



14th Judicial District
State of Colorado
Critical Incident Response Team
Interagency Agreement and Protocol

Table of Contents

General	p.3
Personnel	p.3
Definitions	p.4
CIRT Activation Criteria	p.5
Organizational Procedure	p.5
Scope & Purpose of Criminal Investigation	p.6
Investigative Procedure	p.7
Equipment/Tests/Personnel Costs	p.10
Annual Report	p.10
Changes to Policy and Procedure	p.10
Withdraw and Termination	p.10
Adoption and Acknowledgement	p.10

General

It is the consensus of the participating 14th Judicial District law enforcement agencies that a team of skilled and trained investigators consisting of personnel from participating agencies, the District Attorney's Office and when appropriate the Coroner's Offices within the judicial district and/or Colorado Bureau of Investigation, should be maintained to conduct and participate in the investigation of incidents where any law enforcement employee within the judicial district is the subject of a critical incident as defined herein.

It is the further consensus of the participants to this agreement that this Critical Incident Response Team (CIRT) will be able to provide a thorough and impartial investigation and mitigate against the depletion of resources within any one agency.

The parties to this agreement intend for the CIRT and these protocols to meet the requirements of CRS 16-2.5-301 and 20-1-114, regarding the discharge of a firearm by a peace officer that results in injury or death, originally codified in Colorado SB 15-219, passed into law on May 20, 2015. The parties further intend for the collaborative/mutual aid efforts described in this agreement to occur pursuant to C.R.S. 29-5-103 through 29-5-111.

Personnel

The CIRT shall consist of peace officers and ancillary personnel designated by the Chief Executive Officer of each participating agency within the 14th Judicial District.

A CIRT Coordinator and Alternate Coordinator will be selected by the CEO's. The CIRT Coordinator will serve a term of two years and the Alternate Coordinator will serve a term of one year such that both roles do not turn over at the same time, to ensure continuity of institutional knowledge. The Coordinator and Alternate Coordinator must not be employed by the same agency.

The CIRT should consist of at least one representative from each participating agency. Each representative shall serve at the discretion of the current CEO for that agency. A representative's CEO may remove them at any time. Any representative may be removed upon recommendation of the Coordinator and with the approval of the representative's CEO. All appointments to the CIRT shall be reviewed and confirmed annually.

Definitions

“Critical Incident” means an event involving two or more people, in which a law enforcement agency employee is involved as an actor or custodial officer or victim, where a fatal injury to a human being or injury involving a substantial risk of death to a human being occurs. Such incidents include but are not limited to the following:

1. Intentional or accidental shootings of human beings, including police tactical incidents involving specialized response teams.¹
2. Intentional or accidental discharge of a deadly weapon.²
3. Attempts by a law enforcement officer to make arrests or otherwise gain physical control of another person for a law enforcement purpose.³
4. Attempts by civilian employees of a 14th Judicial District law enforcement agency to make an arrest or otherwise gain physical control of another person for a law enforcement purpose.⁴
5. Any fatal injury or death occurring in police custody, including a jail setting.
6. Assaults resulting in death or injury to an employee of a 14th Judicial District law enforcement agency.
7. Law enforcement pursuits resulting in death or an injury involving a substantial risk of death.
8. Non-pursuit vehicle accidents involving law enforcement vehicles where death or an injury involving a substantial risk of death occurs.
9. Vehicle accidents involving a fatal injury to a person who is a passenger in a law enforcement vehicle (i.e. ride along, transport etc.).

“Law enforcement agency employee” means:

1. Full or part time employees of any law enforcement agency within the 14th Judicial District, whether on or off-duty.
2. Volunteer and/or temporary enforcement personnel on duty at the time of the incident.

“Actor” means a person who is the cause of a fatal injury or injury involving a substantial risk of death to another person.

¹ Automatic CIRT call out

² Automatic CIRT call out

³ Automatic CIRT call out

⁴ Automatic CIRT call out

“Victim” means a person injured by an actor. Use of the word “victim” in this protocol does not imply criminality, but is used only for purposes of identifying the injured person(s) in an incident.

“Custodial Officer” means a law enforcement agency employee who is present at or participates in an attempt by any law enforcement officer to make an arrest or otherwise gain or maintain physical control of another person for a law enforcement purpose.

“Deadly Weapon” has the same meaning as defined in C.R.S. 18-1-901(1)(e).

“Involved agency” means the agency which employs the actor, victim or custodial officer in a critical incident.

“Accident Scene Investigation” means the analysis and documentation of the physical scene of a vehicular crash.

“Criminal Investigator” means those investigators assigned by the CIRT Coordinator or their designee to conduct the substantive criminal investigation of the critical incident.

“Administrative Investigator” means those investigators assigned by the involved agency to conduct an administrative investigation of the critical incident which is separate from the criminal investigation.

CIRT Activation Criteria

Except for automatic activation for incidents involving circumstances defined in paragraphs 1 through 4 in the “Definitions – Critical Incident” section of this protocol, for all critical incidents the CIRT shall be activated only upon the request of the CEO of the involved agency. The CEO of the involved agency shall notify the CIRT Coordinator as soon as practicable, and in no case more than one (1) hour after the incident becomes known, unless exigent circumstances exist.

A request for CIRT activation for an event not specifically defined as a “critical incident” pursuant to this protocol may be made by the CEO of any participating agency to the CIRT coordinator. The CIRT coordinator shall consult with the other participating agency CEO’s in determining whether to activate the CIRT team.

Administrative Investigations for Non-Member Agency

If a law enforcement agency outside the 14th Judicial District requests an agency that is a party to his agreement to conduct an administrative investigation of one or more of its employees, the CEO of the agency receiving the request may activate the 14th Judicial District CIRT. In such case, the CEO of the agency receiving the request, shall notify the CEO of the requesting agency of the CIRT activation, and that copies of all records connected to the investigation will be maintained by the 14th Judicial District CIRT Coordinator, and will be managed in accordance with Colorado law.

Organizational Procedure

Upon CIRT activation, the Coordinator or if unavailable the Alternate Coordinator will become the Incident Coordinator (IC). The IC cannot be employed by the involved agency. The IC will assess the details of the incident and determine what personnel and resources will be required for the criminal investigation, and will then contact the appropriate CIRT representatives with response instructions.

The IC will assign a Lead Investigator who is not employed by the involved agency. The Lead Investigator will assume responsibility for the investigative team. Any irreconcilable conflicts within the participating CIRT representatives will be resolved by the IC, in consultation with the Lead Investigator.

Once the Lead Investigator is identified, the IC or their designee will be responsible for the following:

- 1) Securing and maintaining logistical, personnel and legal support for the Lead Investigator and their team;
- 2) Notifying the District Attorney's Office and CBI of the CIRT activation, and if the critical incident involves a vehicular crash, notifying CSP for VCU activation;
- 3) Notifying the coroner upon confirmation of a fatality;
- 4) Designating a public information officer from the CIRT who is not employed by the involved agency;
- 5) Ensuring initial crime scene preservation and integrity through the assignment of appropriate personnel and adoption of proper scene access protocols.
- 6) Ensuring all investigative activity is properly documented, preserved and disseminated timely to the District Attorney's Office.
- 7) Scheduling any briefings or updates for the CIRT.

- 8) Resolving any irreconcilable conflicts related to the investigation among the CIRT representatives.
- 9) Arranging for neutral victim advocate services as appropriate.
- 10) In consultation with the District Attorney's Office, assessing any questions about which county is the proper venue for any court action
- 11) Ensuring separation between the criminal investigation and any administrative investigation.

Scope and Purpose of Criminal Investigation

The criminal investigation begins immediately upon CIRT activation and has investigative priority over any administrative investigation.

The goal of the criminal investigation is to obtain all relevant information about the incident to allow a determination as to the presence or absence of criminal liability on the part of any person(s) involved in the incident.

The investigation must be conducted in such a manner as to clearly demonstrate its thorough, objective and professional nature, without regard to the identities or employment of any of the involved persons, and free from any conflict of interest.

Investigative Procedure

Crime scene & evidence management

Initial crime scene preservation shall be performed by responding officers and then dictated by the IC in consultation with appropriate CIRT representatives, and it shall include all appropriate access control procedures to preserve scene integrity. If the involved law enforcement agency employee(s) is on-scene, they shall be removed from the scene as soon as practicable with due consideration for public safety and they shall be separated from each other.

Upon consultation with the Lead Investigator, the IC will designate an agency responsible for processing of the scene, preservation of evidence and any forensic analysis of evidence. The IC will update administrative investigators from the involved law enforcement agency, if any are known to the IC, regarding the progress of evidence preservation and plans for forensic testing.

Scene preservation procedures should include, but not be limited to, the following:

- 1) Emergency life-saving procedures have first priority

- 2) Unless necessary for life saving efforts, entry to scene by rescue personnel should be restricted to the minimum necessary to health/safety needs
- 3) Coroner access to the scene shall comply with CRS 30-10-606.
- 4) The scene should be secured with perimeter tape clearly visible and set back an appropriate distance to mitigate against inadvertent scene contamination
- 5) The perimeter should be guarded and a log maintained of all persons in and out of the scene and the time of their entry and exit.
- 6) No items or objects may be removed from the crime scene without approval of the Lead Investigator or their designee, unless required in order to provide emergency medical care to prevent death or serious bodily injury, or to address a significant threat to public safety.
- 7) Weapons within the scene perimeter that hold any possible evidentiary value should be left in place and documented in a manner consistent with scene and public safety.
- 8) If the involved law enforcement agency employee has discharged their firearm, the firearm shall immediately be obtained from them and secured as evidence.

Interview of involved law enforcement agency employee(s)

The involved law enforcement agency employee(s) shall not be interviewed about the incident until and unless the Lead Investigator determines that is appropriate. Any such interview shall be managed by the Lead Investigator or their designee. Such interview shall not be conducted by a CIRT representative employed by the same agency as the subject. Such interview(s) shall not serve as an administrative interview and a Garrity advisement shall not be given. Such interview(s) shall be recorded in its entirety unless there are unavoidable exigent circumstances prohibiting recording, which circumstances shall be detailed in a report. Upon conclusion of the criminal investigation, administrative investigator(s) may be provided with criminal investigation materials.

Intoxicant testing

If the Lead Investigator believes a request for chemical testing for intoxicants is appropriate, the LI may request consent from the subject of the investigation. If consent is refused, the LI may pursue testing through application for a search warrant based on an affidavit establishing probable cause.

Autopsy

At least one member of the criminal investigation team, designated by the LI, shall attend any autopsy related to the investigation. Upon good cause and approval of the IC, the LI may designate an appropriate individual from an agency outside the 14th Judicial District to attend the autopsy.

District Attorney's Office

Upon notification from the IC to the District Attorney or their designee, the IC, LI and DA representative shall determine what response from the District Attorney's Office is appropriate. The District Attorney's Office will provide legal support for the criminal investigation personnel.

A District Attorney investigator shall participate in some capacity, whether as a line investigator, LI or IC.

If the District Attorney's Office is the involved law enforcement agency, and pursuant to CDAC guidelines for designation of a special prosecutor, the IC shall contact the following District Attorney's Offices for legal support:

Grand County venue = 5th Judicial District Attorney

Routt County venue = 8th Judicial District Attorney

Moffat County venue = 9th Judicial District Attorney

Report writing

The IC is responsible for ensuring the timely completion of reports from all criminal investigators. The IC shall ensure all reports are compiled in a single location and timely transmitted to the District Attorney's Office.

Media

In consultation with the CEO of the involved law enforcement agency, the IC is responsible for designating a PIO, who shall be the point of contact for all media inquiries and communications regarding the criminal investigation of the incident.

Recordings and SB20-217

The IC, LI, CEO of the involved law enforcement agency, the PIO and the District Attorney shall coordinate as to any media requests for recordings and the applicability of C.R.S. 24-31-902(2)(a) (SB20-217).

Vehicular crash incidents

If the critical incident arises from a vehicular crash, unless CSP requests otherwise, CSP's Vehicular Crimes Unit shall be responsible for accident scene investigation.

Debriefing

Within 30 days of the conclusion of a CIRT criminal investigation or as soon as practicable, there shall be a debriefing for all CEO's of the CIRT and their designees. The debriefing will be led by the IC, LI and CEO of the agency with principle venue, or their designees.

Equipment/Tests/Personnel Costs

All necessary equipment shall be supplied by the involved law enforcement agency. If additional or specialized equipment is needed, the cost of obtaining such equipment shall be borne by the involved law enforcement agency upon approval of that CEO. Nothing in this protocol prohibits any individual team member or participating agency from bringing or supplying necessary equipment, subject to the IC or LI having no objection.

All normal personnel costs, including but not limited to workers compensation, shall be the responsibility of the agency employing the representatives to the team.

All team representatives, while responding to a call out, regardless of jurisdiction, shall be deemed to be on duty and responding to a call for mutual aid.

Annual Report

The CIRT Coordinator shall prepare and present to CEO's a written annual report summarizing the activities of the team for the preceding year, which report will be provided at the annual CIRT meeting in late summer or early fall.

Changes to Policy and Procedure

Any representative agency CEO may request a change to these policies and procedures. Such request shall be made to the CIRT Coordinator, who will then request a meeting with all CEO's to occur no sooner than 20 days later.

Withdraw and Termination

Any participating agency, through their CEO, may withdraw from this agreement at any time upon fifteen (15) days written notice to the CEO's of all other participating agencies.

Adoption and Acknowledgement

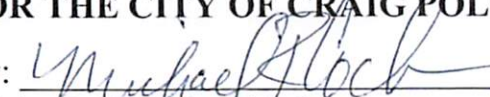
The CEO's of the participating agencies, by signing below, hereby adopt this Interagency Agreement and Protocol, and acknowledge all rights a responsibility contained therein.

FOR THE MOFFAT COUNTY SHERIFF'S OFFICE

By: 
KC Hume, Sheriff

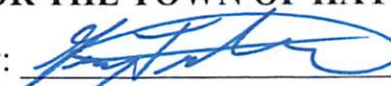
Date: 01/11/2022

FOR THE CITY OF CRAIG POLICE DEPARTMENT

By: 
Michael Cochran, Chief

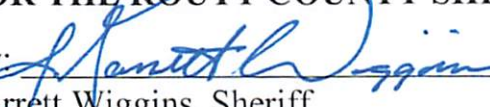
Date: 01/11/2022

FOR THE TOWN OF HAYDEN POLICE DEPARTMENT

By: 
Greg Tuliszewski, Chief

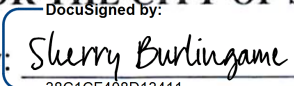
Date: 01/11/2022

FOR THE ROUTT COUNTY SHERIFF'S OFFICE

By: 
Garrett Wiggins, Sheriff

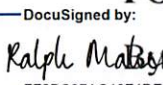
Date: 1-11-22

FOR THE CITY OF STEAMBOAT SPRINGS POLICE DEPARTMENT

DocuSigned by:
By: 
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Sherry Burlingame, Chief

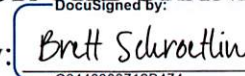
Date: 2/2/2022

FOR THE CITY OF OAK CREEK POLICE DEPARTMENT

DocuSigned by:

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Ralph Maher, Chief

Date: _____

FOR THE GRAND COUNTY SHERIFF'S OFFICE

DocuSigned by:
By: 
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Brett Schroetlin, Sheriff

Date: _____

FOR THE CITY OF KREMMLING POLICE DEPARTMENT

DocuSigned by:
By: Hiram Rivera Date: _____
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Hiram Rivera, Jr., Chief

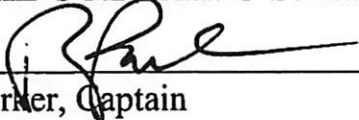
FOR THE CITY OF GRANBY POLICE DEPARTMENT

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By: David Shaffer Date: _____
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David Shaffer, Chief

FOR THE TOWNS OF FRASER/WINTER PARK POLICE DEPARTMENT

DocuSigned by:
By: Glen Trainor Date: _____
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Glen Trainor, Chief

FOR THE COLORADO STATE PATROL, Troop 4B

By:  Date: 01-13-22
Ryan Parker, Captain

FOR THE COLORADO BUREAU OF INVESTIGATION

DocuSigned by:
By: John Camper Date: 2/1/2022
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John Camper, Director

FOR THE MOFFAT COUNTY CORONER

DocuSigned by:
By: Jesse Arthurs Date: 1/24/2022
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Jesse Arthurs, Coroner

FOR THE ROUTT COUNTY CORONER

DocuSigned by:
By: Robert Ryg Date: 1/27/2022
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Robert Ryg, Coroner

FOR THE GRAND COUNTY CORONER

DocuSigned by:
By: Brenda L Bock Date: 1/27/2022
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Brenda Bock, Coroner

FOR THE 14th JUDICIAL DISTRICT ATTORNEY'S OFFICE

DocuSigned by:
By: Matt Karzen
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Matt Karzen, District Attorney

Date: 2/1/2022