

Policy and Procedures



First Judicial District Law Enforcement

Critical Incident Response Team



Policy And Procedures

Revised March 5, 2014

POLICY

It is the consensus of the CEOs of the law enforcement agencies in the First Judicial District that a team of highly trained and skilled investigators, working under the authority of the District Attorney and comprised of personnel from each participating law enforcement agency and the District Attorney's Office, be formed to investigate incidents in which any law enforcement officer within the Judicial District uses deadly force, or attempts to use deadly force, against a human being while acting under the color of official law enforcement duties. The role of the Critical Incident Response Team will be to fully investigate the use of deadly force, typically through the discharge of a firearm by an officer(s), resulting in injury or death. At the request of the involved agency's CEO, the Critical Incident Response Team may investigate other use of force situations resulting in deaths.

This investigation is not intended to take the place of the involved agency's Internal Affairs investigation. Both investigations can run simultaneously, but it is not the responsibility of the CIRT team to review compliance with departmental policies. All information received by the CIRT investigation will be turned over to the involved agency.

For the purpose of maintaining transparency and to reduce conflict of interest, Critical Incident Response Team members from the involved agency should not be used for critical duties related to the CIRT investigation.

- **Use of Team:** The Critical Incident Response Team will provide thorough, comprehensive investigations of incidents described above. The Critical Incident Response Team will be available to any requesting law enforcement agency CEO in the First Judicial District.
- **Investigative Costs/Equipment:** All normal personnel costs related to the investigation shall be the responsibility of the agencies providing members to the team. Critical Incident Response Team members, while responding to a "call out", will be deemed to be on duty. The requesting agency will provide all necessary equipment and supplies required by the Critical Incident Response Team to conduct an investigation. If specialized equipment is necessary, the costs of obtaining that equipment will be the responsibility of the requesting agency. Any costs associated with specialized testing required during an investigation will be the responsibility of the requesting agency.
- **Department's Internal/Administrative Investigation:** The involved department's administrative "internal" investigation will be conducted independent of the Critical Incident Response Team investigation. The Critical Incident Response Team investigation will have priority over the involved agency's internal process.

- **Assigned Personnel:** The determining factor of being assigned to CIRT shall not be based on an individual's current assignment within their respective departments. Consideration will be made to the individual's desire, aptitude, and their ability to demonstrate the necessary skill set to perform effectively with this team.

Departments wishing to provide a team coordinator shall provide a letter including the individual's qualifications and their relative job experience to the District Attorney's Office. The agency CEO shall include recommendations for the named individuals along with the letter. The District Attorney shall determine the composition of the team coordinators and shall communicate with the agency CEO if there are any concerns regarding the appointment of the individuals to the team.

Coordinators will be responsible for identifying members of their agency to act as Team Leaders and detectives and maintaining a current roster of team members.

Team leaders will primarily be of the rank of sergeant or above; however, exceptions can be made by the team coordinators (i.e. no sergeants available, multiple shootings in short amount of time, etc). The number of detectives shall be limited to facilitate team cohesion. The size of the team may be outlined by the team coordinators to allow for unusual circumstances or multiple incidents.

Agencies within the county may wish to assign members as liaisons to the team. The team coordinators will notify these liaisons of upcoming training and issues facing the team. The liaisons will typically be utilized when their respective agency is involved in an incident in which the team is deployed and the agency is not represented by a team coordinator.

- **Team Coordinator(s):** Officers with command rank (Lieutenant, equivalent or (above), will be appointed to serve as a Team Coordinator. The District Attorney shall determine the coordinator's suitability for the team and shall communicate with the agency CEO if there are any concerns regarding the proposed appointment. Four coordinators will be selected to serve in this capacity. Team Coordinators or designee will have the following shared additional responsibilities:

- There is no set on-call schedule for the coordinators. It is incumbent for the group of coordinators to work together and communicate with each other to be assured response from one coordinator is the minimum standard established. This does not preclude the opportunity for multiple coordinators to respond to the same critical incident. Determination must be made at the on-set to the investigation as to who will have overall control at the time. This should be a rotating process as not to burden any one coordinator or one agency. There may be other determining factors that can change who will be in charge such as agency involved in the critical incident, vacations and other agency and individual commitments. Other coordinators that elect to respond can be utilized for various tasks. In most cases they will provide support and utilize this as a training opportunity to enhance cohesiveness and consistency as to how these investigations will be conducted.

- All of the Team Coordinators assigned to CIRT will be responsible for maintaining the CIRT roster and assure that accurate call-out lists are available to the District Attorney's Office and all law enforcement agencies within the First Judicial District. All agencies that participate in CIRT will be equally responsible to see that the list of their respective personnel is accurate. If there are changes to the list, a representative from the agency must make immediate notification to the CIRT coordinators.

- The assigned team coordinators will be responsible for developing the less experienced detectives assigned to the team. There must always be a conscious effort to plan for succession and develop other investigators.

- The Team Coordinators will be responsible for setting up meetings/training for those assigned to the team. The training can consist of reviewing past shootings, debriefing past call outs to discuss procedures, guest speakers from other departments who have handled recent officer involved shootings, legal updates from the DA's Office or formal instruction classes designed to enhance skills on these types of investigations. Team Coordinators are responsible for insuring that the team members from their respective agencies attend as many trainings as possible.

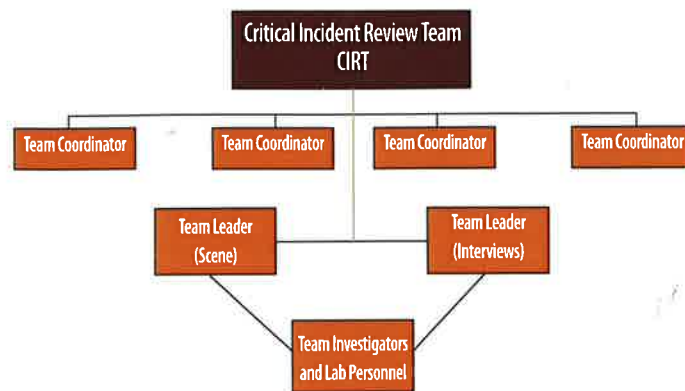
- **Involved Agency Liaison:** When the CIRT team is called-out by the involved agency, the involved agency will provide a command officer to act as a liaison to the Team Coordinator identified as having overall control of the investigation. The Team Coordinator and involved agency liaison will be clearly identified to all team members and the DA's Office at the initiation of the use of force investigation or as soon as possible thereafter.

- **Removal of Officer/Coordinator:** Any team member may be removed upon the recommendation of the Team Coordinator(s) and with the approval of the District Attorney. A team member may also be removed by his/her agency's CEO.

Procedures for activation and use of the Critical Incident Response Team

The First Judicial District Critical Incident Response Team will be activated at the request of the CEO or the CEO's designee of the law enforcement agency employing the officer or officers involved in the use of deadly physical force.

- **Role of Team Coordinators:** The Team Coordinators or a designee are responsible for the notifications to the responding team members upon the request of the involved agency. The team will normally be assembled as soon as possible at the scene of the shooting, however, the Team Coordinators or designee may determine that due to a remote location or difficult surrounding circumstances, that the team should be assembled at another location. After the assembly of the team at the designated location, a briefing will be conducted concerning the incident once



Definitions

- **CEO:** The person responsible for the law enforcement agency. Title for this person may vary by agency, but typically would be known as "Sheriff," "Chief of Police," "Director of Department of Public Safety," etc. If the CEO is unavailable, the person chosen to act in the CEO's stead will be given the authority of the agency's CEO for purposes of this policy and procedure.

- **Involved Agency/Requesting Agency:** The law enforcement agency, which employs the officer or officers, involved in the use of deadly physical force.

- **Involved Agency Liaison:** Upon call-out of the CIRT Team, the involved agency will designate an officer with command rank (Lieutenant, equivalent or above) who will act as a liaison between the CIRT On-Call Team Coordinator and the involved agency, and assist in facilitating the CIRT investigation process. The involved agency commander may delegate this responsibility.

- **Involved Officer or Officers:** The law enforcement officer or officers who used or attempted to use deadly physical force which resulted in activation of the Critical Incident Response Team's investigation.

- **Team Coordinators:** Officers with command rank who have been appointed as CIRT Team Coordinators are responsible for coordinating critical incident investigations for the First Judicial District.

all Critical Incident Response Team members are present on scene. An employee of the involved agency that is not directly involved in the shooting itself, the Team Coordinator or a designee may provide the briefing information. At the conclusion of the briefing, the Team Coordinators will assign team members to specific investigative duties i.e., scene, interviews, background and criminal if necessary. (Smaller agencies may require assistance to investigate criminal aspects as well as the critical incident due to personnel shortage. The determination as to this being done will rest with the coordinator responsible for the overall investigation. Other sources may have to be called upon should the situation dictate.)

The Team Coordinators will identify to the group one team member (often a Sergeant or a person identified as the "Team Leader") who will have primary oversight for the crime scene(s) and one team member (often a Sergeant or a person identified as the "Team Leader") who will have primary oversight of the interviews.

- There will always be a minimum of one coordinator who will respond. Each Communications Center has contact information for the Team Coordinators. The Communication Centers will always contact the assigned Team Coordinators. The Team Coordinators will determine among themselves who will take on the primary responsibilities. All Team Coordinators, if available, may respond to assist and for training purposes.

- **Involved Agency Responsibility:** The scene of an officer involved shooting (or other critical incident) will be secured and preserved by the involved agency. Care should be taken to make sure the scene is undisturbed. Other than essential law enforcement information needed to preserve public safety, no information regarding this incident will be discussed until contact is made with and the arrival of the Critical Incident Response Team Coordinator. The involved agency's officer(s) responsible for the written reports detailing their observations should record any evidence that might be disturbed by any personnel rendering aid. In addition to securing the scene, all witnesses to the event should be identified and when possible, detained for interviews. If this is not possible, full name, addresses, phone numbers, etc. will be collected for future interviews.

If officers are removed from the scene, the involved agency is responsible and accountable for keeping officers separated. Also, the involved agency is initially responsible and accountable for all evidence received from involved officers to include weapon(s), clothing, gunshot residue, etc. The Critical Incident Response Team Coordinators or designee will assume this responsibility once on scene. The weapon(s) of all involved officers will be secured and preserved by a representative of the Critical Incident Response Team when practical. Weapons not in the possession of the involved officer(s) but at the scene should not be disturbed. Detailed policies and procedures regarding scenes, duties and responsibilities, in cases involving the death of an individual, may be found in the "Jefferson County Homicide and Questionable Death Policies and Procedures." The Critical Incident Response Team should follow these policies and procedures as they apply to the investigation being conducted.

- **Evidence Collection:** The agency who will be investigating potential criminal charges arising from the shooting or matters leading up to the shooting against a non-law enforcement individual is presumed to be the agency responsible for evidence collection and storage. If there are no potential criminal charges against a non-law enforcement individual, it is the involved agency's responsibility to collect and store all evidence related to these events. It is recognized that for some agencies within the First Judicial District this may not be practical. Therefore, there are three primary Crime Labs that may be called upon to assist in the evidence collection related to an officer involved shooting. (Arvada PD, Jefferson County SO and Lakewood PD.) At least one Critical Incident Response Team member will be assigned to work with the assigned crime scene personnel. Said Critical Incident

Response Team member(s) assigned to evidence collection will oversee and coordinate the evidence collection and packaging. This Critical Incident Response Team member will prepare a report detailing their independent role in this process and their observations. It is imperative that all evidence collected either by involved agency personnel immediately following a critical incident, or the lab that responds to process the scene, be consecutively numbered for better tracking.

- **Evidence Processing:** When possible, all involved officers or potentially involved officers will be photographed, as they appeared at the time of the shooting incident. Special attention will be given to photographing any and all injuries sustained by all involved officers, as well. All weapon(s) collected will also be photographed with a name placard of the officer next to the weapon(s). All rounds will be collected and accounted for from all officers involved. Furthermore, should the designated Team Coordinator deem it necessary, all involved weapon(s) will be tested by the Colorado Bureau of Investigation (CBI) for ballistics, functionality, and other evidentiary processing deemed necessary. Submission of evidence to the Colorado Bureau of Investigation shall be the responsibility of the involved agency, at the direction of a designee with the Critical Incident Response Team.

- **Additional Investigative Assistance:** If the involved agency needs additional assistance with the investigation of related criminal activity and/or the events leading to the use of deadly force, the CEO should make a request for mutual aid, independent of utilizing the Critical Incident Response Team.

- **Interviews of Involved Officers:** Interviews will be conducted with all involved officers. A team of two Critical Incident Response Team investigators will be assigned to interview each involved officer. All interviews will be audiotaped and videotaped (if possible). If the involved agency does not have the necessary equipment, the involved officer(s) will be transported to the nearest agency equipped for such interviews. The location(s) of these interviews will be at the discretion of the designated Team Coordinator. If the involved officer(s) or their agency has requested psychological counseling prior to interviews, the designated Team Coordinator or their designee should request that the counselor not discuss any facts regarding the shooting with the involved officer(s) prior to the Critical Incident Response Team interview. As in every criminal investigation, the involved officer(s) has the right to an attorney at all times during the CIRT investigation.

- **Scene Management:** All critical incident scenes will be treated as a crime scene and investigated accordingly. All equipment and weapons of directly involved officers must be secured at the scene. The officers directly involved in the incident are the primary focus of the investigation. Secondary officers will be interviewed as peripheral witnesses.

- **Miranda Advisement:** The use of deadly physical force may not necessarily constitute a criminal act. Therefore, a Miranda advisement may not be warranted in all situations in which an officer uses such force. The designated Critical Incident Response Team Coordinator will use their professional judgment and experience to determine whether a situation requires a Miranda advisement. The legal advisor from the District Attorney's Office will be available to consult on this issue.

- **Eyewitnesses:** Whenever possible, interviews with eyewitnesses will be audio and videotaped. If a witness is unable to accompany the investigator to the nearest agency with the necessary equipment, the designated Team Coordinator will attempt to locate portable taping equipment.

- **Peripheral Law Enforcement and Lay Witness Interviews:** If the Critical Incident Response Team has insufficient resources to conduct all necessary interviews in a timely manner, the involved agency may be utilized to conduct interviews of any lay witnesses or peripheral law enforcement witnesses, including those from the involved agency.

- **Criminal Investigation:** It is the responsibility of the appropriate jurisdiction to conduct the criminal investigation that may coincide with the investigation of the officer involved shooting. It is recognized that members of the Critical Incident Response Team may conduct interviews that are germane to the criminal investigation. It is anticipated that this information will be shared in a timely manner.

- **Transcription of Taped Interviews:** Whenever possible, all audio/video taped interviews of the directly involved officers and witnesses will be transcribed by the team member's agency. This is to relieve the involved agency of the burden and allow for the transcription of interview tapes, so that the information may be gathered and presented for review as expeditiously as possible. In the event that the team member's agency is unable to transcribe the tapes, it is ultimately the responsibility of the involved agency to transcribe the tapes. The involved agency may elect to make a copy of the original audio/video tape for the team member to transcribe rather than releasing the original tape. The original of all tapes will be provided to the involved agency to be held as evidence.

- **Critical Incident Response Team Member Reports:** Reports completed by team members will be typed by the team member's agency. This is to relieve the involved agency of the burden and allow for the transcription of interview tapes, so that the information may be gathered and presented for review as expeditiously as possible. In some cases, alternative arrangements may be made with the approval of the Team Coordinator(s). Critical Incident Response Team members are responsible for delivering all reports to the Team Coordinator(s) at a time or date specified by the designated Team Coordinator.

- **Use of the Critical Incident Response Team in non 1st Judicial District jurisdictions:** A law enforcement officer employed within the 1st Judicial District may be involved in the use or attempted use of deadly force against a human being, while acting under the color of official law enforcement duties, outside the 1st Judicial District. The Critical Incident Response Team will not respond to this incident as any investigation regarding this use of force will be conducted by a non-1st Judicial District law enforcement agency.

- **Investigation Completion Goal:** Recognizing that there are unexpected circumstances that can cause delays with any criminal investigation, every effort will be made to complete investigations and reviews in a timely manner. In an effort to be expedient and complete with regard to all involved agencies and effected personnel, the Team Coordinator(s) and their designees will strive to present the facts of a critical incident to the District Attorney's Office within three weeks of the event. This includes the collection of all necessary paperwork, transcriptions and other necessary information. The District Attorney's Office will strive to complete the review of the facts and determine if further investigation is required or if a decision can be rendered within three weeks after receiving the information and the presentation by the Team Coordinator(s) and their designees.

If there are delays in either the investigation or the disposition from the District Attorney's Office, and the above timeline cannot be met, an explanation will be provided to the CEO of the involved agency by the Team Coordinator or the District Attorney. It is imperative that the involved officers and the involved agency be advised each step of the way. This timeline is built on reasonableness and is subject to change due to complexity.

- **Media/Relations/Public Information:** The involved agency or agencies shall be responsible for managing any media inquiries or public information immediately following the incident, and up until the final CIRT Team Report. Upon presentation of the CIRT Team Report to the DA's Office and the involved agency CEO, the responsibility for any media release/public information, if any, will be determined by the District Attorney and the CEO of the involved agency.





Role of The District Attorney's Office

When the Critical Incident Response Team is activated, as part of the call-out procedure, a Team Coordinator will notify the Chief Investigator or designee from the District Attorney's Office. After discussion between a Team Coordinator and the District Attorney's Chief Investigator, a determination will be made regarding the necessary response from the District Attorney's Office. The DA's Chief Investigator will be responsible for notifying the designated Senior Chief Deputy District Attorney and the on-call Chief Deputy District Attorney. Both will be available to provide legal consultation. One Senior and one Chief Deputy District Attorney will respond.

Presentation of Critical Incident Response Team Report

When the investigation is completed, it will be presented by the CIRT members designated by the Team Coordinators to the District Attorney. The Team Coordinators are responsible for notifying and scheduling the presentation with the District Attorney and CEO of the involved agency. The CEO of the involved agency may request that the Team Coordinators make a separate presentation to the involved agency.

In addition to the District Attorney, the presentation to the District Attorney will be attended by Chief Deputies, Senior Chief Deputies, the DA Chief Investigator and any other individuals designated by the Team Coordinators. No one involved in the critical incident from the involved agency may attend the DA presentation.