



<b>Policy Number</b>	<b>301</b>
<b>Title</b>	<b>Use of Force/Use of Force Reporting</b>
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**Use of Force - Policy**

The sanctity of human life is highly valued and the primary duty of all department personnel is to preserve human life. The Police Department also values constitutional principles and recognizes the authority of federal, state, and local laws. Whenever possible, de-escalation techniques shall be employed to safely gain voluntary compliance. The department recognizes that use of force is sometimes necessary to gain lawful compliance. Officers will gauge their use of force based on the individual's resistance and are authorized by law to use reasonable and appropriate force when needed to carry out the responsibility of protecting the public welfare and to defend themselves (18-1-707, Colorado Revised Statutes (C.R.S.), as amended). Officers are not authorized to use excessive force against any person and shall only use the level of force which is objectively reasonable given the totality of the circumstances of an incident [Graham v. Connor, 490 U.S. 386 (1989)]. The term "officer" in this policy may refer to both commissioned and non-commissioned officers, however, officers may only utilize weapons which they have received training on, shown proficiency in, and have been approved to use.

**Graham v Connor – Three-part test**

Graham v Connor was ultimately reviewed by the U.S. Supreme Court and established the "Objectively Reasonableness" standard for the use of force in an arrest and/or seizure of a person under the 4<sup>th</sup> Amendment.

Because reasonableness is not capable of precise definition or mechanical application, when reviewing an excessive force claim, a reviewer should give attention to the facts and circumstances of each particular case, including:

1. The severity of the crime at issue
2. Whether the suspect poses an immediate threat to the safety of the officers or others
3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.

If unreasonable or inappropriate use of force is suspected, the incident will be investigated in accordance with the Professional Standards Unit Policy (see Policy 821).

## **Definitions**

1. Danger – The possibility that a person or thing is likely to cause injury, pain, harm, or loss.
2. Deadly Physical Force - Any force, the intended, natural, and probable consequence of which is to produce death, and which does, in fact, produce death.
3. De-escalation – Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the threat to gain time which may increase options or allow other resources to be called upon to resolve the situation without the use of force or with a lower level of force than initially required. De-escalation may include, but is not limited to, command presence, verbal persuasion, non-verbal communication, advisements, warnings and tactical repositioning.
4. Excessive Force – as defined by C.R.S. 18-8-803 (2) and 18-1-707, as amended.
5. Firearms and Weapons - See C.R.S. 18-1-901 and 18-12-101, as amended.
6. Less Lethal Force - Force that is designed to temporarily incapacitate, confuse, delay or restrain an adversary with a reduced possibility of causing serious bodily injury or death.
7. Lethal Force - Any force, the intended, natural and probable consequence of which is to produce serious bodily injury or death.
8. Prone position - Means a position in which a person is lying on a solid surface with the person's chest and abdomen positioned downward even if the person's face is turned to the side or the person has one shoulder lifted, as defined by CRS 18-1-701 (2.7)(a)(II).
9. Prone restraint - means a use of physical force including but not limited to, the use of a mechanical restraint, in which the person who is being restrained is in a prone position, as defined by CRS 18-1-707(2.7)(a)(III).
10. Recovery position - means a position other than a prone position that allows the person to breathe normally, as defined by CRS 18-1-707-(2.7)(a)(IV).
11. Safety Priorities – The Longmont Department of Public Safety and the Police Services Division prioritize decision-making based on Safety Priorities. Any prioritization of our efforts should be based primarily on the person's ability to remove themselves from a dangerous situation. For example, hostages have little or no ability to remove themselves from the dire situation they may be in. Conversely, suspects have the most ability to remove themselves or affect the outcome of the situation through surrender. So, a hostage still has the highest priority, based on the fact that they are in the most peril with the least amount of control. When contemplating an action, reofficer to evaluate who would benefit or suffer most. These are guiding factors.
  1. Hostages/Innocents
  2. Officers
  3. Suspects
  4. Property Damage

## 5. Evidence

Officers will consider these safety priorities when deciding on a course of action requiring the use of force.

12. Impaired mental condition – as defined by 16-8-102 (2.7), as amended.
13. Immediate Danger - Immediate danger refers to a situation where there is an existing and real threat of serious bodily harm or death to other persons, and police officers, that requires an immediate response. In this context, the threat is ongoing and poses an immediate risk to the safety of individuals involved.
14. Imminent Danger - When used in this Policy Manual, the term “imminent danger” shall mean the suspect(s) actions are so dangerous that they present a clear threat of serious bodily injury or death to persons other than themselves. Such circumstances shall not include the mere act of fleeing. Factors to consider in assessing the imminent danger to others include but are not limited to, specific threats made while committing a violent felony or violent actions against a victim that the officer can infer the suspect will repeat, such as armed carjacking, robbery with a deadly weapon, or shooting at arriving police officers or citizens while the suspect is fleeing. The mere existence of an arrest warrant for a violent felony does not automatically infer an imminent danger to others, and one or more of the factors outlined above must also be present in order to establish that an imminent danger exists.
15. Mental Disease or Defect – as defined by 16-8-102 (4.7), as amended.
16. Police Officer - Sworn Colorado Certified Peace Officers, as defined by C.R.S. 16-2.5-101, as amended.
17. Threat – An act or expressed intention to inflict some level of pain, injury, damage, or other hostile action, including serious bodily injury or death, on someone.
18. Serious Injury – Could be, but not limited to, an injury sustained by a person as a result of an assault, crime of violence or intentional, reckless or unintentional act involving a motor vehicle or deadly weapon, which resulted in unconsciousness, the possibility of fractures, significant blood loss, visible bruising and swelling, lacerations, nerve, muscle or tendon damage; severe burns, injury to any internal organ; or hospitalization. This is not a definition defined by C.R.S.; it is used as an instructive aid for officers who are using force.

### **Use of Force - General Provisions**

1. All use of force must comply with this policy and applicable Federal and State law, including, but not limited to, C.R.S. 18-1-707, as amended.
2. All use of force instructors shall be certified law enforcement officers.
3. All officers will complete training on policies 301 and 210 in the Longmont Mini Academy prior to beginning the Field Training and Evaluation Program. Additionally, this policy will be reviewed annually during In-Service Training.
4. All Department employees are required to intervene, within the scope of their authority and training, and notify their supervisor if they observe another Department employee or public

safety associate engage in any unreasonable use of force or if they become aware of any substantive issues that may involve a violation of Departmental policy, State or federal law, or local ordinance. A sworn employee shall intervene immediately, physically or verbally, if they observe a clearly unreasonable use of force. Sworn employees must comply with all reporting and intervention requirements of CRS 18-8-802.

5. Officers shall use only as much force as reasonably necessary and appropriate to accomplish their lawful purposes. The use of physical force must end when its lawful purpose is accomplished. Officers will only use a degree of force consistent with the minimization of injury to others.
6. Officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. An officer may use physical force only if nonviolent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury or death to the peace officer or another person.
7. As soon as practical, first aid should be rendered to anyone who has been injured due to any police action. This assistance should include, if required, promptly notifying dispatch to activate emergency medical services in cases of obvious severe injuries, apparent medical distress, or unconsciousness.
8. If an individual is handcuffed in a prone position, officers should move them out of that position as soon as it is safe to do so by rolling the person onto their side, sitting them up or standing them up. Officers should monitor the individual for signs of distress and obtain medical treatment if warranted. If the person is unconscious and breathing, they should be rolled on their side to prevent aspiration and monitor their airway, breathing, and circulation. If they are unconscious and not breathing, start CPR immediately and request medical emergent. Doing so may minimize the risk of positional asphyxia and/or other potential medical issues. Medical clearance should be obtained for arrestees after the use of a prone restraint when there are injuries, or the subject complains of injuries.
9. In instances of physical force that result in serious bodily injury or death, an officer of the police department will notify their supervisor, who will ensure that any identified relatives or next of kin of the person is notified as soon as practical.
10. When passively resisting persons who are not armed with a weapon are to be taken into custody, including custody situations solely to prevent self-harm, then any force that may eventually be needed to overcome resistance that continues to be passive should be employed so that the risk of injury or harm to the person is minimized. Before the use of force, officers should make reasonable attempts to de-escalate the situation.
11. Officers will not use deadly force to apprehend a person who is suspected of only a minor or nonviolent offense and does not pose an immediate threat to the officer or another person.
12. If circumstances allow, and the risk to the safety of the officer or others is minimal or manageable, officers should use verbal persuasion and give commands to the suspect/subject(s) to obey lawful police orders before the application of any force.

Additionally, officers should make reasonable efforts to ensure commands are clearly audible and give the subject/suspect(s) an opportunity to comply.

The need for force, as well as the type, level, amount, and method of force used, must be based on objective factors, which can be articulated as being reasonable and necessary and not simply that the officer feared for their safety or the safety of others. In addition, as an event unfolds, these same factors must be continually evaluated and adjustments made as warranted. The use of force may need to be escalated, reduced or stopped.

13. Only the use of force options authorized by this policy and taught during training may be utilized by an officer to apply force unless the officer is in a position requiring an alternative technique or weapon. It is the officer's responsibility to justify any such deviation from the techniques and weapons authorized by the Police Department.
14. Officers should not intentionally target the head with a baton, Electronic Control Device (ECD), or less-lethal impact munition unless deadly force is authorized.
15. Except for legal uses, training, educational presentations, inspections, cleaning and maintenance, employees shall not draw or display their personally owned or Police Services Division issued firearms or weapons (lethal or less-lethal) to the general public unless circumstances cause the employee to believe that it may be necessary to lawfully use the firearm or weapon in accordance with the provisions of this policy.
16. When feasible, officers should warn subjects of the impending use of force and include a clear verbal warning of their intent to use firearms or other deadly physical force, allowing for sufficient time for the warning to be observed, unless doing so would unduly place the officer, or others, at risk of injury or create a risk of death.
17. With the exception of protecting yourself or another person who is in imminent danger of being killed or receiving serious bodily injury, a chokehold, or applying pressure to a person's neck to stop the flow of blood to the brain via the carotid arteries, as defined in C.R.S. 18-1-707, are prohibited.
18. Discharge of Firearms or use of deadly physical force.
  - a. An officer may discharge a firearm:
    - i. In accordance with the applicable laws of the state of Colorado;
    - ii. A peace officer is justified in using deadly physical force to make an arrest only when all other means of apprehension are unreasonable given the circumstance and:
      - a) The arrest is for a felony involving conduct including the use or threatened use of deadly physical force;
      - b) The suspect poses an immediate threat to the peace officer or another person;
      - c) The force employed does not create a substantial risk of injury to other persons.

Notwithstanding any other provision in section 18-1-707 (4.5) of the Colorado Revised Statute a peace officer is justified in using deadly force if the peace officer has an objectively

reasonable belief that a lesser degree of force is inadequate and the peace officer has objectively reasonable grounds to believe, and does believe that they are or another person is in imminent danger of being killed or receiving serious bodily injury.

- iii. At the driver of a vehicle who has used or is using the vehicle as a weapon in an attempt to kill, or seriously injure others.
  - iv. 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 (Handling and Euthanasia of Animals);
  - v. 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 another animal;
- b. An officer is prohibited from discharging a firearm:
- i. To fire warning shots;  
In situations involving a suspect(s) who is attempting to escape in a vehicle and is not using the vehicle as a deadly weapon. In these situations, officers should not use their bodies to block the vehicle and should attempt to move to a position of safety, when possible.

## 17. Less Lethal Force and Use of Chemical Agents

While the provisions regarding the use of force apply equally to the use of less-lethal force, the following provisions also apply to less-lethal force:

- a. Officers are authorized to use approved less-lethal force techniques and weapons for the resolution of incidents as follows:
  - i. To prevent an imminent breach of the peace or prevent suicide or self-inflicted injury.
  - i. In making lawful arrests, searches, and seizures, overcoming resistance to such arrests, searches, or seizures, preventing escapes from custody, and in making investigative detention of a person whom the officer reasonably suspects is committing, has committed, or is about to commit a crime (C.R.S. 16-3-103).
  - ii. In self-defense or in the defense of another against unlawful force.
  - iii. To prevent or interrupt an intrusion or interference with the lawful possession of premises.
  - iv. To prevent a crime against property.
  - v. Other instances where the officer can demonstrate that less-lethal force was lawfully used.
- b. When less-lethal weapons are deployed in situations involving a deadly weapon(s), a backup officer is to directly accompany the less-lethal weapon user and be designated to utilize lethal force, if necessary, consistent with law and Department of Public Safety policies and procedures and Police Services Division policies and procedures.
- c. In response to a protest or demonstration, **unless there has been a declaration of a Public Safety Order declaring an event a riot**, officers are prohibited from:
  - vi. Discharging kinetic impact projectiles and all other non- or less-lethal

projectiles in a manner that targets the head, pelvis or back.

- vii. Discharging kinetic impact projectiles indiscriminately into a crowd: or
  - viii. Using chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated, if necessary, followed by sufficient time and space to allow compliance with the order.
- d. A riot is defined by CRS 18-9-101 (2) as a public disturbance involving an assemblage of three or more persons which by tumultuous and violent conduct creates grave danger of damage or injury to property or persons or substantially obstructs the performance of any government function.

#### 19. Administrative Leave

- a. Any department employee who's actions cause death or serious bodily injury (as defined by C.R.S. 18-1-901, as amended) to any person will be removed from operational duty and may be placed on administrative leave, pursuant to section 3.04.465 of the Longmont Municipal Code, pending an administrative review of the incident.
- b. Officers shall not be compelled to complete a written report before being placed on Administrative Leave. However, in accordance with Officer-Involved Shootings and other serious injury incidents, and in order to facilitate the commencement or furtherance of an investigation, officers shall verbally provide the following information:
  - i. Suspect description, location, direction of travel if they left the scene or have accomplices, and a description of any weapons.
  - ii. The need for medical assistance for officers, suspects, or innocent victims,
  - iii. Boundaries of the scene and where the evidence may be that needs to be secured.
- c. Officers who have been interviewed by the Boulder County Investigations Teams (BCIT), the Critical Incident Response Team (CIRT – 19<sup>th</sup> Judicial District – Weld County) or an Investigations Team representing cities or jurisdictions outside of Boulder and Weld County, following an Officer-Involved critical incident may be instructed not to complete a report as outlined in Policy 401 - County-wide Critical Incident Team Investigations. If the officer is instructed not to complete a report in lieu of an investigator documenting the officer's interview, the officer shall complete a supplemental report in the Police Services report writing system to capture their use of force data only. The narrative section of this report will read "Interviewed by "**Insert Name of Investigations Team.**" This should be done as soon as practical after their return to duty.

#### **Use of Force Reporting**

- 1. All officers shall follow the reporting requirements as outlined in C.R.S. 18-8-802 as revised. Specifically, any officer who observes another peace officer using force, which may deviate from this policy or law, must report such use of force to a police supervisor as soon

as possible. The report must be both oral and in writing using an In-House Incident Report, which will be forwarded through the chain of command to the Professional Standards Unit (PSU). Failure to do so may subject the employee not only to disciplinary action but also to criminal prosecution.

With the exception of instances as outlined in section 19 above, documentation of a use of force shall be completed and submitted through the chain of command for review by each officer who uses force under the following circumstances: As such, and in order to be accountable to the public we serve, uses of force by officers in carrying out their duties must be reviewed through the chain of command and recorded by the Professional Standards Unit. The amount and type of force used is to be reviewed so that determination can be made whether or not it was reasonable and appropriate.

- a. When injury or death occurs.
- b. When an intentional or unintentional discharge of a firearm occurs.
- c. When a officer points a firearm or less-lethal weapon at another person.
- d. Whenever a motor vehicle is used as a method to apply force, e.g., ramming, roadblock, etc.
- e. When a K-9 bites or otherwise injures a suspect/subject.
  - i. If the suspect is present and the K9 is released to apprehend them, a UOF report will be completed whether an injury occurs or not. The mere presence of a K-9 at the scene of an arrest or the tracking of a suspect is not considered a use of force.
- f. When an officer uses any impact weapon (baton, flashlight, or another implement) as a striking tool or in a similar manner to achieve pain compliance. However, using the baton as leverage is exempt from this requirement as it does not rely on pain compliance.
- g. When a officer fires a Less Lethal Impact Munition at an individual or individuals.
- h. When a officer uses physical force on another person. However, escort techniques and handcuffing, which do not rely on pain compliance, are exempt from this requirement.
- i. When a officer deploys a Ripp Hobble.
- j. When a officer points or fires an ECD at another person.
- k. When a officer deploys a chemical aerosol spray on another person.
- l. When a officer deploys chemical munitions.
- m. When a officer deploys a Noise/Flash Diversionary Device in the immediate proximity of a suspect/subject.
- n. Other incidents as deemed necessary by the officer's supervisor.

This reporting requirement does not apply to situations where force is practiced during training. In addition, when dispatching an animal per Handling and Euthanasia of Animals, use-of-force documentation is not required, but an In-House Incident Report must be completed.

2. In addition to documenting the use of force, officers must verbally notify a police supervisor as soon as possible whenever the use of force incident involves:
  - a. The discharge of a firearm, or Less Lethal Impact Munitions (LLIMS), as defined in 301.08 (1) (a).

- b. Serious bodily injury as defined by C.R.S 18-1-901 (3) (p), as amended.
- c. Unconsciousness,
- d. Death,
- e. Any injury to a juvenile, or
- f. Whenever a person claims that a serious bodily injury was caused by police actions.

Under any of these circumstances, a police supervisor shall respond to the scene of the incident if practical. Except as noted below, the supervisor shall initiate an investigation, which should include, but may not be limited to, a recorded interview of any injured subjects, recorded interviews of any available witnesses, a neighborhood/area canvass to locate other witnesses, and photographs of the scene and any injuries.

As state law requires, as soon as practical, the supervisor will make reasonable attempts to notify any identified relatives or next of kin that the person was injured. All involved officers should be directed to complete a report, including those required to document the use of force. The supervisor will then collect, review, and process all investigative reports and materials per 301.04 (6).

The exception to the above is when an incident involves an officer(s) using deadly force or other incidents involving in-custody deaths. Those will be investigated by an independent investigative body, e.g., the Boulder County Investigations Teams (BCIT), the Critical Incident Response Team (CIRT – 19<sup>th</sup> Judicial District – Weld County) or an Investigations Team representing cities or jurisdictions outside of Boulder and Weld County.

- 3. Anyone who directs another officer to use force against a person or a group of persons must also complete a use of force report.
- 4. Off-duty officers who act in their capacity as officers and use force requiring the use of force documentation shall notify the on-duty watch supervisor of the incident as soon as possible.
- 5. Whenever possible, photographs of all visible injuries from all involved persons resulting from police use of force incident should be taken for evidence.
- 6. Officers who discharge a firearm or an ECD in situations other than during a use of force against a person incident shall complete an In-House Incident Report and, if applicable, a Case Report and submit the report(s) through the chain of command for review. Exceptions to this requirement are training and for when firearms are used during lawful sporting or recreational activities.
- 7. It is the responsibility of the officer's first-line supervisor to review the involved officers' actions, including asking follow-up questions or reviewing statements or reports, and pertinent audio/video recordings.

Reviews are to be comprehensive. In judging whether an officer's actions were reasonable, supervisors must consider the risk of bodily harm the officer's actions posed to the suspect and the community considering the need to apprehend and arrest the suspect. In addition, supervisors should consider the use of force from the perspective of a reasonable officer rather than with 20/20 hindsight and consider the dynamics of split-second judgments in circumstances that are tense, uncertain, and rapidly evolving.

The first-line supervisor will assess compliance with all applicable policies and procedures, training requirements, city administrative regulations, Longmont Municipal ordinances, state statutes, established case law, and federal law. Every use of force report requires review by two supervisors of the rank of sergeant or above. When an officer's actions comply with the above standards, supervisors will approve the use of force report. If compliance issues are identified, the supervisor will assign the incident for further review and notify their chain of command of the issue.

When notified, it is the responsibility of the officer's chain of command, to include the Professional Standards Unit Sergeant, to review the first-line supervisor's recommendations and review the officers' actions, including asking follow-up questions, review statements or reports, and then offer a conclusion as to compliance with applicable policies and procedures, training, city administrative regulations, Longmont Municipal ordinances, state statutes, established case law and/or applicable federal law. It is only necessary for the officer's additional chain of command to review audio/video recordings if the officer's chain of command is notified of a concern or, in the reviewer's opinion, the reports do not thoroughly support the use of force.

8. The justification for the use of any physical force must be limited to what reasonably appears to be the facts, known or perceived, at the time the decision to use force was made. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the use of force was justified. In addition, the officer's decisions and actions leading up to the decision to use force must also be considered.
9. The following steps, where appropriate, are to be taken when the officer's chain of command has completed their review and submitted their findings:
  - a. If the use of force is found to be within policy, the use of force documentation will be forwarded to the Professional Standards Unit (PSU) to collect data from the use of force event for inclusion in the department's Use of Force Report. If a review is conducted and PSU believes the use of force violated policy, PSU will advise the Chief of Public Safety.
  - b. If the use of force is found to be outside of policy, the Chief of Police or their designee will coordinate with the subject officer's immediate supervisor to ensure that the most appropriate corrective action is taken.
  - c. If the review process indicates training concerns, whether individual-based or division-wide-based, the Chief of Police or his designee will forward those concerns to the appropriate use of force coordinator. The training coordinator will address and/or rectify the training issue.
  - d. If the review process indicates policy, procedure, tactical, or equipment concerns, the Chief of Police or their designee will ensure those concerns are addressed with the appropriate personnel.

### **Use of Force Analysis**

The department's Report Writing System will generate a Use of Force Analysis quarterly, which will be forwarded to the Chief of Public Safety. PSU will also furnish an annual report that

encompasses the date and time of incidents, types of encounters leading to the use of force, trends or patterns related to the race, age, and gender of the subjects involved, trends or patterns resulting in injury to any person (including police staff), and the impact of these findings on policies, practices, equipment, and training.

Once completed, the annual analysis will be reviewed by the Chief of Police and the Chief of Public Safety, or their designee(s). The Professional Standards unit (PSU) will present any findings that reveal patterns or trends indicating the need for training, equipment upgrades, and/or policy modifications. This presentation will take place by the end of the second quarter of each year.

### **Use of Force Options – Additional Provisions**

1. Categorical types and levels of force
  - a. Officer/Officer Presence (clearly identifiable as an officer)
  - b. Verbal Commands (clear and deliberate, designed to evoke compliance)
  - c. Empty hand techniques other than strikes, OC, CN, CS
  - d. Strikes, kicks, elbows, knees, and ECD
  - e. Intermediate Weapons (strike with impact weapon to non-vital areas, K-9 bite, Less Lethal Impact Munitions).
  - f. Lethal Force (high levels of force with the likelihood of causing serious bodily injury or death)
2. There are many variables to consider when determining whether or not a force response is appropriate and, if so, to what level. These include but are not limited to, weather, time of day, environment, age of suspect/subject, stature or strength of officer versus suspect/subject, fatigue, injury, number of officers present versus the number of suspect/subjects present, the suspect/subject being under the influence of drugs or intoxicants and the mental capacity/impairment of the suspect/subject. Additionally, the severity of the crime, whether the subject/suspect poses an immediate threat to the safety of the officer(s) or others, and whether the suspect/subject is actively resisting arrest or attempting to evade arrest by flight are also considerations when determining a force response.
3. The Police Chief will designate a Training Coordinator for each use of force option. This officer will coordinate training, certification, and schedule with Training & Personnel.
4. Officers who are required to attend and participate in use of force re-certifications or training, as well as demonstrate acceptable proficiency in a use of force option but fail to do so, will have their chain of command notified by the Training Coordinator for the specific training subject and appropriate action will be taken.

### **Use of Force Option – Defensive Tactics**

Following training by certified defensive tactics instructors and demonstrated proficiency, officers are authorized to use an array of Defensive Tactics disciplines but only those techniques approved and taught by the Department unless the officer can articulate a need for going outside of their scope of training.

## 1. Use of Handcuffs

- a. In investigative stop situations, when officers believe it necessary for officer safety, they may handcuff individuals for a reasonable amount of time until further investigation can be conducted.
- b. Officers are diligent in removing handcuffs from persons who are determined not to be involved in any criminal activity.
- c. Officers handcuff arrestees as soon as possible to protect themselves and others. Arrestees or in-custody suspects remain handcuffed when transported. Before being transported, the transporting officer personally conducts a search of in-custody prisoners for contraband and weapons.
- d. For officer safety and the safety of others, officers handcuff persons being transported on mental health or detox holds.
- e. Officers handcuff the person with hands behind the back and consistent with current department training techniques. Municipal prisoners escorted to municipal court in the jail may be handcuffed in front with a transport belt.
- f. Officers make reasonable accommodations, consistent with officer safety in handcuffing persons in special situations (e.g., pregnancy, disability, persons in wheelchairs and other similar situations).
- g. If handcuffed persons complain about the tightness of the handcuffs, officers, as soon as practical, check the tightness of the handcuffs and adjust them if necessary

## **Use of Force Option - Chemical Aerosol Spray**

Following training by certified instructors and demonstrated proficiency, officers are authorized to use and deploy Chemical Aerosol Sprays as approved by the department.

1. The SWAT Team will maintain an inventory of various chemical agents and aerosol spray products. The team's Less Lethal Munitions Specialists, team leaders, and team commander will determine the specific products maintained.
2. Chemical aerosol spray canisters will be replaced as specified by the manufacturer.
3. Authorized personnel will be issued duty belt sized Chemical Aerosol Spray canisters upon successful completion of an approved training program.
4. Carrying of a Chemical Aerosol Spray
  - a. All authorized personnel, under the rank of Commander, wearing their official uniform or external carriers are required to carry their issued chemical aerosol spray holstered on their person.
  - b. The carrying of a chemical aerosol spray is optional for personnel working on plainclothes assignments and SWAT Team officers during official SWAT functions.
  - c. Off-duty personnel may carry their assigned chemical aerosol spray canister at their discretion.
5. Miscellaneous
  - a. Chemical aerosol sprays and chemical agents shall only be carried and used by authorized personnel who have successfully completed training in their use. Annual

refresher training is required.

- b. Levels of Exposure:
  - i. Level One - direct contamination with the chemical agent.
  - ii. Level Two - indirect or secondary exposure to the chemical agent.
  - iii. Level Three - area contamination with the chemical agent.
- c. Any person who receives a level one exposure to a chemical aerosol spray and is taken into custody should be decontaminated and medically cleared. All persons will be closely and continuously monitored for 1½ hours unless the person has been medically cleared at a hospital or the person is transferred to a hospital's care.

### **Use of Force Option- Less Lethal Impact Munitions (LLIMS)**

Following training by certified instructors and demonstrated proficiency, sworn Longmont Police Officers and SWAT Team Medics (Fire) are authorized to use and deploy Less Lethal Impact Munitions (LLIMS) as approved by the Police Services Division.

#### 1. Definitions

- a. Less Lethal Impact Munitions (LLIMS) are extended range impact projectiles designed to safely incapacitate potentially dangerous person(s) from a distance that minimizes the danger to the officers involved. Projectiles are fired, launched, or otherwise propelled for the purpose of causing blunt trauma, which is used to encourage compliance and overcome resistance with a reduced likelihood of causing serious bodily injury or death. Blunt trauma injuries are commonly consistent with handheld impact weapons, such as a straight baton, explainable baton. LLIMS can be deployed through various weapons platforms, including the 12-gauge shotgun, 37mm smooth bore gas gun, 40 mm rifled guns, and grenades.
- b. SWAT Less Lethal Shotguns are 12-gauge shotguns designated for use strictly with LLIMS. These shotguns will be specifically marked to designate they are for less lethal use only.
- c. Patrol Less Lethal 40mm Launcher is a 4 shot 40mm launcher designated for use strictly with LLIMS. These 40mm launcher will be specifically marked to designate they are for less lethal use only.

#### 2. Basic Provisions

- a. Only those LLIMS approved by the Police Department shall be used.
- b. A list of authorized LLIMS will be maintained by the SWAT Team Less Lethal Specialists.
- c. Only personnel who have successfully completed Police Services Division-approved LLIMS training are authorized to use LLIMS. Officers are only authorized to use those specific LLIMS in which they have successfully completed approved training and demonstrated proficiency.
- d. Successful completion of the user certification course must include passing a written examination and qualification with the approved LLIMS.
- e. Officers authorized to carry and deploy LLIMS will complete annual refresher training and qualifications with the LLIMS.
- f. Officers who are certified in the use of LLIMS are required to carry a LLIMS weapon system, if available while working on a Patrol assignment.

- g. LLIMS Less Lethal shotguns and 40mm launchers shall have a fully loaded cylinder or magazine and the chamber should be empty.
- h. Upon taking possession of a vehicle that contains a Less Lethal Patrol 40mm launcher, or upon the officer checking out for duty a Less Lethal Patrol 40mm, officers will verify that they are only loaded with LLIMS.
- i. Special Weapons and Tactics (SWAT) Team officers are authorized to use and deploy highly specialized less-lethal weapons and munitions in which they are trained and certified to use.
- j. LLIMS will be replaced as recommended by the manufacturer.

### 3. Deployment

- a. Officers will announce the arrival and deployment of LLIMS over the radio. SWAT Team officers deployed on a SWAT mission are exempt from this requirement.
- b. If practical, before the use or firing of LLIMS, a officer should give:
  - 1. Verbal commands to submit to arrest, which includes telling them what you want them to do.
  - 2. Verbally warn the suspect and notify other officers that you are deploying LLIMS by announcing a clear and recognizable warning, such as Less Lethal or similar language.
- c. All persons struck by LLIMS and taken into custody shall be examined at a qualified medical facility and medically cleared.

### **Use of Force Option - Expandable Baton**

When deploying the baton, officers must remain mindful of training protocols and striking preferred target areas to minimize the risk of serious injury. The goal is to ensure compliance and control while prioritizing safety for all involved parties. Upon completion of training by certified instructors and demonstrated proficiency, authorized personnel will be issued an expandable baton as a less-lethal weapon option. Officers shall carry their assigned baton while in uniform, either on their person or accessible in their assigned vehicle at all times. The carrying of an expandable baton is optional for personnel working a plainclothes assignment and SWAT Team officers during official SWAT functions.

- 1. The expandable baton used by the Longmont Police Department is the Monadnock™ AutoLock Baton with Power Safety Tip. This baton is a less-lethal force option available to officers when physical force is necessary to ensure compliance or control and as a self-defense tool.
- 2. Authorized personnel may use the expandable baton under the following conditions:
  - a) When lesser methods, such as verbal commands, bodily force, or O.C. spray, are impractical, have been ineffective, or are clearly futile.
  - b) When applying non-deadly force is required to ensure compliance, gain control, or halt further aggression.
  - c) As a self-defense tool to create distance or affect an arrest.
- 3. The expandable baton may be used to:

- a) Deliver blunt trauma through strikes aimed at preferred, non-lethal target areas, to deter, halt, or gain compliance when lesser means of force have failed or would obviously be ineffective.
- b) Serve as a defensive tool to block or deflect attacks.
- c) To overcome active or violent resistance from an individual during an arrest.
- d) Control and restrain individuals demonstrating violent resistance or assault toward an officer or third party.
- e) Deter individuals engaged in riotous or violent conduct.
- f) As a leverage tool to assist in moving an individual's limbs from restrictive or dangerous positions, such as an arm trapped beneath the body.
- g) Officers should not intentionally target the head with a baton unless the officer can articulate that deadly force was justified.
- h) Unless an injury or complaint of injury occurs as the result of an officers action, utilizing a collapsible baton for leverage to an arm or leg during passive or defensive resistance will not be considered a use of force.

### **Use of Force Option- Electronic Control Device (ECD)**

Following training by certified instructors and demonstrated proficiency, officers are authorized to use and deploy less-lethal Electronic Control Devices (ECD's) as approved by the Police Services Division.

#### 1. Definitions

- a. Electronic Control Devices (ECDs) are less-lethal weapons that conduct electrical energy to overcome resistance and stop aggression. They are designed to safely incapacitate potentially dangerous person(s) from a distance that minimizes the danger to the officers and suspects involved.
- b. ECD Cycle - For this policy, a cycle is a single trigger pull causing the ECD to activate for a predetermined amount of time as set by the manufacturer.

#### 2. Basic Provisions

- a. Only those ECDs approved by the Police Department shall be used.
- b. A list of authorized ECDs will be maintained by the Patrol ECD Specialists.
- c. Only those officers who have successfully completed approved training shall carry or deploy an ECD.
- d. Officers authorized to carry and deploy ECD's will complete annual refresher training and qualifications.
- e. Officers **shall not** carry their assigned ECD on their strong side or on a thigh rig under their duty weapon holster. Officers may carry their assigned ECD on their support side as a support side draw or cross-draw, or on the front of their outer carrier as a cross-draw – reaching across the midline or center of their chest.
- f. All personnel of the rank of Sergeant and below is required to carry an ECD when wearing their official uniform.
- g. The carrying of an ECD is optional for personnel working a plainclothes assignment and SWAT Team officers during official SWAT functions.
- h. Off-duty personnel may carry an ECD within the carry provisions noted above.

#### 3. Deployment

- a. ECD's may be used in response to an imminent or threatened assault of a officer of police services or an arrest or detention involving a serious injury incident(s) or,

When there is probable cause to arrest a person for a serious injury incident, and the suspect/subject refuses to comply with orders, or is attempting to evade arrest by flight or,

When the person is exhibiting a level of resistance, either of which creates a risk of imminent or immediate threat or danger to an officer or another.

- b. The Police Department recognizes that a person, depending on their size, nature of their refusal, and their failure to comply with lawful orders, even on lower-level crimes, can pose an imminent risk to an officer(s) attempting a lawful arrest or lawful detention. In those arrests or detentions, if the officer reasonably believes other means of control and persuasion would not be effective and attempts would increase the risk of injury to the officer and/or suspect/subject, they may use an ECD.

- c. If practical, prior to the use of an ECD, a officer should attempt:

- i. Verbal commands to submit to arrest, which includes telling them what you want them to do
- ii. Verbal warning of the imminent deployment of the ECD
- iii. Pointing the ECD at the subject

- d. When an ECD is deployed, the suspect/subject shall be subjected to the fewest number of cycles as reasonably necessary to accomplish a lawful objective. Also, see 301.09 (4).

- e. ECDs shall not be used on persons who are subdued, under control, and obeying police orders.

- 4. The following ECD restrictions apply except in situations where a officer is facing high levels of resistance, or there are high levels of risk, and in the officer's judgment, there is an imminent risk of serious injury or death to anyone unless the ECD is deployed:

- a. ECD's are NOT to be deployed on persons who:

- i. are very young
- ii. are very old
- iii. are reasonably believed to be pregnant
- iv. have obvious infirmities (fragility, feebleness)
- v. are operating a moving vehicle, including motorcycles, bicycles, or any other motorized vehicles.
- vi. are in an elevated position where the resulting fall could increase the likelihood of serious bodily injury.

- 5. Officers should expose a person to only one ECD at a time. Officers may choose to reactivate the ECD or use a second ECD if it is apparent a previous deployment is ineffective.

- a. No person shall be knowingly exposed to more than three (3) ECD cycles, as defined by 301.09 (1) (b).

- b. No person shall be knowingly exposed to a single cycle longer than the manufacturer's preset standard cycle.

- c. ECDs used in the drive stun mode are meant to gain submission through pain

compliance; officers are to discontinue drive stun applications if they are not effective.

6. Only officers certified to use ECDs or qualified medical personnel should remove any ECD probes that have penetrated the subject.
7. When ECDs and cartridges are deployed at a person, fired cartridges, probes, and wires, will be retained as evidence. Probes should be handled with appropriate PPE. Officers should do their best to collect these items without breaking the wires. If the probes are embedded in a sensitive area, officers may break the wires before transport. However, it is still required to collect the probes at the hospital after qualified medical personnel have removed them.
  - a. The cartridge, wires, and probes should be collected as instructed in training. The cartridge serial number should be noted before collection. As a rule, the cartridge, wire, and probes should be gathered up and placed inside a paper bag. The seven-inch wide paper bags provided by evidence work best and should be carried in the patrol cars.
  - b. Any loose wire from the cartridge wire bay should not be pulled out because the remaining wire in the wiring bay can be used to determine distances if necessary.
  - c. In the event of multiple ECD deployments, the cartridges, wires, and probes should be bagged and boxed individually.
  - d. Before being booked into Property & Evidence, the bag containing the cartridges, wires, and probes should be secured in the cardboard pistol boxes located in the evidence booking room. When placing the paper bag into the pistol evidence box, take care not to crush the bag to avoid a needle stick.
  - e. The cartridge serial number and a description of the evidence should be noted in the Property & Evidence report.
8. All persons exposed to an ECD and taken into custody shall be examined at a qualified medical facility and medically cleared.
9. Officers shall document all injuries associated with the use of an ECD.
10. Except for training deployments, when an ECD is used on another person, officers shall ensure the ECD use data has been uploaded and stored to evidence.com, as soon as practical. Once uploaded, officers are responsible for notifying their supervisor that the data has been uploaded to evidence.com.

### **Use of Force Option – Police K-9**

Following training at selected K-9 vendors or K-9 training academies, K-9 Officers are authorized to use and deploy a Police Services K-9 as approved by the Police Services.

#### 1. Definitions

- a. Deployment – Any time the Police services K-9 is used to perform a law enforcement function for which the K-9 has been specifically trained or certified to complete. This does not include training sessions, breaks, demonstrations, or similar activities.

- b. Application – The use of a Police Services K-9 as a means of force other than the K-9's mere presence, specifically a K-9 Bite or K-9 Caused Injury, as defined below.
- c. K-9 Bite – For reporting purposes, a K-9 bite shall be defined as any gripping of a person's body by the dog's mouth, irrespective of injury.
- d. K-9 Caused Injury – Any injury caused by a K-9 that is not a bite. This includes knocking a person down, scratches, or abrasions.
- e. Audible Alert – Trained barking or similar signal, given by the Police services K-9 to indicate that he or she has located either a person or a person's odor when that person is nearby.
- f. K-9 Arrest – An arrest where a Police Services K-9 was a significant and essential component of that arrest. Examples may include when the Police Services K-9 was intentionally used as force against a suspect (as described above), when the Police Services K-9 located a hiding suspect, and when the Police Services K-9's presence was primarily and clearly the reason the suspect submitted to arrest.

## 2. Basic Provision

The Police Services K-9 may be used as a means of force when, based on the totality of circumstances known to the K-9 Officer at the time, it appears objectively reasonable to do so.

## 3. Deployment

- a. The use of a Police Services K-9 provides Officers with a tactical advantage when searching for criminal suspects. This advantage is an invaluable tool in the rapid detection of criminal suspects and the protection of Officers, all to ensure the safety of the community. Therefore, a primary function of the deployment of a Police Services K-9 is to locate suspects. However, depending upon the circumstances, the application of the Police Services K-9 for protection and safety purposes may be required.
- b. Policy 314 – Police K-9 Unit addresses all other aspects of the Police K-9 Program. Policy 314 includes, but is not limited to, the utilization of K-9 Teams, types of deployments, training, certifications, reporting K-9 use, reporting injuries, requests for assistance, and requests for public demonstrations.
- c. The Police Services K-9 will not be deployed without the handler first warning of its imminent deployment unless there is an imminent risk to the officer or the public.
- d. Police Services K-9 Application
  - i. Intentional K-9 Apprehension: If a Police Services K-9 makes a K-9 bite after being directed by the handler, the Police Services K-9 must be recalled or otherwise restrained as soon as the suspect is in custody or no longer poses a reasonable threat.
  - ii. Non-intentional K-9 Apprehension: If a Police Services K-9 makes a non-intentional K-9 bite, the dog must be recalled or otherwise restrained immediately.
- e. K-9 teams are not deployed as regular patrol units; however, they can become involved in many different tactical/patrol situations. In a case where the handler is in imminent

danger, the Police Services K-9 is trained to protect the K-9 Officer, and when necessary, should be used.

- f. All cases involving a K-9 bite will be documented by the K-9 Officer, articulating each fact or circumstance that gave rise to the bite to include situations where safety to Officers or others was a concern. Documentation may include, but is not limited to, a detailed account of the actions of the suspect, a detailed description of the location where the suspect was hiding or believed to be hiding, lighting conditions, and the Officer's prior experience with similar circumstances. Photos of the scene and the suspect, including any injuries, will also be taken.
- g. If, during a search, the Police Services K-9 gives a positive alert identifying a suspect's location, if possible, all officers of the search team will take positions of advantage. The K-9 Officer will consider all reasonable options available at that time. The K-9 Officer may recall the Police services K-9 and gain physical control of the Police services K-9, if tactically sound and safe to do so. Tactical considerations may preclude recalling of the Police Services K-9 until the search team officers have taken positions of cover. The Police Services K-9 presence may be used as a tactical tool in appropriate circumstances, ensuring appropriate arrest and control tactics are used to apprehend the suspect as safely as possible.
- h. K-9 teams will not be used for crowd control at peaceful demonstrations. K-9 teams will not normally be used for crowd control unless it is necessary to protect life during a riot or other major unauthorized gathering that cannot be controlled by other means. Whenever possible, the K-9 Sergeant or a Patrol Commander should be consulted before the deployment of K-9 Teams in these situations.

### **Use of Force Option – Firearms**

Officers are authorized to use and deploy firearms as approved by the Police Services Division and subject to the provisions of applicable Federal law, State law, and Longmont Firearms Standards and Training. Officers shall follow the Firearms Safety rules at all times.

1. Basic Firearms Safety Rules
  - a. All weapons shall be handled as if loaded.
  - b. Never let the muzzle cover anything you are not willing to shoot.
  - c. Keep your finger off the trigger until your sights are on target and you are prepared to shoot.
  - d. Be aware of your target and what is beyond.
2. Additional Firearm considerations
  - a. Never give or take a firearm from anyone unless it is unloaded; the action is open and is presented grip first.
  - b. Be sure the barrel is not obstructed before loading.
  - c. Inspect all ammunition before loading it into a weapon and or magazine to ensure it has not been damaged and is compatible with the weapon.
  - d. Never draw or re-holster a gun with the finger inside the trigger guard.

- e. Avoid touching the muzzle on the ground at all times.
- f. When collecting firearms as evidence, follow evidence-booking procedures as outlined in SOP 405 – Acquired and In Custody Property.

### 3. Basic Provisions

- a. Any certified peace officer, as defined by C.R.S. 16-2.5-101, for the City of Longmont Department of Public Safety, is authorized to carry, conceal, and possess any firearms, ammunition, and magazines, authorized by the Department of Public Safety, and/or Federal and /or State Law, including high-capacity magazines, (on or off duty) as part of their official duties. In accordance with Title 18 U.S. Code § 926B (LEOSA), a qualified law enforcement officer is authorized to carry a concealed firearm.
- b. Fire personnel assigned as SWAT Team Medics and Bomb Squad Technicians for the City of Longmont Department of Public Safety are authorized to carry, conceal, and possess any firearms, ammunition, and magazines authorized by the Department of Public Safety, and/or Federal and /or State Law, including high-capacity magazines, as part of their official duties.
- c. This Policy does not limit Longmont Police officers, SWAT Team Medics, and Bomb Squad Technicians from carrying a concealed firearm if they have a legal concealed weapons permit and are not in violation of any other city policies, state, and or federal laws.
- d. All sworn police officers shall carry a handgun on their person while driving a marked police vehicle. The Chief of Public Safety or designee may exempt personnel from this requirement. Any exemption shall be in writing and filed in the officer's personnel file. A written waiver is not required for:
  - i. Officers when working in an undercover capacity and approved by a supervisor.
- e. All Police Officers of the rank of Sergeant and below operating a marked patrol vehicle while on duty shall carry a rifle and a less-lethal weapon unless approved by a supervisor.
- f. Specialty Weapons - Only those officers trained in their use and in a manner consistent with that training or as approved by a watch commander, officer of Command Staff, or SWAT Team supervisor shall use automatic weapons, rifles, tranquilizer guns, and chemical munitions weaponry.
- g. Officers who are carrying a firearm when not in uniform are required to carry their Police Services Division-issued police identification card and police badge on their person. The officer's badge shall be worn in a manner that is readily visible during those times when either the weapon or holster is exposed. Exception: personnel acting in an undercover or special operations capacity are exempt from this provision when authorization has been obtained from a command-level supervisor.
- h. Alcohol and Drugs
  - i. Officers shall adhere to the City of Longmont Administrative Regulation A-29: Establishing a Drug-Free Workplace Policy.
  - ii. Exception: Upon authorization from a supervisor, personnel acting in an undercover capacity are exempt from A-29, sections 2.00 and 2.02.