

Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for University of Colorado Denver| Anschutz Medical Campus Police Department (Department) in the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of other action of 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.

304.2 TYPES OF INVESTIGATIONS

Definitions

- (a) Officer-Involved Fatal Incidents - Incidents involving two or more people, in which a Department employee is involved as an actor, victim, or custodial officer, where a "fatal injury" occurs. Such "incidents" include but are not limited to the following:
 - 1. Intentional and accidental shootings, including police tactical incidents involving specialized response teams.
 - 2. Intentional and accidental use of any deadly weapons.
 - 3. Assaults upon Officers; assaults on other Department employees who are on duty or are acting for a law enforcement purpose.
 - 4. Attempts by Department employees to make arrests or to otherwise gain physical control for a law enforcement purpose.
 - 5. Any fatal injury in police custody, but excluding fatal injuries of prisoners which occur while the inmate is under physician's treatment for a disease or other natural condition which does not involve custodial trauma, custodial suicide, or custodial ingestion of toxic substance.
 - 6. Any fatal injury to a person who is a passenger of an Officer (e.g., ride-alongs, emergency transports, etc.)
- (b) Officer-involved shootings and deaths may involve several separate investigations. The investigations may include:
 - 1. A criminal investigation of the suspect's actions.
 - 2. A criminal investigation of the involved officer's actions.
 - 3. An administrative investigation as to policy compliance by involved officers.

304.3 CONTROL OF INVESTIGATIONS

The Department will develop protocols for participating in a multi-agency team, which shall include at least one other police department or sheriff's office, or the Colorado Bureau of Investigation, in conducting any investigation, evaluation, and review of an incident involving the discharge of a firearm by a peace officer that resulted in injury or death. The law enforcement agencies

University of Colorado Denver / Anschutz Medical Campus Police Department

Univ of Colorado Denver PD Policy Manual

Officer-Involved Shootings and Deaths

participating need not be from the same judicial district. Each law enforcement agency shall post the protocol on its web site (CRS 16-2.5-301).

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

304.3.1 UNIVERSITY OF COLORADO DENVER OFFICER WITHIN THIS JURISDICTION

In an officer-involved shooting within this jurisdiction, the Department is responsible for the criminal investigation of the suspect's actions and the administrative investigation. The criminal investigation of the officer-involved shooting will be conducted by an uninvolved outside law enforcement agency that has been asked to conduct the investigation. The Department has an intergovernmental agreement with the City of Aurora to cooperate in the coordination of law enforcement services. The Aurora Police Department, pursuant to this agreement, would serve as the outside agency conducting the investigation of an incident that involved the discharge of a firearm by a peace officer that resulted in injury or death.

304.3.2 OUTSIDE AGENCY'S OFFICER WITHIN THIS JURISDICTION

The Department is responsible for the criminal investigation of an outside agency's officer-involved shooting within this jurisdiction. The criminal investigation of the officer-involved shooting will be conducted in accordance with existing Department policy. The officer's employing agency will be responsible for any administrative investigation.

304.3.3 UNIVERSITY OF COLORADO DENVER POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION

The agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation of the suspect to another agency. The University of Colorado Denver Police Department will conduct timely administrative investigations of its own personnel.

304.4 INVESTIGATION PROCESS

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

304.4.1 UNINVOLVED OFFICER RESPONSIBILITIES

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

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.

University of Colorado Denver / Anschutz Medical Campus Police Department

Univ of Colorado Denver PD Policy Manual

Officer-Involved Shootings and Deaths

- (e) Check for injured persons and evacuate as needed.
- (f) Brief the Supervisor upon arrival.

304.4.2 SUPERVISOR RESPONSIBILITIES

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

- (a) Attempt to obtain a brief overview of the situation from any uninvolved Officer. Each involved Officer should be given an administrative order not to discuss the incident with other involved Officers or Department employees pending further direction from a Supervisor.
 1. An uninvolved Officer shall remain with the involved Officer, either in a group or individually, until they can be interviewed. The sequestering Officers are present to ensure the involved Officers have privacy and that their needs are accommodated. They should not be present during confidential (privileged) conversations.
 2. If the supervising officer at the scene was personally the actor or victim of the incident, the responsibility for security and/or collection of weapons and instruments shall rest with an uninvolved Supervisor or the next-in-line uninvolved Officer at the scene.
 3. Any officer receiving a weapon or instrument from another person or obtaining it otherwise shall note its serial number, if readily visible, without removing the weapon from its holster or otherwise compromising physical evidence and shall otherwise maintain the chain of evidence. Otherwise, weapons and instruments will not be disturbed in any way. They shall not be handled by anyone other than the Supervisor and that Officer shall handle them minimally to preserve the exact state of the weapon or instrument when received.
 4. Take command of and secure the incident scene until properly relieved by another Supervisor or other assigned personnel or investigator.
 5. Provide all available information to the Shift Supervisor and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
 6. The initial on-scene Supervisor should not attempt to order any involved Officer to provide any information other than public safety information.
 7. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information.
 8. If necessary, the Supervisor may administratively order any Department Officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

University of Colorado Denver / Anschutz Medical Campus Police Department

Univ of Colorado Denver PD Policy Manual

Officer-Involved Shootings and Deaths

9. In the event that there are no uninvolved Officers who can supply adequate overview, the Supervisor should attempt to obtain a brief voluntary overview from one involved Officer.

304.4.3 SHIFT SUPERVISOR RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Shift Supervisor shall be responsible for coordinating all aspects of the incident until relieved by a member of Command Staff.

All outside inquiries about the incident shall be directed to the Police Department Communication/Clery Manager or University Communications.

304.4.4 NOTIFICATIONS

Notifications will should be made pursuant to Policy 330.

304.4.5 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 - (a) Involved University officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 - (b) Requests from involved non-AMC officers should be referred to their employing agency.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved AMC officer. A licensed psychotherapist may also be provided to any other affected AMC members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members 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.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications with a peer support team member will be considered privileged to the extent provided in CRS § 13-90-107.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

University of Colorado Denver / Anschutz Medical Campus Police Department

Univ of Colorado Denver PD Policy Manual

Officer-Involved Shootings and Deaths

Each involved AMC officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Shift Supervisor to make schedule adjustments to accommodate such leave.

304.5 CRIMINAL INVESTIGATION

The District Attorney's Office 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 City 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 officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) AMC supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of AMC officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved 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.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.5.1 REPORTS BY INVOLVED UNIVERSITY OF COLORADO DENVER POLICE OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this Department shall retain the authority to require involved Department Officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved Department Officers may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved Officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved Officers should focus on evidence to establish the elements of criminal

University of Colorado Denver / Anschutz Medical Campus Police Department

Univ of Colorado Denver PD Policy Manual

Officer-Involved Shootings and Deaths

activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved Department Officer of the right to consult with legal counsel prior to completing any such criminal report.

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

304.5.2 ADDITIONAL SUPERVISOR RESPONSIBILITIES- 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:

- (a) Identification of all persons present at the scene and in the immediate area.
 - 1. 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.
 - 2. 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 whenever feasible.
- (b) 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 .
 - 1. 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.
- (c) 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.

304.5.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Investigative Unit supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Department investigators will be assigned to work with investigators from the assisting investigative agency and may be assigned to separately handle the investigation of any related crimes not being investigated by the assisting investigative agency.

All related department reports, except administrative and/or privileged reports, will be forwarded to the designated Investigative Unit supervisor for approval. Privileged reports shall be maintained

University of Colorado Denver / Anschutz Medical Campus Police Department

Univ of Colorado Denver PD Policy Manual

Officer-Involved Shootings and Deaths

exclusively by Department employees who are authorized such access. Administrative reports will be forwarded to the appropriate Division Commander.

304.5.4 MULTI-AGENCY INVESTIGATION

Officer-involved shootings that result in injury or death shall be investigated by a multi-agency team. The multi-agency team shall include at least one other police or sheriff's agency or the Colorado Bureau of Investigation. The Chief of Police or the authorized designee shall ensure this protocol is posted on the Department's website and is available to the public upon request (CRS §16-2.5-301).

304.6 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting, this Department will conduct an internal administrative investigation, pursuant to the Personnel Complaint Procedure Policy and the Administrative Investigation Procedure Policy, to determine conformance with Departmental policy. This investigation will be conducted under the supervision of the Chief of Police and will be considered a confidential peace Officer personnel file.

- (a) Any Officer involved in a shooting may be 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.
- (b) 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 the involved Officer.
 - 1. 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 interview.
- (c) 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.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the Officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. If requested, the Officer shall have the opportunity to select two uninvolved representatives, which may include legal representation, to be present during the interview. However, in order to maintain the integrity of each individual Officer's statement, an involved Officer shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.

University of Colorado Denver / Anschutz
Medical Campus Police Department

Univ of Colorado Denver PD Policy Manual

Officer-Involved Shootings and Deaths

3. Administrative interviews should be recorded by the Investigator. The Officer may also record the interview.
4. The Officer shall be informed of the nature of the investigation and shall be informed of all constitutional *Miranda* rights. Assuming there is no voluntary waiver, he/she will then be given his/her *Garrity* rights, and assuming there is no voluntary waiver, will then be given an administrative order to provide full and truthful answers to all questions.
5. The administrative interview shall be considered part of the Officer's administrative investigation file.
6. The appropriate division commander shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.
8. The administrative investigation may request completion of a truth verification device examination, but only with the Employee's consent. No notation or reference to a request or refusal to submit to such an examination may be made in any file or report.

304.7 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement or completing reports.

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with the approval of assigned investigators or a supervisor.

Any MAV, body-worn and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or University Counsel's Office, as appropriate.

304.8 DEBRIEFING

Following an officer-involved shooting or death, the Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

304.8.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Police Operations Division Commander is responsible for organizing the debriefing. Notes and recorded statements

University of Colorado Denver / Anschutz Medical Campus Police Department

Univ of Colorado Denver PD Policy Manual

Officer-Involved Shootings and Deaths

should 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. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory and Internal Affairs Unit personnel.

304.8.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

304.9 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the Supervisor and Department representative responsible for each phase of the investigation. Releases will be available to the Shift Supervisor, Investigation Division Commander and Communications Manager in the event of inquiries from the media.

No involved Police Department employee shall make any comment to the media unless he/she is authorized by the Chief of Police, Deputy Chief of Police or Police Operations Division Commander .

Department employees 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.

304.10 REPORTING

The Department shall report the data required by CRS § 24-33.5-517 regarding officer-involved shootings to the Colorado Department of Public Safety by September 1 each year.