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OIM Policy Report #26-1: DPD Use of Force Policy - TASER

Summary

On April 14, 2026, the Denver Police Department (“DPD”) revised its Use of Force Policy to allow officers to use a Taser on community members who are not assaultive or threatening to assault the officer or others. The DPD essentially lowered the resistance level, for an officer’s use of a Taser to be authorized, from “Active Aggression” to “Defensive Resistance.” This is a surprising and concerning change that could put community members in danger from unnecessary Taser deployments, undermine the Denver community’s confidence and trust in DPD, and expose the City and County of Denver to potential civil liability.

Background

On April 9, 2026, the Department of Safety (“DOS”) sent the Office of the Independent Monitor (“OIM”) a draft of the DPD’s OMS 105.02 Force and Control Options Policy that contained revisions related to the DPD’s use of Tasers and requested that we review and provide our recommendations by April 23, 2026. The DOS stated that they would then provide our feedback directly to the DPD. While we were preparing our feedback for the DOS, the DPD implemented their updated Use of Force Policy (i.e., OMS 105.01 and OMS 105.02) on April 14, 2026, before the OIM had an opportunity to complete our review or make recommendations, in violation of the ordinance.¹ Pursuant to DRMC §2-390 (d), the DPD “shall provide the monitor or his or her designee with reasonable notice and an opportunity to make recommendations before implementing an existing or adopting a new substantive policy or practice concerning matters within the purview of the monitor's office.” This was a disappointing development, because the OIM has remained committed throughout its history to collaborating with the DPD on revisions of its Use of Force Policy.

There are three recent examples of the OIM collaborating with the DPD in revising its Use of Force Policy, which provide a precedent for our involvement in any updates to their Use of Force Policy.

1. Following several incidents where DPD officers shot firearms into moving vehicles believing there were an imminent threat to their safety, the OIM published an evaluation of the DPD's Shooting into Moving Vehicle Policy in our 2015 Semiannual Report.²
2. In 2017, the OIM sent a letter to Chief Robert White summarizing our preliminary analysis of a draft DPD Use of Force Policy, which identified that the policy did not define when Tasers may be used,³ and later participated in an advisory committee that proposed a revised Use of Force Policy to address such deficiencies.⁴
3. Finally, we made use-of-force recommendations in our George Floyd Protest report published in 2020, including recommendations on clarifying when it is appropriate to use less lethal weapons such as pepperball, noise flash diversionary devices, and rubber-ball grenades.⁵

Given our ordinance mandate and track record of collaborating with the DPD on such changes, we expected the opportunity to review and provide recommendations on this revised Use of Force Policy before it was implemented on April 14. Since we were not given the opportunity to review and make recommendations before implementation, this public report provides our feedback. We will focus on what we believe is the most concerning revision: lowering the resistance level, from Active Aggression to Defensive Resistance, to authorize the use of a Taser on a community member. The OIM disagrees with this change, and we explain why in this report.

First, the OIM will contextualize this change by providing historical background and summarizing best and common practices related to when it is appropriate to use a Taser. Second, we will present examples of previous DPD discipline cases to explain why this recent change is not in alignment with community safety and prior recommendations or the DPD's own disciplinary history. Third, we will present other Use of Force policy-specific recommendations. Finally, we will present recommendations related to community engagement for policy development.

Historical Background

In 2017, the OIM participated in an advisory committee whose task was to review the DPD's Use of Force Policy and provide recommendations, which included developing recommendations related to when it is appropriate to use a Taser. The advisory committee included members of the DPD, City Council, OIM, City Attorney's Office, members of the community, and others. The advisory committee met weekly for 6 months and delivered a proposed, revised Use of Force policy to the DPD on October 30, 2017.⁶ This proposal included clear guidance on when the advisory committee deemed it was appropriate to use Tasers. The advisory committee recommended that Taser only be used when a community member is exhibiting Active Aggression defined as, "A threat or overt act of an assault, coupled with the present ability to carry out the threat or assault, which reasonably indicates that an assault or injury to any person is imminent."⁷

In June 2018, the DPD released a revised Use of Force Policy that incorporated many of the recommendations from the advisory committee's proposed policy. In their 2018 revised Use of Force Policy, the DPD authorized the use of a Taser, "to incapacitate, safely control, or take into custody an individual whose conduct rises to active aggression."⁸ This community-driven Taser authorization standard remained in DPD policy until April 14, 2026.

The DPD has now lowered the standard for using a Taser to when a community member is displaying only Defensive Resistance defined as, "physical actions that attempt to prevent an officer's control, including flight or attempt to flee but do not involve attempts to harm the officer (includes "turtling," which involves a pronated individual pulling their arms and/or legs to their chest to prevent access and control by an officer)."⁹

Unlike the previous Taser use policy, the DPD's new standard is not the product of community input. To our knowledge, the DPD conducted no public outreach before changing an important provision of the Use of Force Policy that was the product of a year's worth of community and stakeholder input. As we noted above, the OIM did not receive an opportunity from the DPD to review and provide recommendations on the policy before it was implemented on April 14, 2026, as required by ordinance. Other important stakeholders, like the City Council, the Citizen's Oversight Board, Denver Justice Project, and Together Colorado, were similarly left out of the process to consider this change. Consequently, the new Taser acceptable use standard is contrary to the community's prior recommended standard and lacks essential community engagement.

Best and Common Practices

Taser is one of the most common less-lethal weapons used by law enforcement agencies, so there is a wealth of best and common practice guides.

Best Practices

Law enforcement best practice guides recommend that Tasers are appropriate to use if someone is actively resisting or displaying behavior indicative of active aggression. In their 2023 Concepts & Issues paper about Electronic Control Weapons ("ECW"), the International Association of Chiefs of Police ("IACP") report that, "the ECW is generally authorized to be used: to protect the officer, subject, or others from a reasonably perceived threat of immediate physical harm; to restrain or subdue a subject who is actively resisting arrest; (or,) when objectively reasonable to bring a situation safely, effectively, and lawfully under control."¹⁰ Similarly, in their own guide related to the less-lethal weapon in 2006, the Police Executive Research Forum ("PERF") recommended, Conductive Energy Devices ("CEDs") "should only be used against persons who are actively resisting or exhibiting active aggression, or to prevent individuals from harming themselves or others. CEDs should not be used against a passive suspect."¹¹

Common Practices

The OIM’s review of peer agencies revealed that it is common for law enforcement agencies to set a higher standard than the best practices by requiring the person to display active aggression or be a threat to the safety of others before authorizing the deployment of a Taser. The OIM conducted a review of the Taser policies of 23 law enforcement agencies, including the agencies of the 20 largest American cities, to understand common guidelines for when it’s appropriate to use a Taser.¹² Four major law enforcement agencies require a person to first exhibit active aggression before it is considered appropriate for an officer to deploy a Taser, including Baltimore, Charlotte, Philadelphia, and Washington D.C. Another five agencies require a person to be an immediate threat to the safety of the officer or others, including Boston, Chicago, Los Angeles, Minneapolis, and Seattle. For example, the Los Angeles Police Department’s Use of Intermediate Force Options Policy states that, “An Electronic Control Device (i.e., Taser) [...] is an appropriate force option when an officer reasonably believes either of the following: there is an immediate threat to the safety of the officers or others; or, if the threat is not immediately addressed, there is an articulable risk the incident could escalate to the use of deadly force.”¹³ Eleven law enforcement agencies allow their officers to use a Taser if the person exhibits either active resistance or poses a threat to the officer or other individuals. The remaining three agencies reviewed had either lower or ill-defined standards that do not meet the best practice standards summarized above.

Though the best practices do not require DPD’s previous higher standard, it is common practice among the largest law enforcement agencies to require a person to display active aggression or be an immediate threat of harm to another person before authorizing the deployment of a Taser. It has also been the standard required by the Denver community and the DPD for nearly a decade. This change will potentially subject a larger number of community members to the use of a Taser, which could potentially increase harm to the community. The DPD should continue to be a leader in Use of Force Policy best practices by requiring a higher standard for the deployment of a Taser.

Discipline History Examples

The OIM has access to DPD discipline history to determine how often an officer’s Taser deployment has been out of policy in situations where a community member only exhibited defensive resistance. In the last eight years, there have been several discipline cases where significant discipline (i.e., ten-or-more-day suspension) was given to officers for deploying a Taser when the community member was exhibiting defensive resistance and one case where the officer resigned prior to the completion of the investigation and disciplinary process:

■ On March 13, 2018, an off-duty officer working for the Denver-area Regional Transportation District (“RTD”) called for assistance with an apparently intoxicated man on a train. Several officers and a corporal responded to the scene, and after the suspect exited

the train, they detained him. When he refused an order to place his hands behind his back, the officers took the suspect to the ground and restrained him. The corporal warned the suspect to put his hands behind his back or he would be tased. The suspect did not comply. The corporal then used his Taser on the man's left side in drive-stun mode to get the suspect to put his hands behind his back. At that time, the suspect was not presenting an imminent threat of assault or injury, and the corporal had other options to handcuff the suspect. The corporal was suspended for 10 days for using inappropriate force. The corporal and another officer who restrained the suspect received oral reprimands for failing to activate their BWCs during the incident.

■ On August 22, 2018, officers and a sergeant responded to calls regarding the activity of a juvenile. An officer ("Officer A") confronted the juvenile, who ran and stopped in front of a sergeant's vehicle. The sergeant exited his vehicle and displayed his Orcutt Police Nunchaku ("OPN") to persuade the juvenile to surrender. The juvenile ran away into a garage, and the sergeant, Officer A, and two more officers ("Officer B" and "Officer C") followed. The juvenile ran out of the garage, and Officer A stuck out his foot, tripping him. The juvenile fell and rolled in front of the sergeant, who struck the juvenile with his baton once in the face, once in the back, and twice on the right leg. Officer C attempted to handcuff the juvenile, who struggled and rose to his feet. The sergeant struck him two more times in the left leg with his baton. Officer C maintained his hold on the juvenile. The juvenile's leg broke and he fell to the pavement. After having received permission from the Sergeant, Officer A deployed his Taser but missed the juvenile. Officer C again attempted to handcuff the juvenile. The sergeant told Officer B to deploy his Taser, and he did, striking the juvenile in the left shoulder.

Officers A and B were each suspended for 10 days for using inappropriate force by deploying a Taser on a juvenile exhibiting only defensive resistance. The sergeant was arrested and charged with Assault in the Second Degree as a result of the incident. He was acquitted by a jury and resigned prior to a disciplinary finding in the case.

■ On April 17, 2020, an officer working an off-duty assignment at a grocery store attempted to stop a man previously identified by security guards as someone who had possibly threatened customers. When the officer attempted to contact the man, he was walking away from the store holding a container of potato salad and saying that he was hungry. The officer ordered him to stop. The man eventually stopped, and the officer ordered him to get on the ground. The man began to run away from the officer, and the officer fired a Taser at the man's back.¹⁴ The officer was suspended for four days for inappropriate force when he deployed his Taser at someone running away from him.

■ On November 11, 2023, an officer was assisting with placing a person into custody and utilized his Taser twice to drive stun the person who displayed defensive resistance, which was an unauthorized deployment. The officer resigned prior to the completion of the investigation and disciplinary process.

Examining this discipline history, it is evident that lowering the resistance level to authorize the use of a Taser on a community member will result in more deployments that historically have been out of policy and sometimes resulted in significant discipline, prior to April 14, 2026. This is an incredibly concerning development that could put community members in danger of serious injury or death¹⁵ from unnecessary Taser deployments.

Policy Recommendations

The OIM hereby presents policy specific and general recommendations for the DPD regarding their revised Use of Force Policy.

Policy-specific Recommendations

First and foremost, given the historical background, common practices, and disciplinary history we have summarized in this report:

- The OIM recommends that the DPD only allow an officer to use a Taser if a person exhibits active aggression.

In addition, we have the following policy-specific recommendations:

- The OIM recommends that the DPD update the OMS 105.01§(11) Responsibility to Provide Medical Attention policy to align with IACP best practices by requiring officers to request an emergency medical response in all of the following circumstances when a Taser is deployed:
 - A probe has contacted a sensitive area.
 - There is difficulty removing the probes.
 - The subject does not appear to be recovering in a manner consistent with training and experience.
 - The subject is part of an elevated risk population group.
 - The subject has been simultaneously exposed to the effects of more than one ECW device.
 - The subject reasonably appears to be affected by mental illness or is in medical distress.
- The OIM recommends that the DPD update its OMS 105.03 Reporting policy to align with IACP best practices by requiring the following information to be documented for each Taser deployment:
 - The make, model, and serial numbers of the ECW and its cartridges.
 - The estimated range at which the unit was deployed or discharged.
 - The point(s) of contact on the subject.
 - The number of five-second cycles and total discharge duration used.

- The type of clothing the probes encountered.
- The type and serial number of cartridge(s) used.
- The type of discharge (probe, contact, or cartridge on contact).
- Evaluation of the effectiveness of the ECW.
- After-discharge actions taken by the officers.
- Any injuries observed or reported as a result of using the ECW.
- The OIM recommends that the DPD update its OMS 105.03 Reporting policy to align with IACP best practices by stipulating that the DPD will conduct periodic or random audits of the use of all less lethal weapons, including Tasers. For Tasers, in particular, those audits should include reconciling the data from the device with existing use of force reports to ensure accountability between the cycles recorded and those documented in the reports.
- The OIM recommends that the DPD update OMS 105.02§(4)(e)(2) to align with IACP best practices by adding “Thighs” to the list of preferred points of aim.
- The OIM recommends that the DPD expand OMS 105.02§(4)(e)(3) to align with IACP best practices by including all of the following considerations:
 - During and immediately after this cycle, the officer should verbally give compliance instructions to the subject.
 - The officer shall be aware that an energized subject might not be able to respond to commands during or immediately following exposure.
 - The officer should allow a reasonable amount of time to assess the effectiveness of the cycle and to give the subject the opportunity to comply with the instructions given.
 - The officer shall evaluate, under the totality of circumstances presented, whether additional cycles or probes are objectively reasonable and necessary in accomplishing the officer’s lawful objectives. The evaluation shall include consideration of whether the subject is of an elevated risk population that may be at a higher risk from multiple and/or prolonged ECW cycles.
 - The officer should consider transitioning to alternative force options if the officer reasonably perceives that the subject has not responded to the ECW in the anticipated manner based on training and experience.
 - To reduce the number of cycles and duration of exposure, the subject should be secured with handcuffs or other appropriate restraints as soon as practical and safe during or following exposure to an ECW cycle.
- The OIM recommends that the DPD add a restriction to OMS 105.02§(4)(e)(3) that no more than three five-second cycles are applied to any person to align with IACP best and common practices for law enforcement agencies across the country.

- The OIM recommends that the DPD add a requirement to OMS 105.02§(4)(e)(3) that “the officer must visually and physically confirm that the device selected is the ECW and not a firearm”¹⁶ before deploying a Taser, to align with IACP best practices.
- The OIM recommends that the DPD keep the original subsection in OMS 105.02§(4)(e)(3) about warning arcs and remove the new draft language to align with IACP best practices. The new language removes the three key requirements that best practices suggest: 1) that any warning arc be accompanied by clear and direct instructions, 2) that the person be given a reasonable opportunity to comply, and 3) that the warning arc should not be used to torment the person.
- The OIM recommends that the DPD reinstate the sentence, “When reassessing, subsequent and continual energy cycles may not be effective against an individual; officers may have to consider other force options,” in OMS 105.02§(4)(e)(3) since it aligns with IACP best practices that call for limiting the number of cycles used and considering other force options if the officer does not think additional cycles will work.
- The OIM recommends that the DPD remove the new language, “Additional cycles may be utilized when necessary to safely gain control of a subject who continues to resist,” from OMS 105.02§(4)(e)(3) as it encourages officers to use more cycles without appropriately reassessing the situation.
- The OIM recommends that the DPD prohibit drive-stunning with a Taser to align with best and common practices.
- The OIM recommends that the DPD prohibit the use of a Taser on those who passively resist when they are not reasonably perceived as an immediate threat.
- The OIM recommends that the DPD specify in the policy who will be responsible for ensuring that the issued taser is removed from the field and returned to the Less Lethal Coordinator prior to its printed expiration date or prior to five years from its date of issue.

General Recommendation – Community Outreach

Since 2025 and the DPD’s attempt to implement their Education-Based Development program, it became obvious to the OIM that the DPD needs to formalize a process of how it engages with the community, City Council, and the Citizen Oversight Board (“COB”) on policies that are of interest to the community. To our knowledge, the DPD did not conduct any community outreach or discuss this policy change with the COB or City Council stakeholders before the revised Use of Force policy was implemented on April 14, 2026. To prevent this from occurring in the future, the OIM recommends that the DPD develop a robust community engagement policy as part of their OMS 502.01 Policy Development and Review Policy. Pursuant to this, the OIM recommends the following:

- The OIM recommends that the DPD make a “Community Outreach” subsection in their OMS 502.01 Policy Development and Review Policy that will detail how community members and organizations, like the COB, and City Council, will be included in the review and development process of policies of interest to the community.

- The OIM recommends that the DPD include in the Community Outreach subsection of OMS 502.01 Policy Development and Review Policy a list of policies of interest to the community that would trigger a more exhaustive public engagement process before a proposed policy can be implemented.
- The OIM recommends that the DPD develop that list of policies of interest to the community with feedback from the City Council, the COB, and community-organizations with an interest in Denver law enforcement policy (e.g., Together Colorado, The Ministerial Alliance, Colorado ACLU, Denver Justice Project, Colorado Immigrant Rights Coalition, The Interfaith Alliance of Colorado) by offering those stakeholders an opportunity to flag policies of interest to their respective constituencies.
- The OIM recommends that the DPD include in the Community Outreach subsection of OMS 502.01 Policy Development and Review Policy a requirement that the DPD conduct at least one presentation at a community meeting in each police district prior to implementing any new or revised policy change of interest to the community to solicit feedback on the proposal.
- The OIM recommends that the DPD include in the Community Outreach subsection of OMS 502.01 Policy Development and Review Policy a requirement that they present any new or revised policy change of interest to the community, including the use of any new technology, less lethal weapon, or pursuit intervention tool, to the Denver City Council’s Health & Safety committee prior to implementing the policy.
- The OIM recommends that the DPD include in the Community Outreach subsection of OMS 502.01 Policy Development and Review Policy a requirement that they present any new or revised policy change of interest to the community during a Citizen Oversight Board General session prior to implementing the policy.
- The OIM recommends that the DPD include in the Community Outreach subsection of OMS 502.01 Policy Development and Review Policy a requirement that they upload the proposed new or revised policy of interest to the community to their Public Comment for DPD Policies section of their website and collect public comment for 30 days. The responses of the public comments should then be shared with the community for their review.
- The OIM recommends that the DPD include in the Community Outreach subsection of OMS 502.01 Policy Development and Review Policy a requirement that they send the unredacted surveys, including public-comment responses about the new or revised policy, to the OIM as required by ordinance, after the public comment window has closed.

¹ After the COB meeting on April 24, 2026, the DPD took down the new policy.

² The Office of the Independent Monitor, 2015 Semiannual Report, (2015),

https://www.denvergov.org/files/assets/public/v/1/independent-monitor/documents/2015semiannualreport_oim.pdf

³ Letter from Independent Monitor Nicholas E. Mitchell to DPD Chief Robert White, at 6 (Jan. 25, 2017), https://www.denvergov.org/files/assets/public/v/1/independent-monitor/documents/2017dpduofpolicyletter_oim.pdf.

⁴ The Office of the Independent Monitor, 2017 Annual Report, at 2 (2018), https://denvergov.org/files/assets/public/v/1/independent-monitor/documents/2017annualreport_oim.pdf

⁵ The Office of the Independent Monitor, *The Police Response to the 2020 George Floyd Protests in Denver, an Independent Review* (2020), https://www.denvergov.org/files/assets/public/v/1/independent-monitor/documents/2020gfpreport_oim.pdf

⁶ The Office of the Independent Monitor, 2017 Annual Report, at 2 (2018), https://denvergov.org/files/assets/public/v/1/independent-monitor/documents/2017annualreport_oim.pdf

⁷ Advisory Committee, REVISED USE OF FORCE POLICY PROPOSED BY DPD UOF ADVISORY COMMITTEE. October 30, 2017 (on file with author).

⁸ DPD, OMS 105.02 Force and Control Options §(4)(d)(1), (Effective June 18, 2018).

⁹ DPD, OMS 105.01 Use of Force Policy §(3)(d), (effective April 14, 2026).

¹⁰ IACP, *Electronic Control Weapons: Concepts and Issues*, at 4 (2023).

¹¹ PERF, *Conducted Energy Devices: Development of Standards for Consistency and Guidance*, at 23 (2006)

¹² The OIM reviewed the policies of the Austin Police Department, Baltimore Police Department, Boston Police Department, Charlotte-Mecklenburg Police Department, Chicago Police Department, Columbus Police Department, Dallas Police Department, Ft. Worth Police Department, Houston Police Department, Indianapolis Metropolitan Police Department, Jacksonville Sheriff's Office, Los Angeles Police Department, Minneapolis Police Department, New York City Police Department, Oklahoma City Police Department, Philadelphia Police Department, Phoenix Police Department, Portland Police Bureau, San Antonio Police Department, San Diego Police Department, San Jose Police Department, Seattle Police Department, and Washington D.C. Metropolitan Police Department. San Francisco does not use Tasers, so they were not included in the analysis.

¹³ LAPD, 573 Use of Intermediate Force Options, (effective Quarter 3 - 2025).

¹⁴ The Taser had little effect, and the man continued to run until another officer ordered him to the ground. The man initially stopped and got down on his knees. He then stood up and began walking away. The officer who initially fired his Taser did so again, which immobilized the man and allowed officers to take him into custody.

¹⁵ Mangus, Barry E., et al. "Taser and Taser associated injuries: a case series." *The American Surgeon* 74.9 (2008): 862-865. White, Michael D., and Justin Ready. "Examining fatal and nonfatal incidents involving the TASER: Identifying predictors of suspect death reported in the media." *Criminology & Public Policy* 8.4 (2009): 865-891.

¹⁶ IACP, *Electronic Control Weapons Model Policy* §(III)(E)(2), (2023).