



23rd Judicial District Critical Incident Response Team Training

Guide for the Response and Investigation of Critical Incidents

The purpose of this training guide is to establish response protocols and investigative procedures for the Critical Incident Response Team (CIRT). It is the goal of the team to maintain a high level of investigative consistency and to provide investigators with the training and skills needed to investigate critical incidents. The CIRT will conduct professional and unbiased investigations for the integrity of the team, the involved agencies, the involved officers, and everyone else impacted by the incident.

Overview

The CIRT is a collaborate team made up of members of the Castle Rock Police Department, the Douglas County Sheriff's Office, the Elbert County Sheriff's Office, the Elizabeth Police Department, the Limon Police Department, the Lincoln County Sheriff's Office, the Littleton Police Department, the Lone Tree Police Department, the 23rd JD DA's Office, and the Parker Police Department.

These departments will rotate the lead and co-lead investigators for an incident based on the circumstances and the resources needed. The responding CIRT coordinators will decide which agency will take lead for the incident.

The involved agency's investigators will not take the lead or co-lead. Investigators responding to the incident, regardless of which team they belong to, will assist with both civilian and officer witness interviews, canvassing, crime scene requirements, and any other investigative responsibilities deemed necessary by the coordinator.

Notification Procedures

Members of the CIRT will have the "Active Alert" app on their phones. This is the notification system used by the CIRT to notify investigators that a critical incident has occurred. Information will be provided as to the location of the incident, basic details of the incident, and where to respond for the briefing. Investigators will use the app to advise coordinators whether they are responding, watching, or not responding. This allows the coordinators to have an idea of how many investigators are on the way.

Incident Briefing

Once all the investigators have arrived at the meeting location (usually the involved agency's police department), the involved agency will provide a briefing detailing the incident. The briefing should include the following information:

1. The involved agency's case number, the location of the incident, and the date and time of the incident.
2. The involved officer(s) names and ID numbers, their condition, and their current location.
3. The identity of the suspect(s), their condition, and their current location.
4. An overview of what is known to have occurred at the time of the briefing, type of call, actions of the suspect(s), actions of the involved officers, and location of any evidence within the crime scene.
5. Officer witness names, ID numbers, and their current location.
6. Civilian witness names, contact information, their current location, and the information they provided if they have already been interviewed.
7. Play any surveillance that has been gathered at the time of the briefing.
8. Provide an officer to assist with the use of the agency's facilities and equipment and provide that officer's name and contact information.

Investigator Assignments

At the conclusion of the briefing the coordinator will assign tasks to the available investigators. As tasks are assigned the investigator will put their name, agency, phone number, and email address on the assignment sheet under the task that they will be conducting. (See document section).

Assigned tasks are as follows:

1. **Lead Investigator** – The lead investigator is responsible for the coordination of the entire investigation. They will work closely with the co-lead investigator to manage all the responsibilities of the investigation. The lead and co-lead will conduct the involved officer interviews, will assist with witness interviews (assuming the involved officers defer to a later date for their interviews), walking the scene, will be responsible for gathering all of the reports generated by the involved agency and the CIRT investigators, preserving the body worn camera footage, and preserving an available surveillance video.

The lead investigator will generate a case summary detailing the investigation and will work closely with the District Attorney's Office. At the completion of the investigation the lead investigator will present the case to both the District Attorney and the Involved Agency's Command Staff. A PowerPoint will be used to facilitate this presentation. The entire investigation will be provided to both the District Attorney and the Involved Agency for their records.

2. **Co-Lead Investigator** – Same responsibilities as listed above. The co-lead will work as a team with the lead investigator to make sure all of the needed investigative steps are accomplished.
3. **Crime Scene** – Investigators assigned to the crime scene are responsible for working closely with the Crime Scene Unit to locate evidence, document the scene, effectively collect all available evidence, and to oversee the crime scene processing. If the suspect is deceased and on scene, these investigators will coordinate with the coroner

to document injuries and recover the body. Investigators would consider using a drone to document the scene (if available) and/or the FARO Scanner (CSI Unit).

4. **Witness Interviews** – Investigators assigned this task are responsible for identifying civilian witnesses and officer witnesses and conducting interviews with these subjects. Information gathered during these interviews should be provided to the lead investigator in a timely manner so that it can be used during the involved officer interviews.
5. **Hospital** – If the involved officer/suspect has been transported to the hospital, then an investigator will be assigned this task. Their responsibility is to work with the Crime Scene Unit to photograph injuries and recover evidence. If the suspect/officer is deceased, they will coordinate with the coroner to recover the body. An officer being treated at a hospital should not be interviewed until they are medically cleared by the hospital staff and have consulted with their attorney.
6. **Canvass** – Investigators will be assigned to canvass the immediate area of the scene for surveillance video and for any possible witnesses. The investigator should use the canvass form (see document section) to document who was talked to, their contact information, or the fact that nobody answered the door.
7. **Officer Documentation and Evidence Recovery** – An investigator will be assigned to assist the Crime Scene Unit with photographing the involved officer(s) in the clothing or uniform they were wearing during the incident. Photographs will be taken of injuries, torn clothing, and anything else deemed important to the incident. Officers will be asked how they load their magazines and involved weapons (i.e. fully loaded magazines with one additional round in the chamber). Investigators will be present while CSI unloads the involved weapon(s) and spare magazines to document the number of rounds remaining. If the officer did not use any of their spare magazines during the incident, then those magazines can be returned after the round count. This also applies to back-up weapons and rifles, as long as there is no indication they were involved in the incident. The make, model, caliber, serial number, and the number of accounted for rounds should be documented.
8. **Autopsy** – In the event that the suspect has passed away a member of the CIRT will attend the autopsy. A Crime Scene Technician from the lead CSI Unit will also attend to account for any evidence recovered at autopsy. The District Attorney should be made aware of the date, time, and location of the autopsy so they can attend if they wish.

Team Leader – When there are enough investigators to do so, the coordinator will assign a team leader for the canvass, the scene, and the witness interviews. This investigator will be in charge of the individual task assignment and will serve as the supervisor for that task. The other investigators assigned to that specific task will meet with the team leader prior to conducting the task. The team leader will make sure that individual assignments are clearly communicated to the team. After the tasks are completed, each member of the team will meet back with the team leader to communicate what information they obtained and to make sure there is nothing else to do. The team leader will then contact the lead investigator to go over what was accomplished and what information was obtained.

Crime Scene Unit

The Crime Scene Unit is in charge of documenting the involved officers, conducting round counts and weapon recovery, documenting the suspect and their injuries, documenting the scene, identifying evidence, and collecting that evidence.

In the event of a critical incident involving any of the agencies, a Crime Scene Unit will be assigned as the lead and will be responsible for the processing of the scene and evidence recovery.

The CSI Unit in charge will transfer the property to the involved agency for storage.

Review of BWC Footage

After the teams have been established, the Coordinator(s), Lead Investigators, Lead CSI, and any other team members deemed necessary will review the BWC footage. The Coordinator will ensure that anyone not affiliated with the CIRT leaves the viewing area. This includes personnel from the venue agency, including Internal Affairs. This procedure helps ensure that all discussions during the viewing remain unbiased.

This does not prevent non-CIRT members from reviewing BWC footage in a separate location.

Involved Officer Interviews

Interviewing officers involved in a critical incident requires skill, training, and experience. CIRT will identify investigators that have these skills, and those investigators will be tasked with leading the interview of an officer involved in a critical incident. Investigators needing or wanting experience will be identified and asked to participate with the lead interviewer. Interviews will follow an established questioning order which will be facilitated using a question list. (See document section).

Interviews will generally be scheduled for a later time. In circumstances where the involved officer wants to interview after the incident and their counsel agrees, CIRT will make attempts to accommodate the interview if we have the ability to do so.

CIRT Philosophy statement for conducting involved officer interviews:

“It is important to remember that officers involved in shootings are simultaneously 1) subjects who could potentially face criminal indictment, 2) employees who were just doing their jobs but will now be subjected to internal investigations that can put their jobs on the line, 3) witnesses to crimes committed by suspects who attempted to harm the officers and/or citizens, and 4) victims of violent crimes committed by the suspects.

An adversarial relationship between the investigator and the involved officer can be created or exacerbated by any tendency by the investigator to handle the interview of an involved officer more from the perspective of one conducting a suspect interrogation than one conducting a witness interview. In that regard, it is crucially important that use-of-force investigators recognize that officers who have been involved in an OIS are not presumed to have acted wrongfully (unless and until evidence of wrongdoing has been developed), but rather are professionals who have been trained, equipped, and sent out onto the street to deal with “critical incidents” on society’s behalf, and who have just personally witnessed and experienced such an incident.

Remember that these officers are being evaluated on whether the officer’s decision to use deadly force was ‘objectively reasonable under the totality of the circumstances confronting the officer at that time,’ and thus lawful.”

Interview guidelines:

1. Prior to the start of the interview and away from the interview room, the officer should be advised what the four parts of the interview will consist of. They can also be asked if

- they have any questions before the interview begins.
2. An interview will consist of four phases: an advisement, administrative questions, the officer's recollection of the event, and follow-up questions.
 3. Advisement questions consist of identifying who is in the room, clarifying that the room is audio and video recorded, BWCs are present, clarifying that the officer is not under the influence of alcohol or drugs, and making sure the officer understands that the interview is part of a criminal investigation, that the interview is voluntary, and they are free to leave at any time.
 4. Administrative questions consist of asking the officer their training and job experience, the assignments they have held at their agency, their normal working days, whether they worked overtime or off-duty prior to the shift, if they were involved in any other use of force incidents the day of the critical incident, a description of what they were wearing, what vehicle they were driving, whether they have reviewed their BWC, and whether they have discussed the incident with any of the other officers present during the critical incident.
 5. After the above questions have been asked, the officer will be instructed to recount the entire incident. They will be told to include any background information they were aware of, how they became involved in the incident, what they observed, what actions they took, and everything they remember (in detail) from the moment they became involved until they were relieved from the scene. During this part of the interview, the officer should not be interrupted and should be allowed to talk freely about the entire incident.
 6. The purpose of follow-up questions is to clarify anything that was said by the officer while discussing the incident. The interviewer should have already prepared possible follow-up questions prior to the interview and should be able to adapt to the information provided by the officer.
 7. After the follow-up questions the co-interviewer should be asked if they have any questions for the officer. After that, the officer should be asked if there were anything they would like to add to their statement. Finally, the lawyer should be asked if they had any questions, they would like asked.
 8. At this point the interviewer will take a break. The officer and lawyer should be reminded that the room is being recorded and that they are free to step out if they would like to discuss anything in private. The interviewers will go meet with the team that has been watching the interview and ask them if there is anything they want asked of the officer. The interviewers will return to the room and ask any additional questions before ending the interview.
 9. The interview will not consist of questions about the directives or internal procedures of the officer's agency. These questions can be asked by Internal Affairs at a later time. The interview is focused on the facts of the case and whether the use of force would be considered justified/unjustified in a criminal court.

Internal Affairs

Most, if not all, agencies want their Internal Affairs Investigators to watch the interview of the involved officer. CIRT will not prevent this. The IA Investigators can watch the interview, but they should not be suggesting follow-up questions. Their job is to observe what information is gleaned from the interview and use that information during their own internal process.

Body Worn Cameras

The agencies within the 23rd Judicial District have different policies with regards to the involved officers being able to view their BWC footage prior to their interview. CIRT will defer to the involved agency's policy with regard to allowing the officer to watch the video. For example, in Aurora the policy is to allow the lawyer to watch the officer's video prior to the interview but not the officer. There is well-established research on whether it is better to watch the video beforehand or not. Regardless of the interviewer's opinion, this decision will be left up to the agency involved and the individual officer.

Criminal Investigations

If the suspect(s) survived the encounter with law enforcement, it is likely that criminal charges are applicable. (i.e., attempted murder, felony menacing, robbery) The involved agency will be responsible for the filing of criminal charges. Investigators from the involved agency will be assigned this responsibility and should respond to the callout with the CIRT.

The criminal investigator responsibilities are as follows:

1. Author search warrants if needed, such as a residence or vehicle.
2. Complete an arrest warrant and case filing.
3. Take the lead in the interview of the suspect(s) with a member of the CIRT.
4. Observe the CIRT interview of the involved officer(s) witnesses and provide additional questions for the officer if needed.
5. Work closely with the CIRT Lead Investigator to gather reports, digital evidence, and physical evidence for discovery.
6. Include all reports written by members of the CIRT for discovery in the case filing.

CIRT Documents

The following documents are available from any of the CIRT Supervisors/Coordinators and will be used appropriately during the investigation.

1. Assignment log – This log is used to keep track of what investigators were assigned to what tasks. Once an investigator receives their assignment, they will fill out the log with their name, agency, phone number, and email address. This log will be provided to the lead investigator and the criminal investigator.
2. Public Safety Statement – All of the agencies involved in the 23rd Judicial District CIRT use a public safety statement. This form should have already been filled out by the responding patrol supervisor and should have been made available to the CIRT by the involved agency.
3. Officer Advisement for Voluntary Statement – This form should be read to the involved officer prior to the start of the interview.
4. Interview Questions – This is a list consisting of questions that must be asked and other questions that may or may not be asked during an involved officer interview. It guides the interviewer and keeps the interview on track. Interviewers should be able to adapt to the interview and make necessary changes to this list depending on the information provided by the involved officer. Investigators should never start an interview without this form being completed.
5. Canvass Log – This form should be used to document who was contacted during the canvass, their contact information, and what information the subject shared. If nobody

answers the door this form should be used to document the address and the lack of contact.

6. Miranda Advisement – In the event of a critical incident being deemed as criminal by the involved officer, a Miranda Warning will be given. As in all criminal investigations this warning will be issued to the officer using a written advisement.

Coordinators

CIRT Coordinators are responsible for the overall supervision of the critical incident. They will make sure enough resources respond to the incident, make sure all of the different investigative needs are covered, and work closely with the District Attorney and lead detective to make sure that the investigation is completed in a reasonable time frame. They will be present during the presentation with the District Attorney.

Coordinator Contact Information

Castle Rock PD Commander Tim Gorman tgorman@crgov.com 303-434-5481

Douglas County SO Division Chief Dan McMillan dmcmillan@dcsheriff.net 303-435-4489

Douglas County SO Commander Amanda Weiss aweiss1@dcsheriff.net 720-315-5778

Douglas County SO Commander Brian Murphy bmurphy@dcsheriff.net 303-663-6262

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