

FIRST JUDICIAL DISTRICT LAW ENFORCEMENT CRITICAL INCIDENT RESPONSE TEAM (CIRT)

POLICY AND PROCEDURES January 2022

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 First Judicial District Attorney's Office, be formed to investigate critical 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.

It is also the consensus of the CEOs of the law enforcement agencies in the First Judicial District that this same team of highly trained and skilled investigators, working under the authority of the District Attorney, shall be utilized to investigate any death of a person while under the care and control of a law enforcement officer acting under the color of official law enforcement duties.

In situations involving the death of a person who is under the care and control and/or custody of a law enforcement officer, when there is a reasonable belief that a law enforcement officer engaged with or contributed to the death of the decedent, CIRT will respond to investigate. If there is no reasonable belief a law enforcement officer engaged with the decedent or contributed to the death of the decedent, CIRT will not be required. In cases where the decedent was placed at an off-site location as a condition of custody and not under the direct care and control of a law enforcement officer, an independent agency will investigate and a CIRT response is not necessary. Please use these examples as guidance:

- When death occurs to a person after being transported to detox by a law enforcement officer, Wheat Ridge Police Department (WRPD) will investigate unless they are the transporting agency, in which case, WRPD will request mutual aid for the investigation.
- Deaths which occur to inmates at community corrections facilities (ICCS) will be investigated by the Lakewood Police Department.
- Work release inmates found deceased outside a detention facility will be investigated by the appropriate jurisdiction, unless that jurisdiction falls to the Jefferson County Sheriff's Office. In these situations, a mutual aid request is appropriate.

An agency's CEO reserves the right to request a CIRT response regardless of the situation.

Utilizing a multi-jurisdictional investigative team protects the integrity of the investigation and provides an objective, dispassionate group that will remain independent as they thoroughly investigate the critical incident. The role of the Critical Incident Response Team (CIRT) is to fully investigate the use or attempted use of deadly force, typically through the discharge of a firearm by an officer(s), resulting in injury or death as well as deaths to people in the custody of an officer (in-custody deaths). At the request of the involved agency's CEO, the Critical Incident Response Team may investigate other critical incidents/use of force situations resulting in deaths or other non-traffic situations involving injury or death where an outside investigation may assist in protecting the integrity of the case.

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.

To ensure transparency and to reduce conflicts of interest, Critical Incident Response Team members from the involved agency shall not be used for critical duties related to the CIRT investigation. For example, the involved agency personnel shall not conduct interviews of involved officers for the CIRT investigation.

- **Use of Team:** The Critical Incident Response Team will provide thorough, comprehensive investigations of critical 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 for 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.

Coordinators will be responsible for identifying members of their agency to act as Team Leaders and detectives/investigators. Coordinators are also responsible for 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 use of forces 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. Five agencies provide Team Coordinators to serve in this capacity (Arvada PD, Black Hawk PD, Jefferson County SO, Lakewood PD and Wheat Ridge PD). Team Coordinators or their 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 assure 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 the agency involved in the critical incident, vacations, and other agency/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 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 Team 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 critical incident presentations, debriefing past call outs to discuss procedures, guest speakers from other departments who have handled recent officer involved uses of force, legal updates from the District Attorney's Office or formal instruction classes designed to enhance skills on these types of investigations. Team Coordinators are responsible for ensuring 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 District Attorney'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 or designee.

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 or attempted use of deadly physical force or when death occurs to a person who is under the care and control of an officer.

- **Response:** A CIRT response is required when an officer or officers are involved in the use or attempted use of deadly force (typically through the discharge of a firearm). A CIRT response is also required in situations in which a person dies while in the care and control of a law enforcement officer acting under the color of their official law

enforcement responsibilities while physically within the First Judicial District (also known as an 'in-custody' death).

- All CIRT call-outs are managed and led by a Team Coordinator, who will determine the number of resources necessary to adequately staff the investigation. All CIRT policies and procedures will be followed throughout these investigations to ensure an independent investigation. These investigations will also be conducted in accordance with the First Judicial District Homicide and Questionable Death Protocol. At the conclusion of the investigation, a presentation will be made to the District Attorney's Office outlining the investigation and the entire case will be turned over to the District Attorney's Office at that time.

- **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 critical incident, 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 all Critical Incident Response Team members are present on scene. An employee of the involved agency that is not directly involved in the critical incident, 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 investigation if necessary. Smaller agencies may require assistance to investigate criminal aspects as well as the critical incident due to personnel shortage. The determination of personnel needs will rest with the coordinator responsible for the overall investigation. Other resources 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. Jeffcom Communications Center has contact information for the 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 a 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, the witness' complete name, address, 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 "1st Judicial District 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 against a non-law enforcement individual arising from or matters leading up to the critical incident 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 critical 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), Jefferson County Regional Crime Laboratory, or other accredited laboratory for ballistics, functionality, and other evidentiary processing deemed necessary. Submission of evidence to the Colorado Bureau of Investigation or Jefferson County Regional Crime Laboratory 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 as soon as possible during the investigation. A team of two Critical Incident Response Team investigators will be assigned to interview each involved officer. This team will be comprised of detectives/investigators from two different agencies. 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.

If the involved officer(s) has requested to delay the interview for any reason, the designated Team Coordinator or their designee should request that the involved officer not discuss any facts regarding the critical incident with anyone other than their attorney and that the involved officer refrain from viewing or listening to any media coverage regarding the critical incident during the time of the delay. The Team Coordinator or their designee, in conjunction with the involved officer(s) and their attorney, should schedule a date, time and place for the interview to occur as soon as possible.

The fact that the involved officer requested a delay prior to being interviewed and the length of that delay will be documented in any report or documents authored by the District Attorney's Office.

If the critical incident was recorded via a dash-cam or body-worn-camera device, the involved officer and their attorney will not be given access to that recording prior to their interview. The recording may be made available, if practicable, to the designated Team Coordinator or their designee and to the District Attorney's Office. Other team members may be given access to that recording if necessary for immediate

investigatory needs. However, the content of that recording will not be provided to the Critical Incident Response Team investigators who are assigned to interview the involved officer. After the conclusion of the interview, the officer and their attorney will be given the opportunity to watch the recording. The officer cannot be compelled to watch but they are encouraged to do so. The Critical Incident Response Team investigators will watch the recording and conduct a follow-up interview with the officer.

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. The officers directly involved in the incident are the primary focus of the investigation. Secondary officers will be interviewed as peripheral witnesses.
- **Miranda/Garrity Advisement:** The use of deadly physical force may not necessarily constitute a criminal act. Therefore, a Miranda or Garrity 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/Garrity 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 recording 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 utilize uninvolved officers to conduct interviews of any lay witnesses or peripheral law enforcement witnesses, including those from the involved agency.
- **Criminal Investigation of Non-Law Enforcement Suspects:** It is the responsibility of the appropriate jurisdiction to conduct the criminal investigation which 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 Recorded Interviews:** Whenever possible, all audio/video recorded interviews of the directly involved officers and eyewitnesses 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 interviews, so that the information may

be gathered and presented for review as expeditiously as possible. If the team member's agency is unable to transcribe the interviews, it is ultimately the responsibility of the involved agency to transcribe them. The involved agency may elect to make a copy of the original audio/video recording for the team member to transcribe rather than releasing the original recording. The original recording will be provided to the involved agency to be held as evidence.

- **Critical Incident Response Team Member Reports:** The primary interviewer will be responsible for authoring a report summarizing the interview whether a transcript exists or not. This summary should cover the facts of the interview in a clear, complete, and concise manner. The secondary interviewer is not required to author a report unless they have further information to add. 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. Critical incidents occurring in the City of Westminster but within the 1st Judicial District will be handled by the Critical Incident Response Team for the 17th Judicial District.
- **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. Team Coordinator(s) and their designees will strive to present the facts of a critical incident to the District Attorney's Office within six 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 six 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 District Attorney'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.

- **Agency Advocate:** The Team Coordinator, in conjunction with the involved agency, will determine the appropriate agency to provide victim advocate support to the person or family of the person against whom the force was used.

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 District Attorney and the on-call Chief Deputy District Attorney. Both will be available to provide legal consultation. In most instances, the District Attorney and on-call Deputy District Attorney will respond.

Investigators from the District Attorney's Office may be utilized for peripheral interviews but shall refrain from participating in interviews of the directly involved parties. This directive is an effort to protect the independence of the case and its review by the District Attorney's Office.

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 the District Attorney, Assistant District Attorneys, and 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.

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.

First Judicial District
Critical Incident Response Team (CIRT)
Policy and Procedures

We, the undersigned, as duly appointed heads of our respective agencies within the First Judicial District, State of Colorado, by affixing our signatures hereto, do recognize the necessity for and approve the policy and procedures as set out herein and will instruct all appropriate personnel to adhere to this policy effective immediately. Further, we will also ensure that appropriate training efforts will be made to implement this document.

**1ST JUDICIAL DISTRICT
ATTORNEY'S OFFICE**

DATED:

ALEXIS KING, DISTRICT ATTORNEY

**COLORADO SCHOOL OF MINES
POLICE DEPARTMENT**

DATED:

DUSTIN OLSON, CHIEF OF POLICE

ARVADA POLICE DEPARTMENT

DATED:

LINK STRATE, CHIEF OF POLICE

COLORADO STATE PATROL

DATED:

**STEVE GARCIA, MAJOR, DISTRICT
COMMANDER**

**BLACK HAWK POLICE
DEPARTMENT**

DATED:

**MICHELLE MORIARTY, CHIEF OF
POLICE**

EDGEWATER POLICE DEPARTMENT

DATED:

**GEORGE MUMMA, ACTING CHIEF
OF POLICE**

GILPIN COUNTY SHERIFF'S OFFICE

DATED:

KEVIN ARMSTRONG, SHERIFF

LAKESIDE POLICE DEPARTMENT

DATED:

DAN MCCASKY, CHIEF OF POLICE

GOLDEN POLICE DEPARTMENT

DATED:

WILLIAM KILPATRICK, CHIEF OF POLICE

LITTLETON POLICE DEPARTMENT

DATED:

DOUG STEPHENS, CHIEF OF POLICE

JEFFERSON COUNTY SHERIFF'S OFFICE

DATED:

JEFF SHRADER, SHERIFF

MOUNTAIN VIEW POLICE DEPARTMENT

DATED:

STEVE DAVIS, CHIEF OF POLICE

LAKESIDE POLICE DEPARTMENT

DATED:

ROBERT GORDANIER, CHIEF OF POLICE

RED ROCKS COMMUNITY COLLEGE POLICE DEPARTMENT

DATED:

SEAN DUGAN, CHIEF OF POLICE

**WHEAT RIDGE POLICE
DEPARTMENT**

DATED:

CHRIS MURTHA, CHIEF OF POLICE