

**AURORA POLICE DEPARTMENT
DIRECTIVES MANUAL**

5.1	EFFECTIVE: September 1, 1998	_____ Daniel J. Oates, Chief of Police
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SUBJECT: USE OF DEADLY AND POTENTIALLY DEADLY FORCE		
REFERENCES:		
		PAGE: 1 of 4
Annual Review: Professional Standards Section Lieutenant		

5.1 USE OF DEADLY AND POTENTIALLY DEADLY FORCE

This Directive will guide sworn members in the Use of Deadly and Potentially Deadly Force. They will use such force only when there are strong and compelling reasons and only after all reasonable alternatives have been considered. Members will use reasonable force when force is used to accomplish lawful objectives.

5.1.1 Definition

Potentially deadly force means the force that the intended, natural and probable consequence of which is death. Deadly force does, in fact, cause death. It usually, but not necessarily, refers to the intentional discharge of a firearm at another person.

5.1.2 Authorized Use of Deadly or Potentially Deadly Force

Sworn members are permitted to use deadly or potentially deadly force only under the following circumstances:

- (a) In self-defense, and in defense of others, when the member has a reasonable belief that the person at whom the force is directed presents an imminent threat, coupled with the present ability of killing or seriously injuring the member or any other person.
- (b) To affect the arrest, or to prevent the escape from custody, of a person whom the member reasonably believes has committed a felony involving the use, or threatened use, of deadly force.
- (c) Is attempting to escape by using a deadly weapon or the member has actual knowledge of specific, articulable facts indicating that the person, if allowed to escape, would create a real and substantial risk of another person(s) being killed or seriously injured.

Deadly or potentially deadly force is never justified in the defense of property.

Deadly or potentially deadly force will ONLY be used as a last resort and when the justification is consistent with statutes and Department directives.

5.1.3 Justification for the Use of Deadly or Potentially Deadly Force

A member is justified in the use of deadly or potentially deadly force to protect themselves or others from assaults that are reasonably perceived to be life threatening or likely to result in death or serious injury.

Deadly or potentially deadly force may not be used on mere suspicion that a crime, no matter how serious, was committed or on mere suspicion that the person being pursued committed the crime. The member should have either witnessed the crime or have probable cause to believe that such a crime was committed.

Justification for using deadly or potentially deadly 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 the member, no matter how compelling, cannot be considered in later determining whether the use of deadly or potentially deadly force was justified.

Regardless of the nature of the crime, or the legal justification for using deadly or potentially deadly force, members are reminded their basic responsibility is to protect the public. Members are instructed to be particularly cautious when using deadly or potentially deadly force under conditions that would subject innocent bystanders to substantial danger.

5.1.4 Display of a Firearm

Members are permitted to draw or display their firearms when there are grounds to believe that it may be necessary to discharge the firearm. The safety of the public and Department members must be the overriding concern whenever the use of a firearm is considered.

5.1.5 Authorized Firing of a Weapon

(a) Sworn members are permitted to fire their weapons in the following circumstances:

- In conformance with Directive 5.1 - USE OF DEADLY AND POTENTIALLY DEADLY FORCE.
- For practice or recreation at an approved firing range or in an area where firing a weapon is both safe and lawful.

- To destroy an animal that is suffering from an apparent fatal wound or illness, or that is obviously vicious and cannot otherwise be prevented from killing or seriously injuring any person.
- (b) Non-sworn members are permitted to fire their weapons in the following circumstances:
- For practice or recreation at an approved firing range or in an area where firing a weapon is both safe and lawful.

5.1.6 Shooting at or from a Moving Vehicle

For the purposes of this directive, a moving vehicle alone will not **presumptively constitute** a threat that justifies a member's use of deadly or potentially deadly force.

Members will not discharge a firearm at a moving vehicle unless a person in the vehicle is immediately threatening the member or another person with deadly force by a means **other** than the vehicle. A member in the path of an approaching vehicle will attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle.

A member will not discharge a firearm from a moving vehicle, except in exigent circumstances warranting the immediate defense of life.

The prohibitions regarding moving vehicles exist for the following reasons:

- Bullets fired at moving vehicles are extremely unlikely to disable or stop a moving vehicle.
- Disabling the driver of a moving vehicle creates unpredictable circumstances that may cause the vehicle to crash and injure other members or innocent citizens.
- Shooting accurately from a moving vehicle is extremely difficult and therefore unlikely to successfully stop a threat to a member or other person.
- Moving to cover to gain and maintain a superior tactical advantage maximizes officer and public safety while minimizing the need for deadly or potentially deadly force.

5.1.7 Other Unauthorized Firing of a Weapon Situations

In addition to the motor vehicle prohibition, members will not discharge a firearm under the following conditions:

- (a) Sworn members are not permitted to fire their weapons under the following circumstances:
- As warning shots, unless, in exceptional cases where no lesser degree of force would be effective or practical and the firing of a warning shot is the only alternative to the use of deadly force. Warning shots will not be fired when such discharge would pose a danger to any person.
 - At persons who have committed only a misdemeanor or traffic violation.
 - When the necessity of firing is outweighed by the probability that an innocent person may be injured or killed by the shot or ricochet.
 - To prevent the destruction of property or theft.
 - When such a discharge is a result of carelessness or the negligent handling of a firearm.

5.1.8 Administrative Leave

Any member who uses deadly or potentially deadly force that results in death or injury will be placed on administrative leave by the Chief of Police or designee, pending a Departmental criminal investigation and an internal administrative review.

In situations when a member uses potentially deadly force and no injury is sustained, the Duty Lieutenant will notify the Duty Executive Officer. The Duty Executive Officer, acting as the designee for the Chief of Police, will determine whether the member involved should continue with regular duty, be removed from line duty or placed on administrative leave. The decision of the Duty Executive Officer will be reported in writing to the Chief of Police or designee as soon as practical. The Chief of Police will determine the appropriate action from that point.

Administrative leave will end at the order of the Chief of Police or designee unless told otherwise.