

SUBJECT: Use of Force-Reports and Incident Review Requirements		
3.6	EFFECTIVE: 2017	James Van Beek, Sheriff
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3.6.1 POLICY

Use of force and force-related incidents shall be appropriately reported, investigated and reviewed. A use of force report shall be completed and distributed pursuant to guidelines herein whenever a deputy uses more force than is required in ordinary custody and escort situations. So, for examples, if a deputy has to take someone to the ground or strike someone, a use of force report is required. Also, although pointing a firearm at someone is probably best described as a show of force rather than a use of force, pointing a firearm at someone is a significant event and thereby requires a use of force report so that the action can be evaluated and kept with like reports for statistical analysis.

3.6.2 PURPOSE

To provide rules and guidelines for force-related incident reporting and the Office's supervisory and administrative response to use of force and force-related incidents.

3.6.3 PROCEDURE

A. Immediate Supervisor Investigation

1. In each incident in which a use of force report is required, the deputy's supervisor shall be immediately notified by the deputy.
 - a. A supervisor will review the circumstances of the use of force and the completed paperwork. If required a follow up investigation will be conducted and may include: interviewing witness', interview arrestee, interview Deputy, request dispatch tapes and other steps that will provide clarity to the use of force.
 - b. Photographs of any injuries or complaints of injuries the subject or the deputy(s) may have sustained during the use of force incident may be taken.
2. Non-sworn employees may be involved in force incidents accidentally, unintentionally, or as justified by law. Any reportable use of force incident by a civilian employee shall be immediately reported to the designated supervisor, who shall then contact the chain of command and Sheriff. Any employee whose actions or use of force while representing the Office in an official capacity results in death or serious physical injury shall be removed from field police work pending an administrative review.

B. Deputy-Involved Shooting Procedures

In the event of a deputy-involved shooting, the following procedures shall be followed by supervisors:

1. The deputy shall be removed completely from the immediate scene and line-duty assignment as soon as reasonably possible;
2. Proper chain of command notifications shall be promptly made, including the Sheriff;
3. A supportive peer or supervisor shall stay with the deputy who shall be returned to the scene only if reasonably necessary;
4. The shooting shall initially be discussed with the first line supervisor, but in order to avoid legal and investigative complications, the incident shall not be further discussed prior to the preliminary investigation;
5. Prior to the conduct of an administrative interview or administrative review, the applicable administrative processes shall be explained to the deputy;
6. If the firearm is taken as evidence, the deputy shall be given a replacement immediately or told when it will be replaced. If the firearm is not immediately replaced, an armed companion deputy shall stay with the involved deputy
7. Interview of Involved Deputies-Preliminary Statement to First On-Scene Supervisor
 - a. A preliminary statement by the involved deputy or deputies is necessary to protect the public.
 - b. The statements should be focused on public safety concerns. Such as:
 - i. The number of firearm discharges and the direction fired by any weapon;
 - ii. Identification, description, weapon possession, direction, and means of travel for any suspects not on scene;
 - iii. General positioning during the force event; and
 - iv. Other relevant public safety information particular to the incident.
 - c. The supervisor shall brief criminal investigators on the statement.
8. If possible, the deputy shall be given some recovery time before detailed interviewing begins, when possible two to three sleep cycles should be provided to the deputy prior to the interview. Deputy will be allowed to review body worn camera or in car video footage prior to formal interviews or completing their report.
9. Even if the involved deputy is not apparently in need of medical attention, EMS shall be requested to check vital signs and otherwise conduct a cursory examination of the deputy due to the stress of a deadly force encounter. Transport to a medical facility may be necessary depending on the circumstances;
10. If the deputy is injured, appropriate emergency care shall be rendered. The family shall be contacted and an Office member will drive the family member, if local, to the hospital;
11. Other deputies at the scene and the dispatchers handling the call shall be interviewed for signs of mental trauma;
12. Involved deputy(s) shall be kept away from the view of any media on scene and shall not remain on scene any longer than is necessary to provide preliminary information necessary to process the scene and assure public safety. Arrangements shall be made to transport the deputy(s) to headquarters or other location designated by the Incident Supervisor or designee; and
13. All employees involved in the shooting should attend a debriefing. This debriefing shall be separate and distinct from any fitness for duty assessment and administrative or investigative procedure.

C. Report Documentation-Deputy

1. When a deputy uses deadly force and the resulting investigation includes a recorded interview with an investigator, the deputy shall be required to complete a written report regarding the incident. At a minimum, the following information is to be contained in the statement:

- a. A detailed description of the words, actions and/or threat posed by the suspect warranting the need for force;
 - b. A description of the force used; and
 - c. Any subsequent actions taken by the deputy.
2. Deputies are required to report any accidental discharge of firearms or less-than-lethal weapons. A complete investigation shall be conducted into any accidental discharge of a firearm.
3. Any employee involved in a deadly force incident may be requested, as part of the criminal investigation, to submit to analysis of their blood or urine. If the employee asserts their right to refuse the test, they shall be required to submit to the test(s) as part of the administrative investigation. In such a case, the results shall not be shared with the criminal investigators.

D. Report Documentation-Supervisors

1. The deputy shall complete the Use of Force Form within 24 hours of the incident.
2. A Use of Force Form is required when there is:
 - a. ECD discharge that does not strike another;
 - b. ECD arc display
3. In cases where there is no Incident Report prepared, e.g., no crime, supervisors shall prepare the appropriate reports, if any, by use of the CAD data submitted by the affected deputy.
4. A report shall be prepared by supervisors in any incident involving a firearms discharge, except training, qualification, off-duty hunting and dispatching an animal.
5. In the case of a civilian employee, the designated supervisor shall ensure that a written report regarding the incident involving the civilian employee is completed in the form of a memorandum. This memorandum shall be completed within 24 hours of knowledge of the incident and forwarded to the Sheriff or designee.
6. Supervisors shall ensure that each employee involved in or present at any use of force incident requiring an Incident Report shall prepare a Supplemental Report.
7. Off-duty deputies involved in use of force situations are subject to the same reporting procedures as on-duty deputies. When an off-duty deputy is involved in a use of force situation, he/she shall notify an on-duty supervisor immediately.

E. Administrative Review

1. Members assigned to conduct the administrative investigation shall conduct an independent investigation into all circumstances surrounding the shooting incident.
2. The scene commander and all personnel at the scene of the shooting shall cooperate fully with the administrative investigator.
3. All documentation of a use of force incident, to include photographs, shall be included with the Administrative review.
4. Those assigned to administrative investigations shall take all appropriate actions necessary to ensure that the administrative investigation does not jeopardize any ongoing criminal investigation.
5. Upon conclusion of the administrative investigation, the Sheriff shall review all relevant details of the incident to determine if the use of force was within policy. In cases involving

use of firearms, the Sheriff may convene a shooting review board, composed of members as determined by the Sheriff, to review the facts surrounding the incident to determine if the shooting was within policy.

6. If it is determined by the Sheriff that the incident is not within policy and disciplinary action is warranted, the case shall be handled in accordance with County and Office policies.
7. All recommendations regarding training, policy or equipment, together with any findings of policy violations, shall be referred to the Sheriff through the chain of command for resolution and/or disciplinary action.
8. Inadequacies in the structure or content of force related policy shall be noted and any modifications shall be made as needed with the approval of the Sheriff.

F. Criminal Investigation

1. The Office shall conduct a criminal investigation for any incident involving deadly force or attempted deadly force. These investigations shall be performed by the Colorado Bureau of Investigation or an appointed outside agency should Colorado Bureau of Investigation be unavailable. Therefore, deputies shall be directed to contain and preserve the scene for further investigation.
2. If another agency is unable or unwilling to respond, the Sheriff shall determine whether to request another agency to investigate or assign the Investigative Division responsibility to complete the investigation.
3. After the criminal portion of the investigation is completed, the Sheriff shall turn over the acquired information to the appropriate District Attorney for review and action as deemed necessary.

G. Administrative Leave and Assistance Services

1. When an employee's use of force causes death or serious bodily harm, the employee shall be placed on administrative leave after completing all internal investigative requirements and/or assistance services:
 - a. Assignment to administrative leave shall be automatic in every incident and does not imply that the employee has acted improperly;
 - b. This leave shall be without loss of pay or benefits pending the results of the investigation;
 - c. The employee shall return to full duty only after the investigation of the incident is complete and the Office's mental health professional has determined that the employee is ready to return to duty;
 - d. The involved employee(s) shall have various services available to him/her, including the Employee Assistance Program, Peer Support Program and Office Chaplain. The assistance from the professionals involved in these programs shall be independent of internal or criminal investigations and will be appropriately confidential.
 - e. The Office encourages the involved deputy's family to take advantage of counseling services through the County's Employee Assistance Program;
 - f. Regardless of the employee's reaction to the incident, he or she shall be required to complete a fitness for duty evaluation with the Office's psychologist before returning to work; and
 - g. The deputy's supervisor will work with the deputy and consider any recommendations of appropriate support professionals to develop a reintegration plan that considers having the deputy return to the scene of the incident if needed, fire his or her weapon at the range, and participate in graded re-entry with a partner.

- h. While on administrative leave, the deputy shall remain available at all times for official ECSO interviews and statements regarding the incident, and shall be subject to recall to duty at any time.
 - i. During the period of time an investigation into the incident is being conducted, the Sheriff may assign the deputy involved to duty inside the building.
- 2. In the event of a deputy's line of duty death, the family shall have the support of the Office:
 - a. Family members shall have the opportunity to talk to the Office Chaplain; and
 - b. An Office member shall be designated the family liaison and will coordinate family needs with a designated Office Supervisor(s).
 - c. The policy entitled "Line of Duty Deaths and Office Funerals" shall be adhered to.
- 3. As post-traumatic stress disorders may not arise immediately, or the deputies may attempt to hide the problem, each supervisor is responsible for monitoring the behavior of deputies for symptoms of the disorder.

H. Documented Training and Analysis

- 1. Each January, a summary report shall be prepared of all incidents involving the use of force during the preceding calendar year. This report shall be provided to the Sheriff for review.
- 2. The Office will conduct periodic pre-incident preparation, including training and education for appropriate persons, about both normal and problematic post-traumatic reactions commonly associated with officer-involved shootings and critical incidents.