

Policy 305

Deadly Force Investigations

POLICY The policy of the Broomfield Police Department is to ensure that officer-involved shootings and deaths are investigated in a thorough, fair, and impartial manner.

PURPOSE The purpose of this policy is to establish guidelines for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies or is seriously injured as a result of any other action by an officer.

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

DEFINITIONS **17th Judicial District Critical Incident Response Team (CIRT):** A multijurisdictional team composed of officers, detectives, and specialists from the jurisdictions within Adams County which includes the Broomfield Police Department.

Deadly Physical Force: Force that is reasonably anticipated and intended to create a substantial likelihood of causing death or serious bodily injury.

Involved Officer: Any officer who caused or possibly caused the death of another person, used deadly physical force against any person, or used any force on a person who later died as a result or possible result of the actions of officers.

Uninvolved Officer: Any officer, other than an involved or witness officer, who responds to the scene of an incident in which deadly physical force was used or a person was otherwise seriously injured or died as a result or possible result of the actions of an officer.

Witness Officer: Any officer who was present and observed an incident in which deadly physical force was used or a person died as a result or possible result of the actions of officers, but did not, themselves, use any force on the person.

SOP [SOP 305 Deadly Force Investigations](#)

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305.1 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

305.2 CONTROL OF INVESTIGATIONS

The Broomfield Police Department will be responsible for the investigation of any criminal activity occurring within the City and County of Broomfield relating to the suspect's actions that preceded the application of deadly physical force.

The 17th Judicial District Critical Incident Response Team will be assigned to work on the criminal investigation of the officer's and subject's actions as they pertain to any situation in which a person is injured or dies as the result of an officer-involved shooting or dies or is seriously injured as a result of any other action by an officer.

If the incident occurs outside of Broomfield's jurisdiction, the police agency with jurisdiction will conduct the investigation, as per their protocols.

Jurisdiction is determined by the location of the shooting or death and the agency employing the involved officer. The following subsections outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

305.2.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Broomfield Police Department would control the investigation if the suspect's crime occurred in Broomfield.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police, and with concurrence from the other agency.

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305.2.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The 17th Judicial District Critical Incident Response Team controls the criminal investigation into the involved officer's conduct for all officer-involved shootings occurring in the City and County of Broomfield.

305.2.3 ADMINISTRATIVE INVESTIGATION

Regardless of where the incident occurs, the administrative investigation of each involved officer is controlled by the respective employing agency.

305.3 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

305.3.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved BPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

1. Secure the scene and identify and eliminate hazards for all those involved;
2. Take reasonable steps to obtain emergency medical attention for injured individuals;
3. Request additional resources from the Department or other agencies;
4. Coordinate a perimeter or pursuit of suspects;
5. Check for injured persons and evacuate as needed;
6. Identify witnesses;
7. Secure evidence; and
8. Brief a supervisor upon arrival.

305.3.2 OUTSIDE AGENCY INCIDENT

The responsibilities listed above for an uninvolved officer extend to situations in which no Broomfield officer's are directly involved, but another agency has an incident, such as officer-involved shooting or death, in Broomfield's jurisdiction. Additionally, the first responding Broomfield supervisor should ensure the items relevant to Supervisors, listed below, are being attended to and should coordinate as soon as possible with a Supervisor from the involved agency to coordinate responsibilities relevant to their respective roles and jurisdiction.

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305.3.2 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved BPD supervisor should ensure completion of the duties as outlined above, plus:

1. Attempt to obtain a brief overview of the situation from any witness officers.
 - a. In the event that there are no witness officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from the involved officer(s).
 - b. If necessary, the supervisor may administratively order any involved BPD officer to immediately provide public safety information, See SOP 305, Procedure A. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
 - c. Witness officers will be expected to answer all supervisor questions on scene and will make themselves available to the 17th Judicial District Critical Incident Response Team for interviews when requested.
2. Provide all available information to the Communication Center. If feasible, sensitive information should be communicated over secure networks.
3. Take command of and secure the incident scene with additional BPD members until properly relieved by another supervisor or other assigned personnel or investigator.
4. Secure the body worn cameras of all involved and witness officers.
5. As soon as practicable, ensure that involved and witness officers are transported (separately, if feasible) to a suitable location for further direction.
 - a. Each involved and witness officer should be given an administrative order not to discuss the incident with any other officers or BPD members pending further direction from a supervisor.
6. Ensure that adequate steps are being taken to preserve the integrity of any evidence that may be related to the situation, such as the officer's clothing, weapon, magazines, vehicle, etc.

Upon learning of an officer-involved shooting or death, the supervisor shall be responsible for coordinating all aspects of the incident until relieved by a Commander, to include ensuring that the 17th Judicial District Critical Incident Response Team has been notified.

All media inquiries about the incident shall be directed to the Incident Commander or their designee, such as a PIO.

305.3.3 NOTIFICATIONS

The following persons / groups shall be notified as soon as practicable:

- 17th Judicial District Critical Incident Response Team

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- Chief of Police
- Deputy Chiefs of Police
- Investigations Division Commander
- Strategic Services Division Commander
- City and County Attorney
- Psychological / Peer Support Team
- Public Information Officer
- Commander(s) of involved officers

305.3.4 INVOLVED AND WITNESS OFFICERS

The following shall be considered for the involved officer:

- Any request for legal representation will be accommodated.
- In order to preserve the integrity of an investigation, the individuality of a person's statement and perspective, and to reduce potential for collusion, involved and witness officers shall not be permitted to meet collectively or in a group with an attorney or any legal representative prior to providing a formal interview or completing their report.
- Requests from involved non-BPD officers should be referred to their employing agency.
- Discussions with licensed attorneys will be considered privileged as attorney-client communications.

A licensed psychotherapist and/or peer support team member shall be provided by the Department to each involved BPD officer. A licensed psychotherapist and/or peer support team member may also be provided to any other affected BPD members, upon request. Communications with a licensed psychotherapist or peer support team member are considered privileged under C.R.S. § 13-90-107(m)(I). However, this privilege does not apply if the communications indicate actual or suspected child abuse or neglect, harm to self or others, or any criminal conduct, as specified under C.R.S. § 13-90-107(m)(IV).

An interview or session with a licensed psychotherapist and/or peer support team member may take place prior to the employee providing a formal interview or report. However, involved or witness officers shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.

Tactical debriefings, which are conducted to identify any issues related to training, tactics, or policy, are not considered privileged communications under C.R.S. § 13-90-107. The purpose of a tactical debriefing is to improve departmental practices and should not be construed as part of a therapeutic process or peer support interaction.

A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).

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Communications with a peer support team member, clergy, or psychotherapist, and other individuals will be considered privileged to the extent provided in C.R.S. § 13-90-107.

When practicable, the removal and collection of the involved officer's equipment and clothing should be completed by 17th Judicial District Critical Incident Response Team (CIRT) investigators. If items must be removed prior to CIRT's arrival, care should be taken to preserve the integrity of any physical evidence present, with photos first taken, and then proper collection, packaging, and chain of custody until the evidence can be retrieved by CIRT.

Psychological services will be provided by the Department for any employee who feels they have been impacted by an officer-involved shooting. It is recommended that every involved and witness officer have an individual Post-Critical Incident Follow-up with a culturally competent psychological clinician after their interview with CIRT, usually within 72 hours of the incident. The clinician may provide education on the presence or absence of trauma responses and provide recovery strategies based on the individual's needs. This is not an evaluation of performance nor is it a fitness-for-duty evaluation.

Each involved BPD officer, and any other witness or uninvolved officer who requests, shall be given reasonable paid administrative leave following an officer-involved shooting or death or appropriate duty reassignment as agreed upon by the involved officer and the Department to allow the officer to receive services and manage the impact of the incident on the officer and the officer's family and significant others (C.R.S. § 16-2.5-403(1)(d)). It shall be the responsibility of the supervisor to make schedule adjustments to accommodate such leave.

305.4 CRIMINAL INVESTIGATION

The District Attorney's Office of the 17th Judicial District is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death.

If available, investigative personnel from this Department may be assigned to partner with investigators from outside agencies or the District Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved and witness officers. The following shall be considered for these officer(s):

1. BPD supervisors and Standards Unit personnel shall not participate directly in any voluntary interview of BPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
2. If requested, any involved or witness officer will be afforded the opportunity to consult individually with a representative of his/her choosing (e.g., clergy, spouse, therapist, etc.), or an attorney prior to speaking with criminal investigators. However, in order to

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maintain the integrity of each officer's statement, involved and witness officers shall not consult or meet with a legal representative or an attorney collectively or in groups prior to being interviewed.

3. If any officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
4. Any voluntary statement provided by an officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively mandated statement will be provided to any criminal investigators unless the officer consents.

305.4.1 REPORTS BY BPD OFFICERS

Criminal Reports by Uninvolved Officers

Uninvolved officers will complete criminal reports in accordance with the Report Preparation and Completion Policy (Policy 322).

Involved and Witness Officers' Reports

Involved and witness officers will not generally complete reports due to their statements being taken by CIRT. However, in coordination with CIRT investigators, witness officers may be required to complete case or supplemental reports to facilitate the prosecution of suspects in relation to the criminal investigation of acts preceding or coinciding with the officers' application of deadly physical force. If suspects remain outstanding or are subject to prosecution for related offenses, the Department retains the authority to require involved or witness officers to provide information necessary for criminal reports to support apprehension and prosecution.

While involved or witness officers may write reports, it is generally recommended that assigned investigators complete these reports, after interviewing the officers as victims/witnesses. Since the purpose of these reports is to facilitate criminal prosecution, statements by involved or witness officers should focus on establishing elements of criminal activity by the suspects. Care should be taken to avoid duplicating information provided by officers in other reports.

Nothing in this section deprives involved or witness officers of the right to consult with legal counsel of their choosing before completing any criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures and should be included for reference in the investigation of the officer-involved shooting or death.

Use of Force Reports

In accordance with the Use of Force Policy (Policy 300), involved and witness officers will not

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complete Use of Force Reports in the Department's designated standards software. Statements regarding the use of force will be obtained during interviews with CIRT investigators.

Administrative Interviews and Reports

If an involved or witness officer refuses an interview with CIRT, they may still be subject to an administrative interview by the Standards Unit, under applicable Garrity standards. Refusal to complete or cooperate with an administrative interview following a Garrity Advisement may result in disciplinary action, up to and including termination.

A witness officer may also be administratively compelled to complete a case report regarding the use of force and the criminal investigation into the suspect's actions.

Witness officers are subject to C.R.S. 18-8-802 regarding the duty of a peace officer to report the use of force. Refusal to complete a case report may result in disciplinary action, up to and including termination.

305.4.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable, or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

1. Identification of all persons present at the scene and in the immediate area.
 - a. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 - b. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made.
2. Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 - a. A written, verbal, or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

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3. Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.4.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigations Division commander to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation of any related crimes not being investigated by the District Attorney's Office.

All related Department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigations Division supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the Strategic Services Division Commander.

305.4.4 MULTI-AGENCY INVESTIGATION

Officer-involved shootings that result in injury or death in the City and County of Broomfield shall be investigated by the 17th Judicial District Critical Incident Response Team. The Chief of Police or the authorized designee shall ensure CIRT's protocol is posted on the Broomfield Police Department website and is available to the public upon request. (CRS §16-2.5-301)

305.4.5 EXTRA JURISDICTIONAL USE OF DEADLY FORCE

If officers are outside of the jurisdiction of the City and County of Broomfield when the use of deadly physical force, firearm discharge, or any other incident in which the officer's actions result in the serious injury or death of a person, the officer will:

1. Determine the physical condition of all injured persons and render aid within the officer's ability, when needed.
2. Notify the communications center of the police agency with jurisdiction over the incident of their location, and request additional emergency medical aid if necessary.
3. Remain at the scene until that police agency arrives and make every effort to protect the crime scene, locate witnesses, and photograph or identify perishable evidence.
4. Either contact and inform the Broomfield Police Communication Center or request the police agency do so.
 - a. The Broomfield Communications Center will notify the Command Staff of the incident.

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5. Remain available for interviews and evidence collection related to the criminal and internal investigations.
6. Cooperate with the involved jurisdiction's/CIRT's investigation.

305.5 ADMINISTRATIVE REVIEW INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this Department will conduct an internal administrative review investigation of involved BPD officers to determine compliance with Department policy. This investigation will be conducted under the supervision of the Strategic Services Division Commander in accordance with the Personnel Complaints Policy 1010. Public disclosures of Administrative Review files will be determined pursuant to Personnel Complaints Policy 1010 and C.R.S. § 24-72-303(4).

Interviews of members shall be subject to Department policies (see the Personnel Complaints Policy) and applicable laws.

1. Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
2. If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - a. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
3. In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information for administrative purposes.

305.6 CIVIL LIABILITY RESPONSE

The Department will work with the City and County Attorney's Office to preserve records and recordings relating to the officer-involved shooting or death. The City and County Attorney's Office will also provide advice to the Department regarding the release of recordings and the Department's Administrative Review. All advice and material generated in this capacity shall be considered privileged and confidential.

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305.7 AUDIO AND VIDEO RECORDINGS

Officers involved in or witnessing an incident under investigation in accordance with this policy shall not review any body-worn camera (BWC) video or other audio/video recordings before providing a recorded statement or completing reports. In accordance with CIT Team Protocols, after providing an initial interview, officers may be permitted to view the BWC footage and may offer an additional optional statement if they choose.

The Department is required to release all unedited video and audio recordings of the incident if a complaint of officer misconduct is filed and video and audio recordings are requested, pursuant to C.R.S. § 24-31-902(2). Before any such release, the City and County Attorney's Office must be consulted upon receiving a complaint. The Department will notify the involved officer(s) prior to the release of any recording(s).

305.8 DEBRIEFINGS

Following an officer-involved shooting or death, the Broomfield Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing. To preserve the integrity of any investigation, prevent potential collusion, and avoid creating additional witness officers through the disclosure of information, these debriefs should only occur after all involved officers and witnesses have been interviewed. Additionally, as certain statements made during debriefs may not be protected or privileged under C.R.S. § 13-90-107, debriefings should be conducted only after consulting with the Critical Incident Response Team (CIRT) for potential criminal actions by involved officer(s), the Investigations Commander for possible criminal actions by involved suspect(s), and the Strategic Services Commander for administrative investigations related to policy adherence.

305.8.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Wellness Coordinator is responsible for organizing the debriefing. Notes and recorded statements will not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process and is considered privileged communications under C.R.S. § 13-90-107(1)(m)(I). Care should be taken not to release or repeat outside of the debriefing any communication made during a debriefing unless otherwise authorized by policy, law, or a valid court order. While communications made during the critical incident/stress debriefing are considered privileged under C.R.S. § 13-90-107(1)(m)(I), this privilege does not apply in cases where there is a legal obligation to report child abuse, harm to self or others, or any other exceptions specified under C.R.S. § 13-90-107(1)(m)(IV).

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Attendance at the debriefing shall only include those members of the Department directly involved in the incident, including support personnel (e.g., dispatchers, other non-sworn members, Peer Support Team members, Psychological Service providers, and Clergy). The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Standards Unit personnel.

305.8.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police or designee should identify the appropriate participants and timing of a tactical debriefing. This debriefing shall not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators. Tactical debriefings are NOT considered privileged communications under C.R.S. § 13-90-107(1)(m)(l).

305.9 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor of the 17th Judicial District Critical Incident Response Team. Releases will be available to the Broomfield Police Department Public Information Officer in the event of inquiries from the media.

No news media or press release is made until the appropriate notifications have been made to the District Attorney, the 17th Judicial District Critical Incident Response Team, and involved officers' families.

No BPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police. Department members are also cautioned about their use of social media as it relates to incidents covered by this policy. In addition to adhering to the Standards of Conduct Policy 320, employees should also use discretion and forethought.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.10 POST-INCIDENT SERVICES FOR FAMILY

The family members and significant others of an officer who has been involved in a shooting or deadly use of force should be provided, as Department resources reasonably allow: (CRS § 16-2.5-403)

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1. At least one confidential post-incident meeting with a qualified mental health professional, as defined in CRS § 16-2.5-402(2) in a timely manner following the incident, including through telehealth services.
2. Ongoing confidential mental health services from a qualified mental health professional as needed, including through telehealth services.
3. Peer support, including Department peer support or online or telehealth peer support.

305.11 PROTOCOLS FOR RETURN TO DUTY

The Broomfield Police Department is committed to supporting officers who have been involved in a shooting or deadly use of force incident, facilitating their return to duty in a manner that prioritizes both their well-being and public trust. The Department recognizes that such incidents can result in significant psychological, emotional, and physical reactions. Therefore, the Department will implement a reintegration process that provides comprehensive support, including administrative leave, mental health services, and a structured reintegration program.

305.11.1 ADMINISTRATIVE LEAVE AND RETURN TO DUTY

As a standard procedure, officers directly involved in a lethal use of force incident will be placed on Administrative Leave. This leave is intended to provide officers with time to access any necessary services, including emotional, psychological, or medical support, and to address any logistical or investigative needs, such as equipment replacement and interviews.

The Department aims to ensure that officers are mentally, emotionally, and physically prepared to return to full duty. Administrative Leave also allows the officer to participate in the Reintegration Program, which is designed to assist in their gradual return to normal duties.

The Chief of Police will determine the appropriate time for an officer's return to full duty, taking into account the completion of relevant investigations and the officer's successful participation in the reintegration process.

305.11.2 REINTEGRATION PROGRAM PHILOSOPHY

The Reintegration Program reflects the Department's commitment to supporting officers during the challenging period following their involvement in a critical incident. The program is designed to ensure that officers have access to mental health resources and gradual re-entry into duty assignments, in a way that promotes both personal well-being and professional readiness.

The reintegration program emphasizes:

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- Psychological resilience: Offering ongoing mental health support through scheduled sessions with licensed professionals.
- Physical readiness: Ensuring officers are physically prepared to resume their duties by re-familiarizing them with their equipment and job-related tasks.
- Peer and Departmental support: Allowing officers to reintegrate through a structured, supportive environment that includes working alongside peer officers or companions of their choosing.
- Gradual return to full duties: A phased re-entry process that supports officers as they regain confidence in their professional roles.

The overall goal of the reintegration program is to provide individualized support that addresses the unique needs of each officer, ensuring their well-being and readiness to return to duty.

305.11.3 ONGOING SUPPORTIVE MENTAL HEALTH SERVICES

In alignment with the Department's commitment to officer wellness, ongoing mental health services will be made available to officers involved in a shooting or deadly use of force incident. These services will be provided confidentially by qualified mental health professionals, either in person or through telehealth, to help mitigate the long-term effects of trauma and support the officer's reintegration.

305.12 STATE REPORTING

The Department will report to the Division of Criminal Justice, all use of force by officers that results in death or serious bodily injury, including all required specific data. (CRS § 24-31-903(2)(a))

305.13 REVIEW PROCESS

The Department shall review this policy biennially and make any necessary updates to reflect current best practices and available resources. (CRS § 16-2.5-403)

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A. Enea Hempelmann

A. Enea Hempelmann
Chief of Police