POLICY:
It is the policy of the Boulder County Sheriff’s Office for deputies to comply with the laws of the State of Colorado and use only the amount of physical force that is objectively reasonable to affect an arrest, prevent an escape, defend themselves or another from bodily harm, or preserve the peace. The sheriff’s office recognizes that deputies will encounter infinitely variable situations in the performance of their duties. Variables in size, strength, and fighting skill will be encountered between officers and potential adversaries. Persons against whom force may be used can be under the influence of alcohol or drugs. They may suffer from mental illness. Their willingness to comply with an officer's directions will vary widely and can change quickly.

In light of these factors, the sheriff’s office recognizes that objectively reasonable force used by deputies cannot always begin with the lowest levels of force. Further, because of differences in size, strength, age, and gender between deputies, different levels of force may be objectively reasonable for different deputies in similar situations.

The sheriff’s office use of force training regimen instills in deputies the capability to assess the potential harm that might result from use of force actions. The sheriff’s office teaches deputies a variety of tactics and skills including the use of verbal tactics, control holds, electronic control weapons (i.e. Taser®), chemical agents, strikes and kicks, less-lethal impact weapons and firearms. Additionally, canine and Special Weapons and Tactics units are maintained to provide further options for resolving use of force situations. Deputies assess situations and their own abilities and training, select the tactics and level of force that they believe is proportional to the need, and will successfully resolve the situation.

These decisions are then subject to sheriff’s office review and may also be reviewed by criminal and civil courts.

DEFINITIONS:

Active Aggression/Assault: An active attempt to inflict bodily injury against another person or a deputy. An assault against a deputy or other peace officer is considered an elevated risk because of the possibility that the person committing the assault may get possession of one of the deputy’s/officer’s weapons and use it against another person.

Active Resistance: A refusal to comply with instructions accompanied by physical action that is intended to injure, thwart a lawful arrest, or to interfere or overcome an attempt by a deputy to lawfully subdue the resisting individual or another person.
Deadly Force: Any use of force that is reasonably likely to cause death.

De-Escalation: A decrease in the severity of force required or used in an incident in direct response to a decrease in the subject’s level of resistance.

Defensive Resistance: Refusal to comply with instructions accompanied by resistance that does not yet rise to the level of active resistance but through word, or body posture, a person demonstrates an intention or willingness to cause or to attempt to cause injury to another person.

Elevated Threat: Articulable circumstances and factors that—in combination with the subject’s behavior or actions—lead a reasonable officer to believe there is an increased threat to their safety or the safety of another.

Empty-Hand Control: The use of bodily force to gain control of a subject.

Hard-Hand or Strike Control: An empty-hand control technique involving the use of strikes by the human body to restrain and/or control a subject. This may include, but is not limited to, punches and kicks, or strikes by the head, knee, or elbow.

Immediate: An event or action that is taking place.

Imminent: An event or action that is about to happen or occur.

Non-Deadly Force: Any use of force other than that which is considered deadly force. This includes any physical strike or instrumental contact with a person, any attempted or threatened physical strike or instrumental contact that does not take effect, or any significant physical contact that restricts the movement of a person beyond escorting or un-resisted handcuffing, intended to overcome the resistance of another.

Objectively Reasonable: Courts use this term as the standard by which officers’ actions will be evaluated in use of force situations. The United States Supreme Court has ruled that because police officers are often forced to make split-second judgments about the amount of force that is necessary in a particular situation, in circumstances that are frequently tense, uncertain, and rapidly evolving, the reasonableness of the officer’s belief as to the appropriate level of force should be judged from the on-scene perspective and not by using the “20/20” vision of hindsight. The reasonableness of the use of a particular level of force will be judged by paying, “careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight.”

Passive Resistance: For purposes of Sheriff’s policies, this term refers to a type of resistance encountered by deputies where a person refuses to comply with instructions but does not offer
any type of physical resistance outside of having their body go limp, stiffening their body or refusing to move. The term also refers to resistance by nonviolent methods to a government, an occupying power, or specific laws, as in refusing to comply, demonstrating in protest, or fasting.

**Soft-Hand Control:** An empty-hand control technique that uses grabs, holds, and joint locks to restrain an individual.

**Use of Force:** Use of any control holds or restraint techniques beyond non-resisted handcuffing, which may include hand control, chemical sprays, electronic control weapons, strikes, kicks, canines, impact weapons, threatened use of deadly force (including the pointing of a firearm at an individual), and any on-duty, non-training related, discharge of a firearm. For purposes of this policy, use of force does not include any escort techniques or holds on a compliant, non-resistive subject.

**Verbal Non-Compliance:** An individual ignores instructions and/or refuses to comply with instructions but does not offer any type of physical resistance.

**PROCEDURE:**

I. **Use of Deadly Force**

   A. A deputy is authorized to use deadly force to:

      1. Defend himself or herself or a third person from what is reasonably believed to be the use or imminent use of deadly force; or

      2. To effect an arrest, or to prevent the escape from custody, of a person whom the deputy reasonably believes has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon, or is attempting to escape by use of a deadly weapon; or

      3. When the subject 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.

II. **Other Deadly Force Events**

   A. Deputies may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure when the animal is seriously injured, and the deputy believes that the deadly force can be used without endangering others.
B. Discharging a firearm at an occupant of a moving vehicle is only authorized when the deputy is authorized to use deadly force against that occupant and the deputy reasonably believes that the risk to the deputy or others created by discharging a firearm is outweighed by the need to apprehend the suspect(s) without delay.

C. Discharging a firearm from a moving vehicle at any person outside of that vehicle is only authorized when the deputy is authorized to use deadly force against that person and the deputy reasonably believes that the risk created by discharging a firearm is outweighed by the need to apprehend the person without delay.

D. Discharging a firearm at a vehicle, whether or not it is moving, with the sole intent of disabling the vehicle, is prohibited unless the deputy is authorized to use deadly force against all occupants of the vehicle.

1. In exceptional circumstances, using a firearm with the sole intent of disabling the vehicle may be the most reasonable action available and provide for the greatest safety to the public and/or deputies. Under these circumstances, a command level supervisor may authorize an action under this section be taken when necessary, whether in a planned or unplanned event, using weapon(s) specifically designed to disable vehicles.

III. Use of Non-Deadly Force

A. A deputy is authorized to use the level of force that is objectively reasonable and necessary to bring an incident under control.

B. A deputy is authorized to use sheriff’s office approved techniques and equipment to apply non-deadly force to situations where it is necessary to:

1. Protect the deputy or others from physical harm;

2. Effect an arrest or restrain or subdue a resistant person; or

3. Bring any unlawful situation safely and effectively under control.

IV. Use of Force Coordination

A. When practical, deputies are required to coordinate the application of force in situations where more than one deputy is present and where any use of any level of force is authorized.

1. To ensure effective coordination deputies are encouraged to use
principles of the Incident Command System when planning, organizing and using multiple deputies to apply force against a person or persons.

V. Application of Force

A. Deputies will use advisements, warnings, and verbal persuasion, when possible, before resorting to the application of force.

1. A verbal warning is not required in circumstances where the deputy has to make a split-second decision, or if the deputy reasonably believes that issuing a warning would not be tactically advantageous and would place the deputy or others in jeopardy.

B. Force shall be de-escalated immediately as the subject’s resistance decreases.

C. Immediately following the use of force and placing the subject into custody, deputies shall evaluate and/or observe the subject for injury or complaints of pain resulting from the use of force and obtain any necessary medical care.

1. In instances where a serious injury occurs during a force encounter, deputies are required to render aid, to the best of their physical ability, until relieved by professional medical providers.

D. Force shall never be applied as punishment.

VI. Use of Force Reporting

A. Any deputy who uses force as defined in this policy during the performance of their duties is required to report that use of force to their supervisor as soon as practical and before the end of their shift. The circumstances of the use of force are to be detailed in the report documenting the crime or incident.

1. The deputy who applies force shall include, but is not limited to, the following considerations in their narrative report:

   a. The threat perceived, or underlying basis for the application of force, including the severity of the threat or security problem;

   b. The subject’s level of resistance;

   c. The force applied;
d. The subject’s response to each application of force;

e. The extent of injuries to the subject, if any, and any medical aid rendered.

2. In addition, each deputy using force is required to complete and submit a “Use of Force” form to the on-duty supervisor before the deputy ends his or her shift.

a. The supervisor who receives the “Use of Force” form is responsible for ensuring that the current procedure for distributing and documenting data on the form is followed.

3. Each deputy who uses force, or witnesses the use of force, is responsible for completing a narrative report detailing his or her involvement and observations.

4. Injuries sustained or alleged by a subject or a deputy as a result of a force encounter will be documented by photograph when possible, provided it does not interfere with or delay medical treatment.

B. Any peace officer who witnesses another peace officer use a level of force that exceeds the level permitted by state statute is required to report that use of force to his or her immediate supervisor in accordance with C.R.S. § 18-8-802.

1. Therefore, any deputy - whether or not commissioned as a state peace officer - who witnesses the use of force by any other deputy or peace officer that exceeds the level of force permitted by state statute is required to attempt to intervene, to the extent possible, and then make a report to his/her immediate supervisor as soon as practical and no later than the witnessing deputy’s end of shift.

2. Any deputy who receives information from any sheriff’s employee regarding the witnessed use of force by a deputy or other peace officer that the employee believes exceeds the level of force permitted by state statute is required to make a report to his/her immediate supervisor.

a. The initial report may be verbal; however, in every case the verbal report is to be followed up with a written report within 24 hours. The report is to include the date, time and place of the occurrence; the identity and/or description of the participants; and a description of the events and force used.
b. The written report is submitted to the author’s division chief within the 24-hour time period. The division chief will inform the undersheriff and sheriff of the report’s existence and provide a copy to each as soon as practical.

c. If the officers who allegedly used excessive force are employees of the Sheriff’s Office, an internal affairs investigation is initiated.

d. If the officer or officers who allegedly used excessive force are employees of another law enforcement agency the division chief or the sheriff will transmit the report to the person designated by that agency to receive and investigate such reports.

VII. Investigations

A. Every use of force incident will be reviewed by a supervisor. If there is reason to believe that an employee used excessive force, regardless of injury, the Internal Affairs Policy will be applied.

1. Application of lower levels of force will be reviewed by the deputy’s direct supervisor(s) when the subject sustains minor to no injury. Force in this category includes empty-hand control, restraint chairs, RIPP restraints, discharge of duty-carry chemical agents (e.g., OC), threatened use of a weapon, use of an Electronic Control Weapon in drive-stun mode, use of Noise Flash Diversion Devices (NFDD) outside an occupied structure when used to create a diversion outside the presence of a member of the community or a subject involved in an incident, and animal euthanasia.

2. Application of higher levels of force, or when lower levels of force result in injury requiring medical treatment, will be reviewed by the involved deputy’s affected commander. Force in this category includes the broad deployment of chemical agents, strikes delivered with an impact weapon or impact munitions, K9 bites, NFDD’s used in any manner beyond §VII.A.1, ECW deployment in dart-mode, multiple ECW exposures, or ECW exposures lasting longer than 15 seconds (cf. Policy 514 – Conductive Energy Devices).

a. Application of higher levels of force, or when lower levels of force result in injury requiring medical treatment, a formal investigation will be initiated with the purpose of completing a thorough use of force investigation and furthering knowledge of the adequacy of training, equipment, or tactics. The formal investigation is typically
memorialized as a Supervisory Review (SR) and will include an investigation of all uses of force, regardless of type, stemming from the same incident.

b. Use of force incidents that result in the death of a subject, serious bodily injury, or the discharge of a lethal firearm or impact munition at a person require the investigating commander or division chief to complete the office’s FBI Reporting Use of Force Form.

3. Supervisors may not conduct a force investigation for an incident in which they directed or participated in the application of force.

4. Force reviews that are not assigned as formal IA/SR investigations are documented on the ‘Use of Force Supervisory Review Form.’ This form is filed in the Records Section upon its completion under the corresponding incident number.

5. Force investigation dispositions are:

   a. Justified, Within Department Policy

   b. Justified, Policy Violation – A use of force is justified, but during the course of the incident the involved deputy(s) violated a department policy or procedure.

   c. Justified, Training Opportunity – A use of force is justified, no department policy or procedure violations occurred, but the investigation revealed aspects of tactics or force application concerns that can be addressed through training.

   d. Not Justified, Not Within Department Policy

B. Each division chief is responsible for tracking their division’s use of force and the resulting review disposition, which will be incorporated into the annual use of force report.

C. In any case where a deputy discharges a firearm at another person, or a death results from an application of any force, a formal investigation is initiated. The Sheriff shall determine who the investigation will be undertaken by based upon the circumstances of each incident (See Boulder County Investigation Team Policy #503 and the Boulder County Sheriff’s Office Internal Affairs Policy #318).
VIII. Administrative Actions

A. When an employee uses force in the line of duty and death results the employee is placed on administrative leave pending the outcome of a use of force investigation.

B. When an employee uses force in the line of duty and injury results, the employee may be placed on administrative leave, at the discretion of the employee’s division chief, pending the outcome of a use of force investigation.

C. It is the responsibility of the affected employee’s division chief, after consulting with the sheriff, to decide the duration of administrative leave. The factors the division chief should consider in making the decision include, but are not limited to, the following:

1. The type of force used and the result of that use of force;
2. The outcome of the investigation into the use of force incident;
3. The mental and physical condition of the affected employee;

D. Professional assistance may be sought to evaluate the employee’s current mental and physical condition.

E. Any on-going needs the employee may have as a result of the use of force.

IX. Training

A. Training in the application of force shall include, but is not limited to, the following elements:

1. De-escalation tactics and strategies;
2. Reasonable alternatives;
3. Threat perception, assessment, and analysis;
4. Determining the appropriate force response to a perceived threat;
5. Articulation of force application, documentation and reporting; and
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6. Current laws, including statutory, constitutional, and applicable case law.

B. The sheriff, undersheriff, and division chiefs may require employees to attend additional training in the use of force, as they deem appropriate and necessary.

By Order of the Sheriff,

[Signature]

Joseph K. Pelle

7/10/2019

Date