

## 4500 USE OF FORCE – GENERAL POLICY

### 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 less-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.)

### B. Procedure

1. **Duty to intervene.** Any police agent who observes another peace officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when he/she has a reasonable opportunity to do so, intercede to prevent the use of unreasonable force.
2. **Duty to report.** A police agent who, while acting in pursuance of his/her law enforcement duties, witnesses another peace officer, while acting in pursuance of his/her law enforcement duties, using force in excess of that permitted by law pursuant to C.R.S. § 18-1-107 must promptly report such use of force to a sworn supervisor. Subsequent written notification shall be made within ten days of the occurrence and include the date, time, place of occurrence, the identity, if known, and a description of the participants, and a description of the events and the force used in compliance with C.R.S. § 18-8-802 (1) (b).
3. **Required Equipment.** In order to provide police agents/sergeants options when they are justified in using physical force, while acting in pursuance of his/her law enforcement duties, sworn personnel assigned to the Patrol Division at the rank of agent/sergeant, to include those working extra duty assignments, are required to carry one of the following less-lethal weapons on their duty belt; baton, OC spray or Taser.

## 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
  - e. 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 when the police agent has reason to believe that the police agent or another person is in imminent danger of being killed or receiving serious bodily injury as a result of the animal's actions;
  - 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. Shooting at a Moving Vehicle. Police agents are strongly discouraged from the potentially dangerous practice of shooting at a moving vehicle and its occupants for the following reasons:
  - a. Firing at a moving vehicle for the purpose of disabling it or stopping the offender inside is seldom successful in doing either;
  - b. Disabling the driver of a moving vehicle may result in the vehicle becoming out of control and causing injury to innocent persons;
  - c. Firing at the moving vehicle may result in injury to unknown person(s) in the passenger compartment.

When practical, a police agent 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 vehicle's 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. Carotid Control Hold (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.
8. An annual analysis of Use of Force reports shall be made by the Professional Standards Section Commander to determine training needs, equipment upgrades and/or necessary policy modifications.

The analysis should include:

- a. Date and time of incidents (temporal analysis)
- b. Types of encounters result in use of force.
- c. Trends or patterns related to race, age and gender of subjects involved.
- d. Trends or patterns resulting in injury to any person including employees, and;
- e. The impact of analysis findings on policies, practices, equipment, and training.

#### 4506 POST CRITICAL INCIDENT TRAUMA

##### A. Policy

Any employee who is involved in a shooting incident (whether or not injury to or death occurs) or other traumatic incidents may, as a normal human response to that incident, suffer some effects of what has been classified as POST CRITICAL INCIDENT TRAUMA. Such trauma needs to be recognized by all persons involved with that employee, as well as the employee himself, as a normal human response. There are individuals who suffer no such trauma and this, too, is a normal reaction. In the event the employee is injured, medical attention shall be provided. This applies to employees directly and indirectly involved in the incident.

Training and education regarding post traumatic reactions associated with critical incidents shall be provided during academy training and thereafter.

Definitions:

1. Shooting incident – any incident in which an officer fires his/her weapon in defense of his/her life or the life of another.
2. Traumatic incident – any incident in which serious physical injury or death results from the action of an employee; or an incident in which an employee suffers potentially life-threatening injury as the result of actions of another. An incident involving a violent crime scene, a scene with death or disfigurement, a fatal traffic collision or a scene involving severe injury or death to a child.

B. Procedure

1. An employee who, while in the line of duty, is involved in a shooting incident (regardless of outcome) or other traumatic incident shall, when possible, relate a brief account of the incident to a supervisor so that appropriate notifications are made. The Police Department shall not permit the news media to interview the involved employee.
2. An employee involved in a shooting or traumatic incident shall be assigned an employee companion (which may include a peer support member.) 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. The employee involved in a shooting or traumatic incident shall, when practical and in the company of another employee, be moved away from the scene to await the arrival of the investigating team.
4. When a shooting incident requires an employee's weapon be taken, that weapon shall be replaced with another as soon as practical, if such replacement is appropriate.
5. As soon as practical after the shooting or traumatic incident, the employee involved shall be allowed to communicate with his attorney, family, or friends.
6. Mental health services shall be provided to the affected employee(s) as soon as practical.
7. After a shooting or traumatic incident has occurred, the employee involved shall meet with a psychologist, psychiatrist, or other mental health professional within two weeks of the incident. That meeting may include the employee's spouse, significant other, relative or friend and shall be provided at no expense to the employee. The purpose of this meeting is to establish communication with an outside counseling support system. Ongoing treatment may be available and at the employee, family member, or significant other's discretion, unless a duty fitness examination is ordered per the City's policies.



8. Following any shooting or traumatic incident there may be other employees affected, although not directly involved, may be emotionally affected by the incident. All supervisors shall be aware of this potential impact and be cognizant of their subordinates' capability of performing their duties in light of that potential impact.
9. If a shooting or traumatic incident result in an employee being given time away from the job, that time shall be deemed "administrative leave." Additional leave, in the form of sick leave, compensatory time, vacation, holiday leave, FMLA, or Worker's Compensation may be taken in compliance with City policies.
10. When a shooting incident requires investigation, the Professional Standards Section, in consultation with the Jefferson County Critical Incident Response Team, (CIRT) shall be responsible for:
  - a. Completing all necessary reports.
  - b. Briefing command staff.
  - c. Keeping the PIO or media relations officer informed.
  - d. When possible, debriefing the involved employees in the incident and advising them of the progress of the investigation.
11. All supervisors shall take steps to prevent inappropriate comments from being made to employees involved in a shooting or traumatic incident.
12. If the situation receives substantial media coverage, arrangements shall be made to screen calls to the employee's home or cell phone, if necessary or requested by an employee.

C. Rule

1. If an employee's actions or use of force result in a death or serious physical injury, the Department/City shall place the employee on administrative leave pending review by the Use of Force Review Board or the employee's chain of command as appropriate. The purpose of this review is to determine suitability for alternative assignment, or the employee's readiness for duty. At any time, post-incident, such a review may be requested by the employee's chain of command.
2. When an officer fires his/her weapon in the line of duty as part of his return to duty process, the officer will arrange with a member of the range staff to re-qualify at the range with the weapon type used during the shooting. Upon completion, range staff member will submit a memo to the Professional Standards Section indicating the date of their requalification. This memo shall be retained in their training file.
3. Due to extenuating circumstances, the employee may return to duty from the administrative leave in an alternate assignment until a resolution to the incident is completed.
4. At any time, post-incident, such a review may be requested by the employee's chain of command. Mandatory psychological referral and assessment may be an element of such reviews.

5. When the employee is cleared by Command Staff and the mental health professional to return to duty, a re-integration plan should be implemented. The following shall be considered as part of the plan:
  - a. Return to the scene of the incident
  - b. Re-entry with a partner
  - c. Alternative assignment

## 4507 FATAL INCIDENT PROTOCOL

### A. Policy

#### 1. Purpose

Investigations of fatal incidents involving police employees often place extraordinary demands upon the individuals and the agency involved. These cases tend to attract considerable interest from segments of the public and from the news media. The public's right to know what occurred must be balanced against investigative necessity, rights of privacy, and rights to a fair trial.

The individuals and agency involved in such fatal incidents, as well as those involved in the subsequent investigations, must realize that each incident has potential social, civil, administrative, and criminal consequences. Incident investigators and supervisors must understand the legal rights, obligations and authority of the agency and individuals involved. They must specifically recognize and reconcile police agents' constitutional rights with the rights and obligations resulting from the employer/agency relationship.

Confusion and even conflict can occur among individuals and the agency based upon their different interests, duties, perspectives, authority, training, and resources. Unless resolved in advance, questions such as who conducts the investigation, what type of investigation should be performed, and who can be present when an involved agent is interviewed, can delay and compromise investigations.

Because these demands and complications exist, this protocol was developed to serve as a procedural guideline for the investigation of agent-involved fatal incidents. These situations can be traumatic to the involved employee and the goal of the protocol is to help assure that such cases are thoroughly and fairly investigated.

#### 2. Definitions

- a. Agent-Involved Fatal Incidents - Incidents occurring in Lakewood involving two or more people, in which a police agency employee is involved as an actor, victim, or custodial agent, where a "fatal injury" occurs. Such "incidents" include but are not limited to the following:

- (1) Intentional and accidental shootings, including police tactical incidents involving specialized response teams.
- (2) Intentional and accidental use of any deadly weapons.
- (3) Assaults upon police agents; assaults on other police employees who are on duty or are acting for a law enforcement purpose.
- (4) Attempts by police employees to make arrests or to otherwise gain physical control for a law enforcement purpose.
- (5) Any fatal injury in police custody, but excluding fatal injuries of prisoners which occur while the inmate is under physician's treatment for a disease or other natural condition which does not involve custodial trauma, custodial suicide, or custodial ingestion of toxic substance.
- (6) Any fatal injury to a person who is a passenger of a police agent (such as ride-alongs, emergency transports, etc.)

b. Police Employee - This protocol applies to employees and to certain other people affiliated with the law enforcement agency as follows:

- (1) Sworn agents, whether on-duty or off-duty, and acting for a law enforcement purpose at the time of the incident.
- (2) Full time nonsworn employees, whether on-duty or off-duty, and acting for a law enforcement purpose at the time of the incident.
- (3) Part-time nonsworn employees: same as above.
- (4) Temporary employees and volunteers whether paid or unpaid, who are on-duty or who are acting actually, apparently, or purportedly for a law enforcement purpose at the time of the incident. This category includes informants when they are working under the direct control and supervision of a police agent.

c. Fatal Injury - Death or injury which is so severe that death is likely to result.

d. Criminal Investigators - Those investigators assigned to conduct the criminal investigation of the incident.

e. Administrative Investigators - Those investigators assigned to conduct the administrative investigation of the incident.

## B. Procedure

### 1. The Criminal Investigation

- a. The Jefferson County Critical Incident Team has investigative priority over the administrative investigation and it begins immediately after an incident has occurred.
- b. It is performed by criminal investigators.
- c. Its goal is to develop all available relevant information about the incident, specifically:
  - (1) To determine whether the conduct involved is prohibited by state law;
  - (2) If criminal conduct does exist, determine the identity of the person(s) responsible for that conduct; and,
  - (3) If criminal conduct does exist, determine the degree of the crime(s); the existence of any factual or legal defenses to that crime; and to determine the presence or absence of any factors which would mitigate or aggravate punishment for that crime.

While the criminal investigators do not direct their investigative attention to administrative concerns, it is recognized that the criminal investigation's results are of proper interest to agency management for its internal use and those results are fully available for that purpose.

- (4) Circumstances may dictate the need for the supervisor officer at the scene to promptly, but discreetly (i.e., in private, out of view of the public and other agents in possible), obtain possession of the weapon used.
- (5) In shooting cases, the supervising officer will question all agents who were present at the time of the incident to determine if they fired their weapons. If the agents did fire or are not sure if they fired their firearm, the supervising officer will check their firearms to ensure that all discharged firearms are identified and collected, and to specifically document those weapons which were not fired.
- (6) The supervising officer collecting any weapon or instrument will make note of its readily visible general description and condition, the appearance, and the location of any trace evidence adhering, to the extent these observations can be made without removing a firearm from its holster or otherwise compromising physical evidence. The location where the weapon or instrument was first observed by the supervising officer and the identity of the person or location from which the weapon or instrument was received shall also be recorded.
  - (a) In firearms cases, the supervising officer will also make note of whether the firearm is cocked, has its safety "on" or "off," has its hammer back, any apparent

jamming of either fired or unfired ammunition; the location and position of the weapon's magazine (e.g., fully or partially inserted, completely separate from the firearm, missing, etc.), to the extent possible without removal of the weapon from its holster.

If the mechanism of a firearm is obviously jammed, no attempt shall be made to unload the weapon or clear the jam.

If the firearm is cocked (or if a semiautomatic pistol cannot be determined to be cocked or not), the safety may be put "on" by the supervising officer, who must make note of that fact. If the firearm's hammer is back, it may be lowered but note must be made of that fact.

- (b) Any agent receiving a weapon or instrument from another person or obtaining it otherwise shall note its serial number, if readily visible, without removing the weapon from its holster or otherwise compromising physical evidence and shall otherwise maintain the chain of evidence.
  - (c) Otherwise, weapons and instruments will not be disturbed in any way. They shall not be handled by anyone other than the supervising officer and that officer shall handle them minimally to preserve the exact state of the weapon or instrument when received.
- (7) The collected weapons or instruments shall be transferred to the Criminalistics laboratory staff upon their arrival, along with the information required.
  - (8) If the supervising officer at the scene was himself an actor or victim in the incident, the responsibility for security and/or collection of weapons and instruments shall rest with an uninvolved supervisor or the next-in-line uninvolved agent at the scene.
  - (9) Twelve rounds of the same type(s) of ammunition fired will be collected by the criminal investigators from each shooting agent (or from another appropriate source if the agent has insufficient similar rounds remaining).
  - (10) Firearms which do not need to be retained in evidence, as determined by the criminal investigators, will be returned promptly after the Criminalistics laboratory has inspected and tested them. The laboratory appreciates that prompt return of agents' handguns is important, and will return them as soon as possible.

d. Transporting and sequestering of involved agents:

Agents who were present at the scene at the time of the incident, whether actors or witnesses, will be relieved of their duties at the scene as promptly as possible and shall be sent to the police station unless other suitable and agreeable arrangements are made for them. Agents not involved in the incident shall be assigned to accompany these agents, either in a group or individually. Actors should be driven to the station by an uninvolved agent.

- (1) If circumstances prohibit removal of all witnessing and involved agents from the scene at once, those agents who were actors should be relieved first.
- (2) An uninvolved agent shall remain with the involved agent either in a group or individually, until they can be interviewed. The sequestering agents are present to ensure the agents have privacy and that their needs are accommodated. They should not be present during confidential (privileged) conversations.
- (3) Involved agents are encouraged not to discuss the case among themselves, with sequestering agents, or with others except their representatives.
- (4) While awaiting interviews, involved agents are encouraged to relax and to carefully reflect upon what occurred. They may wish to make notes for their future use, especially for later interviews.

e. Interviewing police employees (Criminal Investigation):

- (1) Interviews will be conducted separately.
- (2) Interviews will normally be fully tape-recorded.
- (3) The interviewees will be considered as witnesses unless the circumstances dictate otherwise.
- (4) Police employees have the same rights and privileges regarding interviews that any other citizen would have, including the right to consult with an attorney prior to interview and the right to have an attorney present during the interview.
- (5) The attorney should be allowed to consult about the facts of the incident privately with the police employee.
- (6) The involved employee, prior to any interviews, will also be allowed to consult with a professional mental health counselor.

f. Intoxicant testing:

- (1) Police employees have the same rights and privileges that any civilian would have regarding intoxicant testing. When

investigators determine that a police employee's state of sobriety is relevant to the crime under investigation, they have these options:

- (a) Obtain the blood and/or urine sample by valid consent.
- (b) If there is a clear indication that the employee is under the influence of alcohol and/or drugs and there is probable cause to believe the employee has committed a felony crime, a felony blood draw may be accomplished.
- (c) Intoxicant test results obtained by criminal investigators are available to the administrative investigators.
- (d) In the event the criminal investigator does not obtain samples for intoxicant testing, the agency may then seek to obtain samples. The criminal investigators have the first opportunity however.
- (e) Authority for the agency to obtain samples is found elsewhere in the department manual.

(2) Miscellaneous

- (a) Blood is the best fluid for alcohol testing, while urine is best for drug screening. Optimally, samples of both should be obtained for most complete results.
- (b) Samples should be collected promptly after the incident for most meaningful results.
- (c) A police employee may volunteer to provide sample(s) for intoxicant testing even if criminal and administrative investigators haven't obtained samples.

2. The Administrative Investigation

- a. In addition to its concern about possible criminal law violations by civilians and its own employees who are involved in an incident (which concerns are addressed by the criminal investigation), the Lakewood Police Department also has need for information about the incident for noncriminal purposes:

(1) Internal Affairs

Determination of whether or not its employees violated departmental regulations.

(2) Agency Improvement

Determination of the adequacy of its policies, procedures, programs, training, equipment, personnel programs, and supervision.

(3) Claims and Litigation

Preparing for civil litigation that may be initiated by or against the agency and its employees.

- b. The Lakewood Police Department uses an administrative investigation format to investigate these concerns. While both the criminal investigation and the administrative investigation are important and should be aggressively pursued, investigative conflicts between the two formats shall be resolved by allowing the criminal investigation to have investigative priority. It is intended that this prioritization will preclude competition between the two formats for access to witnesses, physical evidence, and the involved parties, and that it will prevent the criminal investigation from being compromised by an untimely exercise of the Lakewood Police Department's administrative investigation.
- c. Interview statements, physical evidence, toxicology test results, and investigative leads which are obtained by administrative investigators by ordering police employees to cooperate, shall not be revealed to criminal investigators.