


AURORA POLICE DEPARTMENT DIRECTIVES MANUAL

05.03	Title: USE OF PHYSICAL AND DEADLY FORCE		Duty Honor Integrity
	Approved By: Vanessa Wilson, Chief of Police		
	Effective: 09/01/1998	Revised: 10/07/2020	
	Associated Policy: DM 05.06		
	References: CRS 18-1-704; 18-1-707; 18-1-901(3)(d), 24-31-901		
Review: Professional Standards Section Commanding Officer and APD Legal Advisor			Page 1 of 3

5.3 USE OF PHYSICAL FORCE

It is understood that the policies regarding use of force may not cover every situation. At the discretion of the Chief of Police, any deviation from these policies will be evaluated on a case-by-case basis.

Use of physical force is defined as the application of physical force through the use of techniques or tactics, chemical agents, or weapons upon another person.

Members shall apply nonviolent means, when possible, before resorting to the use of physical force. Members will only use reasonable and appropriate force; and only when legally justified. When practicable sworn members will attempt to use de-escalation techniques to control the situation so that lesser force, or possibly no force, is required. Additionally, when sworn members use force, they will de-escalate the amount of force used when that force is successful, and control is gained.

Members may use physical force only if non-violent means would be ineffective in:

1. effecting an arrest,
2. preventing an escape, or
3. preventing an imminent threat of serious bodily injury (SBI) or death to the sworn member or another person.

Sworn members will attempt to utilize those control techniques and tactics that are departmentally approved. Those control techniques and tactics should employ maximum effectiveness with the minimum force needed to control the incident.

Physical force may be used as allowed by State statutes, CRS § 18-1-704 and CRS § 18-1-707. These two statutes are copied below from Colorado Revised Statutes, with CRS § 18-1-707 listed first. PLEASE NOTE, CRS § 18-1-707 covers force used by sworn members in carrying out their duties.

5.3.1 Use of Physical Force Colorado Revised Statutes

18-1-707 Use of physical force in making an arrest or in preventing an escape:

Peace officers, in carrying out their duties, shall apply nonviolent means, when possible, before resorting to the use of physical force. A Peace Officer may use physical force only if non-violent means would be ineffective in effecting an arrest, preventing an escape, or preventing an imminent threat of serious bodily injury (SBI) or death to the peace officer or another person.

When physical force is used, a member shall:

- A. Not use deadly physical force to apprehend someone for minor or nonviolent offense;
- B. Use only a degree of force consistent with the minimization of injury to others;
- C. Ensure that assistance and medical aid are rendered to any injured or affected persons as soon as practicable; and
- D. Ensure that any identified relatives or next of kin of persons who have sustained serious bodily injury or death are notified as soon as practicable.

18-1-704 Use of physical force in defense of a person:

(1) Except as provided in subsections (2) and (3) of this section, a person is justified in using physical force upon another person in order to defend himself or a third person from what he reasonably believes to be the use or imminent use of unlawful physical force by that other person, and he may use a degree of force which he reasonably believes to be necessary for that purpose.

(2) Deadly physical force may be used only if a person reasonably believes a lesser degree of force is inadequate and:

(a) The actor has reasonable ground to believe, and does believe, that he or another person is in imminent danger of being killed or of receiving great bodily injury; or

(b) The other person is using or reasonably appears about to use physical force against an occupant of a dwelling or business establishment while committing or attempting to commit burglary as defined in sections 18-4-202 to 18-4-204; or

(c) The other person is committing or reasonably appears about to commit kidnapping as defined in section 18-3-301 or 18-3-302, robbery as defined in section 18-4-301 or 18-4-302, sexual assault as set forth in section 18-3-402, or in section 18-3-403 as it existed prior to July 1, 2000, or assault as defined in sections 18-3-202 and 18-3-203.

(3) Notwithstanding the provisions of subsection (1) of this section, a person is not justified in using physical force if:

(a) With intent to cause bodily injury or death to another person, he provokes the use of unlawful physical force by that other person; or

(b) He is the initial aggressor; except that his use of physical force upon another person under the circumstances is justifiable if he withdraws from the encounter and effectively communicates to the other person his intent to do so, but the latter nevertheless continues or threatens the use of unlawful physical force; or

(c) The physical force involved is the product of a combat by agreement not specifically authorized by law.

5.3.2 Rendering Aid

Members using any force that results in injury will arrange for reasonable, timely, and appropriate medical treatment. An exception will be made if the member is physically unable to fulfill these duties.

5.3.3 Use of Deadly Force

Per CRS § 18-1-707 (3) Deadly physical force is justified only:

1. To make an arrest only when other means of apprehension are unreasonable given the circumstances; AND
2. When the arrest is for a felony involving conduct including the use or threatened use of deadly physical force; AND
3. When the suspect poses an immediate threat to the member or another person; and
4. When the force does not create a substantial risk of injury or would create a risk of death to other persons.

Notwithstanding any of the above;

- A. A sworn member is justified in using deadly force if the member has an objectively reasonable belief that a lesser degree of force is inadequate, and the member has objectively reasonable grounds to believe, and does believe, that the member or another person is in imminent danger of being killed or receiving serious bodily injury (SBI).

5.3.4 Required Identification and Warning Prior to Using Deadly Force

A sworn member will identify himself or herself and give clear verbal warning of the intent to use a firearm or other deadly physical force with sufficient time for the warning to be observed, unless to do so would unduly place the sworn member at risk of injury or would create a risk of death to other persons.