A. Policy

There are varying degrees of force that may be justified depending on the dynamics of a situation. In each individual event, lawful and proper force shall be restricted to only that force which is objectively reasonable to control and terminate unlawful resistance, to preclude any further physical attack against the police agents or any other persons, or to prevent the escape of a person in custody. Appropriate medical assistance shall be rendered following the use of physical force, deadly weapons, or non-lethal weapons.

DEFINITIONS

1. Deadly force: Any use of force that creates a substantial risk of causing death or which does, in fact, produce death.

2. Objectively reasonable: This term means that, in determining the necessity for force and the appropriate level of force, police agents should evaluate each situation in light of the facts and circumstances confronting them, including, but not limited to, the severity of the crime at issue, whether the subject poses an immediate threat to the safety of the police agents or others, and whether the subject is actively resisting arrest or attempting to evade arrest by flight.

3. Physical force: Any use of force other than that which is considered deadly force. This includes any physical force or action that is used to control or restrain another, or to overcome the resistance of another. (The use of handcuffs does not constitute physical force.)

4501 USE OF PHYSICAL FORCE

B. Procedure

1. A police agent may use objectively reasonable physical force upon another person when and to the extent the police agent reasonably believes it necessary to:

   a. To effect an arrest or bring a subject under control;

   b. To prevent the escape from custody of an arrested person unless the police agent knows that the arrest is unauthorized;

   c. To defend the police agent or a third person from what the police agent reasonably believes to be the use or imminent use of physical force;

   d. To prevent a person from committing suicide or inflicting serious bodily injury upon himself/herself to the extent reasonably necessary to thwart the result; or
To take a person, who is a danger to himself/herself or others, into protective custody for a mental health evaluation or an emergency commitment due to intoxication per Sections 27-10-105 or 27-1-310, C.R.S.

2. All sworn employees will receive instruction in and copies of Use of Force policies and procedures before being authorized to carry a weapon. The instruction and issuance shall be documented.

3. Sworn employees shall demonstrate proficiency in the use of department authorized weapons prior to receiving authorization to carry such weapons.

4. At least annually, each sworn employee shall receive in-service training on any changes in the department’s Use of Force policies and procedures and shall demonstrate proficiency with any approved weapon that the employee is authorized to use. The instruction and proficiency shall be documented.

5. Written reports documenting the use of physical force, the use of weapons, actions resulting in actual or alleged injury or death, and the discharge of a firearm for other than training or recreational purposes are completed for each incident as described in the following sections.

C. Rule

1. In no instance shall police agents use force other than that which is objectively reasonable to lawfully and properly neutralize an unlawful assault, to overcome resistance by a person being taken into custody or into protective custody, to prevent a suicide or an attempted suicide, or to prevent the escape of a person in custody.

4503 USE OF DEADLY FORCE

A. Policy

As long as members of the public are victims of violent crimes, and agents in the performance of their duties may be confronted with deadly force, it will remain necessary for police agents to be properly armed for the protection of society and themselves.

The general policy of this department regarding the use of firearms or other deadly force by police agents, on or off duty, shall be that an agent will use deadly force only when the agent is legally justified and the use of deadly force is objectively reasonable.

Regardless of the nature of the crime or the legal justification for firing at a suspect, agents are reminded that their basic responsibility is to protect the public. Agents shall be particularly cautious when firing under conditions that would subject innocent bystanders to substantial danger. This policy is not to be construed to require police agents to assume unreasonable risks. In assessing
the need to use deadly force, the paramount consideration should always be the safety of the police agents and the public.

B. Procedure

1. Lakewood police agents are permitted to fire their weapons under the following circumstances:
   a. When the use of deadly force is objectively reasonable as described below;
   b. At an approved target at an approved firing range;
   c. For practice, in a safe manner, in any area where firing a weapon would not be in violation of the law;
   d. In order to destroy any animal that appears to be suffering from an apparent fatal wound or sickness, but only after making a reasonable attempt to locate and receive permission from the animal's owner;
   e. At any animal that is obviously mad or vicious and cannot otherwise be prevented from killing or seriously injuring any person; or
   f. When the firearm is used as a delivery or application vehicle for a non-lethal device.

2. Defense of life: Deadly force may be used when a police agent has probable cause to believe that the agent or another person is in imminent danger of being killed or of receiving serious bodily injury.

3. Fleeing violent felon: The use of deadly force against a fleeing violent felon may be used when there is probable cause to believe that the subject has committed a felony involving the infliction or threatened infliction of serious bodily injury or death, and the subject’s escape would pose an imminent danger of death or serious bodily injury to the agent or another person. A fleeing violent felon should not be presumed to pose an imminent threat to life in the absence of actions that would lead one to believe such is the case, such as a previously demonstrated threat to or wanton disregard for human life. If feasible and if doing so would not increase the danger to the agent or others, police agents shall identify themselves as police officers and give a verbal warning to stop prior to the discharge of the firearm at a fleeing violent felon.

4. Vehicles: Experience has demonstrated that the potentially dangerous practice of firing shots at a moving vehicle for the purpose of disabling it or stopping the offender inside is seldom successful in doing either. For this reason Lakewood agents are strongly discouraged from firing at moving vehicles and their occupants.
5. The reasonableness of a police agent’s decision to use deadly force under this policy must be viewed from the perspective of a reasonable agent on the scene who may often be forced to make split-second decisions in circumstances that are tense, uncertain, and rapidly evolving and without the calm advantage of 20/20 hindsight.

C. Rule

1. Justification for the use of deadly force shall be limited to what reasonably appears to be the facts known or perceived by an agent at the time he decides to use such force. Facts unknown to an agent, no matter how compelling, cannot be considered in later determining whether the shooting was justified.

2. Choke holds (holds designed to reduce or stop the flow of blood to the brain) shall not be used by any member of this department unless other means of restraint have proven ineffective and the application of such a hold is in accordance with the deadly force policy.

3. Warning shots shall not be fired.

4. Shots shall not be fired at persons who have committed only a misdemeanor or a traffic violation.

4504 USE OF FORCE NOTIFICATIONS - FIREARMS

B. Procedure

1. Whenever an employee discharges a firearm, except during legitimate practice, he shall notify the immediate supervisor who, in turn, shall notify the Sector Commander. Written reports of all such incidents shall be completed by the employee involved or other assigned agents or detectives as directed by the supervisor.

2. In those cases where an immediate supervisor is not on duty, the employee discharging the weapon shall notify the Sector Commander without delay. This applies to shooting incidents on and off duty and to incidents in and out of the city of Lakewood.

3. Investigation of an officer-involved-shooting shall commence immediately after the incident occurs. Agents at the scene of the shooting shall request a supervisor to respond to the location and the Sector Commander shall be notified.
4. When the firearm was discharged and: (1) the shooting was accidental and no gunshot wound was inflicted, or (2) was used to destroy an animal, (3) was used to deploy non-lethal devices, or (4) was used to deploy less lethal munitions in which no serious bodily injury or death results, investigative responsibility for the shooting shall be assumed by the supervisor responding to the scene and the division where the affected employee was performing his duties or assigned at the time the incident occurred.

5. When a gunshot wound is inflicted or the shooting was deliberate, investigative responsibility for the shooting shall be assumed by the Professional Standards Section and the Jefferson County Critical Incident Team. The Jefferson County Critical Incident Team is to be requested to respond by the Chief of Police or the Division Chief of the affected division.

6. The Sector Commander shall be responsible for notifying the following personnel:
   a. The Professional Standards Section commander if the shooting fits the criteria outlined above.
   b. The Investigation Division Chief, if suspected criminal activity is involved.
   c. The affected employee's Division Chief.
   d. The Chief of Police.
   e. The Legal Advisor.

7. Those notified shall, at their discretion, notify their immediate supervisors.

8. The Jefferson County Critical Incident Team shall investigate the incident primarily to focus on gathering the facts relative to the law. The team shall present fact-finding reports to the chief of police. The Professional Standards Section shall investigate the incident with its primary focus being on policy and procedure. The internal, Professional Standards Section, investigation shall be subordinate to the investigation of the Jefferson County Critical Incident Team. The Professional Standards Section shall prepare and submit the appropriate reports and briefings for the chief and his staff, for presentation on the next working day following the shooting or as soon thereafter as is practical.

9. The news media shall be informed by special report. Requests for information not included on the special report shall be referred to the Office of the Chief or the Public Information Office.

10. The preparation of special reports on employee-involved shootings shall be done by the Public Information Office.
C. Rule

1. All intentional or accidental discharges of firearms by department employees, other than for practice where permitted or hunting, shall be reported to the department.

4505 USE OF FORCE NOTIFICATIONS - OTHER THAN FIREARMS

B. Procedure

1. Whenever an employee of this department, while in the performance of his duties, inflicts or is involved in an incident where death or serious bodily injury is inflicted upon another person as a result of some type of enforcement activity, the employee shall immediately notify his immediate supervisor or the Sector Commander.

2. In those incidents where death or life threatening injury is present as a result of some type of enforcement activity by this department, investigative responsibility for the incident shall be assumed by the Professional Standards Section. The Jefferson County Critical Incident Team may also be notified to conduct their own investigation into the use of force. The Jefferson County Critical Incident Team is to be requested to respond by the chief of police or by the Division Chief of the affected division.

3. The Sector Commander shall be responsible for notifying the following personnel in instances where death or life threatening injury is present:
   a. The Professional Standards Section commander.
   b. The Investigation Division Chief, if suspected criminal activity is involved.
   c. The affected employee’s Division Chief.
   d. The Chief of Police.
   e. The Legal Advisor.

4. In those incidents that result in any bodily injury less than serious bodily injury, the employee shall immediately notify his immediate supervisor. Bodily injury means physical pain, illness, or any impairment of physical or mental condition.

5. The supervisor notified shall ensure that written reports concerning incidents of physical force, the use of less-than-lethal weapons, or incidents resulting in injury are written and submitted to the concerned Division Chief on the next working day. If the reports do not contain adequate information of the events resulting in the injury, the supervisor shall ensure additional documentation is provided.

6. After reviewing, the Division Chief shall forward the reports to the Professional Standards Section.
7. Upon receipt of the reports, the Professional Standards Section shall review the incident to determine if any additional documentation is necessary. An annual analysis of Use of Force reports shall be made by the Professional Standards Section Commander to determine training needs or necessary policy modifications.

4506 POST CRITICAL INCIDENT TRAUMA

A. Policy

Any employee who is involved in a shooting incident or other traumatic situation may, as a normal human response to that incident, suffer some effects of what has been classified as POST CRITICAL INCIDENT TRAUMA. Such trauma can be a normal human response and needs to be recognized by all persons involved with that employee, as well as the employee himself, as normal. There are individuals who suffer no such trauma and this, too, is a normal reaction.

B. Procedure

1. The employee involved in an incident connected to the serious injury or death of another in the line of duty shall, when possible, relate a brief account of the incident to a supervisor so that appropriate notifications are made. The involved employee shall not be permitted to be interviewed by members of the news media.

2. The employee involved in a serious injury or death of another person shall, when practical and in the company of another employee, be moved away from the scene to await the arrival of the investigating team. The role of the companion is to provide support for the person involved. If more than one person is involved they shall be separated and each be in the company of a fellow employee.

3. When the critical incident requires an employee's weapon be taken, that weapon shall be replaced with another as soon as practical, if such replacement is appropriate.

4. As soon as practical after the critical incident, the employee involved shall be allowed to communicate with his attorney, family, or friends.

5. If the affected employee requires immediate professional counseling assistance following the critical incident, appropriate supervisory personnel shall notify the employee's Division Chief who may request that the on-call counseling personnel utilized by the department respond to counsel the employee. In the event the employee's Division Chief is not available, the Patrol Division Sector commander may request that the on-call counseling personnel respond. The Communications Section shall maintain a list of the normal business and after-hours telephone numbers of the counseling personnel currently utilized by the department.

6. Following any critical incident there may be other employees affected, i.e., a police dispatcher who, although not directly involved, may be emotionally affected by the incident. All supervisors shall be aware of this fact and be cognizant of their subordinates' mental condition.
7. Division Chiefs may also refer employees with ongoing, high-stress life situations to professional mental health counselors.

8. If the effect of a critical incident dictates that an employee be given time away from the job, that time shall be deemed "administrative leave." Individual cases may dictate the necessity for additional leave in the form of sick leave, compensatory time, vacation, or holiday leave.

9. After a critical incident has occurred, the employee involved may meet with a psychologist, psychiatrist, or other mental health professional. That meeting may include the employee's wife, husband, or friend and shall be provided at no expense to the employee.

10. The Professional Standards Section (in consultation with the Jefferson County Critical Incident Team) shall be responsible for:
   
a. Completing all necessary reports.
   
b. Briefing command staff.
   
c. Keeping the media relations officer informed.
   
d. When possible, debriefing the involved employees in the incident and advising them of the progress of the investigation.

11. To reduce rumor flow, a file shall be maintained in each Division Chief's office that shall contain up-to-date information to be released to all employees.

12. All supervisors shall ensure that inappropriate comments are not made to employees involved in a critical incident.

13. If the investigation indicates a possible violation of law by the involved employee, or if at any point it is deemed that the employee may be in legal or civil jeopardy, the employee shall be so advised by the lead investigator or his commanding officer.

14. If necessary, during and after the time of the investigation, all business calls to the employee shall be screened. Only those callers the employee wishes to speak to shall be put through. If the situation receives vast media coverage, arrangements shall be made to screen calls to the employee's home, if necessary.

C. Rule

Whenever the actions or use of force of an employee result in a death or serious bodily injury, the employee shall be placed on administrative leave pending review by the Use-of-Force Review Board. A Duty-Fitness Review Board may be necessary.