USE OF FORCE REVIEW BOARD

A. Policy

1. Over the past few years, the number of lawsuits directed against police departments has increased significantly. In part, this is due to changes in judicial attitudes concerning liability and interpretations of 42 U.S.C.A. 1983. This particular statute, while it addresses federal civil rights violations, has been applied repeatedly to police practices in local jurisdictions. Vicarious liability should be an issue of concern to all police agents. In order to protect the department and its employees, certain types of incidents involving the use of force need to be investigated and reviewed as thoroughly and expeditiously as possible.

2. The department recognizes the need to conduct the expedient and thorough determination of whether or not there was legal justification for the discharge of a firearm or the utilization of force against individuals not affiliated with this department that result in death or serious bodily injury as defined in the criminal code.

B. Procedure

1. Definitions

   a. Use of Force Review Board - A board of inquiry established to make such determination in accordance with applicable Colorado Revised Statutes and policies and procedures of the Lakewood Police Department. The Use of Force Review Board shall be composed of the command staff.

   b. Jefferson County Critical Incident Team - A team of highly trained and skilled investigators, made up of personnel from each law enforcement agency and the District Attorney's Office within Jefferson County, to assist in the investigation of incidents where any law enforcement officer within Jefferson County uses deadly force, or attempts to use deadly force, against a human being during the commission of the officer's duties. The Jefferson County Critical Incident Team operates under the direction of the chief of police or his designee, and will present its fact-finding reports to the chief of police. All existing procedures as to the notification of the District Attorney's Office following a law enforcement officer's use of, or attempted use of, deadly force, shall apply and be followed precisely.

   c. Jurisdiction of the board shall be defined as follows:

      (1) Incidents in which an employee, usually an agent, discharges a firearm. This shall include all situations where an employee fires a weapon deliberately or accidentally. However, when a weapon is discharged to destroy an animal, is accidentally discharged and no gunshot wound is inflicted, propel a non-lethal device, or deploy less lethal munitions in which neither serious
bodily injury or death results, responsibility for reviewing the circumstances shall rest with the Division Chief of the involved employee. The Division Chief may present it to the Use of Force Review Board if appropriate. In those situations where the shooting occurs beyond the Lakewood city limits, the investigation shall be conducted in cooperation with the appropriate police agency.

(2) Incidents where a firearm has not been discharged and an employee, usually an agent, 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. In those situations where the incident occurs beyond the Lakewood city limits, the investigation shall be conducted in cooperation with the appropriate police agency.

(3) Any other incident as assigned by the chief of police.

d. Serious bodily injury as used in this procedure means bodily injury that involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.

e. Exceptions - Exceptions to the need for an investigation of firearms discharge are firearms training, or range practice, and other legal discharges not related to law enforcement such as hunting and other firearms sports.

2. The Use of Force Review Board has a dual purpose. Its primary mandate concerns evaluation of officer-involved-shooting incidents or use-of-force incidents that result in death or serious bodily injury to individuals. Second, the board identifies alternative tactical approaches to various police problems and, when warranted, recommends review of tactics with the agents involved.

3. Primary responsibility for use of force investigations that fall within the defined jurisdiction shall be that of the Professional Standards Section. The Jefferson County Critical Incident Team's concern is with the circumstances leading to the death, serious bodily injury, or discharge of a firearm.

4. The investigation into the incident, while necessary for the protection of the public at large, departmental employees, and the reputation and integrity of the police department, shall be conducted in a manner consistent with approved investigative techniques and shall not interfere with any other concurrent criminal investigation.
5. In cases where probable cause or reasonable grounds exist to believe that an employee unlawfully discharged a weapon or utilized excessive force, the investigation shall be conducted in accordance with established criminal investigation procedures. In any event, the Professional Standards Section shall prepare an administrative report to the chief of police.

6. The completed investigative report shall be maintained in the Internal Affairs Unit.

7. Pertinent copies of the criminal investigation reports shall be included.

8. The report presented to the board shall be prepared in the following format:
   a. Synopsis of the incident.
   b. Facts and circumstances pertinent to the question of whether or not the shooting or use of force was legally justified.
   c. Facts and circumstances that are pertinent to the question of whether or not the incident involved any violation of departmental policy, procedure, or ethic.
   d. A signature line for the person preparing the report.
   e. A signature line for the person reviewing the report.
   f. A place for the chief's decision on the shooting or use of force in a "justified/not justified" format, including comments.

9. Other reports as are necessary shall be prepared by the Professional Standards Section for distribution to the affected employees, city manager, and Council.

10. Every firearm discharged during an employee-involved shooting shall be seized for the purpose of mechanical and ballistic examination. The supervisor in charge of the investigation shall be responsible for deciding when and how the weapon will be seized, in coordination with the Jefferson County Critical Incident Team.