

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- ii. Action closed;
- iii. Trigger depressed;
- iv. Safety engaged;
- v. Magazine tube unloaded / empty; and
- vi. Side saddle loaded with eight bean bag rounds (three up and five down configuration).

- b. Members carrying a less lethal shotgun will check it at the beginning of their shift / prior to carry to ensure that it is serviceable and in the cruiser ready configuration.

8. Less lethal shotgun storage:

- a. Less lethal shotguns in supervisor vehicles may be left in the vehicle in-between shifts.
- b. Other less lethal shotguns will be returned to the armory when not in use.
- c. When stored in the armory, less lethal shotguns will be stored in the following condition:
 - i. Chamber empty;
 - ii. Action open;
 - iii. Safety engaged; and
 - iv. The magazine tube unloaded / empty.

9. The procedures / requirements for such things as cleaning, maintenance and repair of less lethal shotguns will be the same as those used for other types of shotguns.

H. Specialized intermediate force instruments:

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1. Members on a special assignment or the Jefferson County Regional S.W.A.T. Team may carry specialized intermediate force instruments, i.e., 37mm or 40 mm projectile launcher and projectiles, with the approval of the Chief of Police.
2. Members assigned to the Jefferson County Regional S.W.A.T. Team authorized to carry specialized intermediate force instruments will be trained and must demonstrate proficiency as designated by the S.W.A.T. Team. Other members authorized to carry specialized intermediate force instruments will be trained and must demonstrate proficiency as directed by the Chief of Police.

21.5 DEADLY PHYSICAL FORCE

Deadly physical force shall only be used when a member reasonably believes that a lesser degree of force is inadequate. Members are permitted to use deadly physical force in conformance with § 18-1-707 (1)(a) and (b), (2)(a) and (b), (3), and (4), C.R.S.:

- A. In self-defense and defense of others when the member has clear and sufficient reason to believe that the person presents an imminent threat, coupled with the capability of killing or causing serious bodily injury to the member or another person.
- B. The use of deadly physical force against a fleeing felon may only be used when a member reasonably believes that the fleeing felon presents an imminent threat of death or serious bodily injury to the member or another person.
- C. Justification for the use of deadly physical force must be limited to what reasonably appears to be the facts known or perceived by a member at the time they decide to use such force. Facts unknown to a member, no matter how compelling, cannot be considered later in determining whether the use of force was justified.
- D. Regardless of the nature of the crime or the legal justification for using deadly physical force against a subject, members are reminded that their responsibility is to protect the public. Members are instructed to be particularly cautious when using deadly physical force that would subject any member of the general public to substantial danger.

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21.5 DISCHARGE OF A FIREARM

Members are permitted to discharge a firearm under the following conditions:

- A. When the use of deadly physical force is warranted.
- B. At an approved target at an approved firing range.
- C. For practice or recreational shooting in an area where firing a weapon is safe and lawful.
- D. In order to destroy a non-domesticated animal that appears to be suffering from a fatal injury or sickness or at any animal that is visibly affected by disease or vicious and cannot otherwise be prevented from killing or seriously injuring any person. Approval should be obtained from the watch commander whenever possible before destroying an animal with a firearm.

Members will not discharge a firearm under the following circumstances:

- A. Warning shots will not be fired to induce the surrender of a subject.
- B. At a person who has committed only a misdemeanor or a traffic violation.
- C. To prevent the theft or destruction of property.
- D. To halt a person who simply flees to avoid arrest.
- E. When it is likely that a member of the general public may be hit by a shot or ricochet.
- F. From a moving vehicle.
- G. At a moving vehicle unless the use of deadly physical force is justified and other reasonable means of defense have failed or would be impractical. In such cases, the application of deadly physical force shall be directed at the occupant(s).

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21.6 POLICE VEHICLE AND POLICE K-9

Refer to *GPD PPM Chapter 24 – Pursuit and Emergency Vehicle Operations* for directives related to the use of force involving a police vehicle.

Refer to *GPD PPM Chapter 55 – K-9* and the Patrol Operating Guidelines for directives related to the use of force involving a police K-9.

21.7 SURRENDER OF WEAPONS

Members are strongly discouraged from ever surrendering any weapon(s) to anyone who may be holding someone as a hostage or is a suspect in criminal activity. The ultimate decision must be made by each individual involved, based on circumstances that surround the incident.

21.8 MEDICAL AID

In addition to any requirements outlined in other sections of this chapter, whenever a member employs a use of force, medical assistance will be requested as soon as possible for a subject that:

- A. Sustains an injury;
- B. Is suspected of sustaining an injury; or
- C. Complains of an injury.

Medical personnel will be informed of all facts and circumstances surrounding the application of force, i.e., type of force used, location(s) of application. They will be responsible for determining the best method for treatment.

Whenever possible, photographs will be taken of the area(s) of the subject's body where there is a known / visible injury or a suspected injury, or where the subject is complaining of an injury.

21.9 WATCH COMMANDER NOTIFICATION AND RESPONSE

The watch commander will be notified as soon as possible when:

- A. A firearm is discharged for reasons other than training, recreational purposes, or the destruction of an ill or injured animal.

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- B. A use of force results in, is suspected to have resulted in, or is alleged to have resulted in injury or death of any person.

The watch commander will respond to the scene of an incident involving one of the above circumstances.

21.10 USE OF FORCE REPORTING CRITERIA

Complete documentation in a case report of a use of force, to include a member's specific articulation of the type of force used and their rationale and justification for that application of force, will be completed whenever a member:

- A. Discharges a firearm for reasons other than training or recreational purposes;
- B. Takes any action that results in, is suspected of resulting in, or is alleged to have resulted in an injury or death of another person; or
- C. Applies force involving the use of a firearm, empty hand force technique, intermediate force instrument, K-9, or a vehicle.

A review of these incidents will be completed in accordance with the procedures in *GPD PPM Chapter 8 – Incident Review Board*.

21.11 EXCESSIVE USE OF FORCE

Under § 18-8-802, C.R.S., any member who witnesses another member acting in an official capacity, use excessive force against any person, is required to report such use of force to their immediate supervisor. If a member is unable for any reason to make the report to their immediate supervisor, the report can be made to any department supervisor.

The report shall be made in writing within ten days of the occurrence and must include, at minimum:

- A. The date, time, and place of the occurrence;
- B. The identity, if known, and description of the participants;
- C. A description of the events; and

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D. The force used.

21.12 REMOVAL FROM LINE DUTY

The Chief of Police or designee shall relieve from line duty, any member whose actions or use of force while acting in an official capacity results in death or serious bodily injury, either accidentally or intentionally.

The Chief of Police or designee also has the authority to relieve from line duty, any member who has discharged their firearm, including off duty and accidental situations, excluding training or recreation.

Any member, who has been relieved of line duty under these circumstances, will continue to receive their salary and benefits pending the review of any internal and/or criminal investigation(s) by the Chief of Police, at which time, their status may be changed by the Chief of Police.

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APPENDIX A: APPROVED INTERMEDIATE FORCE INSTRUMENTS

I. IMPACT WEAPONS

MANUFACTUREER	MODEL	OTHER SPECIFICATIONS / INFORMATION
ASP Collapsible Baton	18" – 26" (Expanded)	
Straight Baton	Wood – 30" Max Length	1-1/4" Diameter (Approximate)
Riot Baton	Wood – 36" Max Length	1-1/2" Diameter (Approximate)

II. OLEORESIN CAPSICUM (OC) SPRAY (PEPPER SPRAY)

MANUFACTURER	STREAM / TYPE	OTHER SPECIFICATIONS / INFORMATION
First Defense (Defense Technologies)	MK-3	Non-Flammable Ballistic Stream
First Defense (Defense Technologies)	MK-4	Non-Flammable Ballistic Stream
First Defense (Defense Technologies)	MK-9	Non-Flammable Ballistic Stream
First Defense (Defense Technologies)	Aerosol Grenade	Non-Flammable Fogger
First Defense / Safari Land	Foam	Non-Flammable Foam

III. CONDUCTED ELECTRICAL WEAPON (CEW) / CARTRIDGES

MANUFACTURER	MODEL	OTHER SPECIFICATIONS / INFORMATION
Taser International	X26	Voltage: 50,000 Volts (Peak), Wattage: 7 Watts (Nominal)
Taser International	21-foot Cartridge	Standard Probes

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**IV. LESS LETHAL EXTENDED RANGE IMPACT DEVICES (BEAN BAG
ROUNDS – 12 GAUGE)**

MANUFACTURER	MODEL	OTHER SPECIFICATIONS / INFORMATION
Remington	870 Police Magnum / 870 Express	Action Type: Pump Action Barrel Length: 18-inches Sights: Beads Magazine Tube Capacity: 6 Rounds Side Saddle: 8 Rounds Stock and Forend: Orange with “Less Lethal” on Stock (Speedfeed)
Defense Technology	Drag Stabilized Bean Bag	Translucent Hull