

17th JUDICIAL DISTRICT

CRITICAL INCIDENT INVESTIGATION TEAM

**To: District Attorney, 17th Judicial District
Adams County Sheriff
Adams County Chiefs of Police
Broomfield Chief of Police
Colorado State Patrol**

Date: December 3, 2015

Subject: Critical Incident Investigation Team protocol

The 17th Judicial District Critical Incident Investigation Team (CIIT) is a multi-agency law enforcement investigative team made up of personnel from several law enforcement agencies within the 17th Judicial District. The CIIT will provide outside agency assistance to any agency within the 17th Judicial District in the investigation of officer-involved shootings or other officer involved critical incidents. The goal of the team is to promote transparency in the investigation of critical incidents by providing complete and consistent investigative practices by an independent fact finding group consisting of skilled personnel who are appointed by the District Attorney, Sheriff, and Chiefs of Police within the 17th Judicial District. All personnel will serve on the team at the discretion of the DA, Sheriff, and Chiefs of Police.

Availability

The 17th Judicial District Critical Incident Investigation Team will be available to any requesting law enforcement agency within the 17th Judicial District involved in the investigation of an officer-involved incident resulting in serious bodily injury or death. The CIIT may also be available for any special criminal investigation that requires extraordinary investigative resources. The CIIT will conduct a full and complete investigation before turning the case over to the District Attorney for review.

The District Attorney will review officer-involved incidents that result in serious bodily injury or death or any CIIT special criminal investigation. This review will be limited to

a determination of whether criminal charges should be filed. The District Attorney may decline to review any incident that does not involve serious bodily injury or death, or does not involve a question as to whether a crime was committed.

Personnel

Each participating agency shall be responsible for assigning appropriate personnel to the team. It is also the responsibility of each participating agency to review its assigned personnel on a yearly basis or as necessary to ensure that they are qualified and highly motivated personnel. It is each participating agency's responsibility to ensure that its team members assigned understand that, when the team is activated every effort must be made to respond and assist with the investigation when called upon by the team coordinator(s). In addition to the original call-out response, members of the team who assisted in the original investigation need to understand that follow-up meetings and additional investigative work may be required to achieve the team's investigative mission. It is again the responsibility of the participating agency to ensure that every effort is made by their employee to make these follow-up meetings and complete the additional investigative work in a timely manner.

In addition to the investigatory personnel, DA, Sheriff, and Chiefs of Police shall appoint what they agree are an appropriate number of team coordinators chosen from a supervisor or higher rank from at least three separate participating agencies. The coordinators will be the main contact for the activation of the team and responsible for the overall investigation and detective assignments. In addition, these coordinators will be responsible to insure that the team roster is kept up to date.

Procedure of Investigation

Team activation

The agency requesting activation of the Critical Incident Investigation Team shall be referred to as the "involved agency." Once the involved agency Command Staff determines that the CIIT will be called, one of the team's coordinators will be notified and he/she will begin the call out process. Members of the CIIT shall include at least two agencies independent of the involved agency and, as such, shall include detectives, investigators and criminalists not employed by the involved agency who will meet at a place designated by the coordinators.

Once members of the CIIT are assembled, each will receive a briefing by a member of the involved agency concerning the events leading up to the team's activation. The team coordinators will provide each member of the team with an assignment during this briefing. These briefings are crucial to the team members so they can conduct an efficient and productive investigation.

The involved agency shall be responsible to provide a department liaison to the team coordinators in charge of the investigation. This liaison will assist with any needs which may arise during the investigation as well as assist with communication between the involved agency and the Critical Incident Investigation Team.

The Scene

The involved agency should follow their policy and procedures related to the handling of a major crime scene.

The scene will be secured and sealed by the involved agency as soon as it is determined that the situation is safe. As in all situations of a similar nature, care of the injured is paramount and all efforts will be made to preserve human life however, involved agencies must understand that the preservation of the crime scene is essential for a proper investigation. If there is an instance when evidence is disturbed the officer(s) involved must advise their supervisor and the coordinator of the Critical Incident Investigation Team.

Any weapon used by an officer during the incident must be collected as soon as possible and secured by a supervisor or his/her designee in accordance with the involved agency's policy.

It is the responsibility of the involved agency, in cooperation with the Critical Incident Investigation Team, to ensure that all personnel who do not provide a recorded interview complete written reports detailing their actions of the incident being investigated by the Critical Incident Investigation Team.

Scene Investigation

Team members assigned to investigate the scene will respond as soon as possible after the briefing. These members will be responsible for conducting a thorough scene investigation which includes, but is not limited to; collecting, photographing and recording evidence. The Crime Scene Investigators (CSI's) assigned to the scene shall conduct an extensive investigation and ensure that their investigation provides detailed information on the evidence located.

Any evidence collected during this investigation will be maintained by a non-involved agency participating in the investigation. The team coordinator(s) will make a determination on where evidence will be maintained during the original briefing. The team coordinator(s) will also direct any disposition of evidence.

Upon the District Attorney's final review for potential criminal charges regarding the involved officer(s) actions, all of the collective evidence secured in the evidence/property

room by a non-involved law enforcement agency, shall be returned to the involved agency. The involved agency and non-involved agency will coordinate the return of the collective evidence.

Interviews

Officer interviews:

Interviews will be conducted with all involved officers and will be video recorded. If the involved agency does not have the equipment needed for this, then the involved officers will be taken to the nearest agency where such an interview can be conducted. In the event the involved officer is injured or otherwise not capable of being interviewed, a video recorded interview should take place as soon as practical.

Activation of the Critical Incident Investigation Team in itself does not imply a problem with the actions of the officer(s) and, it is understood that the use of deadly physical force may not constitute a crime. However, because of the serious nature of the incidents the Critical Incident Investigation Team investigates and for legal protection of the involved persons, the primary officer(s) involved in the investigation may be read the Miranda warnings if required prior to being interviewed. The decision to advise the primary officer(s) of the Miranda warnings should be done after consultation with the CIIT coordinators and/or the on call District Attorney's Chief Trial Deputy.

Eyewitness interviews:

Interviews with eyewitnesses will also be video recorded whenever possible. If an eyewitness can't respond to the nearest agency, the team coordinator(s) will attempt to locate portable video recording equipment to be used for the interview. If video recording equipment cannot be located then the interviewing detective shall at a minimum utilize a voice recording device during the interview. The detective interviewing the eyewitness will make every effort to interview the witness at the nearest agency where video recording equipment could be utilized.

Transcription for interviews:

Interviews may be transcribed by the staff of the investigating agencies. The CIIT coordinators will assign transcription as needed of interviews to investigating detectives after consultation with the on call District Attorney's Chief Trial Deputy.

The involved agency will be responsible for providing the recording medium used to record the interviews. The recording medium will be collected by an assigned team CSI and placed into evidence with the other items of evidence collected.

Forensics

All of the collected evidence will be examined by a non-involved agency with the necessary expertise to conduct such examinations. The result of these examinations will be included with the report provided by the team to the agency and District Attorney.

If needed, at the direction of the team coordinators, evidence may be sent to an outside laboratory or agency, including but not limited to the Colorado Bureau of Investigations, for additional examinations. The involved agency will be responsible for any cost associated with additional forensic examinations. Any additional forensic examinations must be approved by the involved agency Command Staff prior to being conducted.

Detectives' Reports

All reports completed by the individual team members will be completed in a timely manner and given to the lead detective to be placed in the investigation books.

At a minimum two identical books or electronic files reflecting the team's investigation shall be created. One will be given to the involved agency to maintain while the other will be given to the reviewing District Attorney's Office.

Suspect Charges

It is the responsibility of the involved agency to conduct a separate criminal investigation and present the case to the appropriate DA's Office. The criminal investigation may coincide with the Critical Incident Investigation Team's investigation and details will be shared between the charging agency and the Critical Incident Investigation Team.

District Attorney's Office

A necessary and valuable asset to the 17th Judicial District Critical Incident Investigation Team's efforts is the 17th Judicial District Attorney's Office. A member of that office will respond to the original call out in order to provide legal advice and guidance. When the investigation is complete, the results will be presented to the Sheriff or Chief of Police of the involved agency. Separately the investigation results will also be presented to the 17th Judicial District Attorney.

It is the responsibility of the 17th Judicial District Attorney or his/her designee to review the facts of the case presented and make a determination if any criminal charges should be filed regarding the involved officer(s)'s actions.

The District Attorney's Office in conjunction with the involved agency will accommodate all media inquiries concerning the critical incident.

17TH JUDICIAL DISTRICT; BOARD OF GOVERNORS APPROVAL OF
CRITICAL INVESTIGATIONS TEAM'S PROTOCOL.

CEO OR DESIGNEE SIGNATURES:



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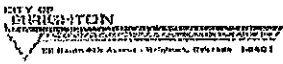
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