



## Aurora Police Department

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# MEMORANDUM

**TO:** Nicholas Metz, Chief of Police

**CC:** Paul O’Keefe, Deputy Chief of Police  
Kevin Flynn, Division Chief, Metro Division

**FROM:** Rob McGregor, Commander, Investigations Bureau

**DATE:** December 23, 2015

**SUBJECT:** Multi-Agency Officer Involved Shooting Investigation Protocol

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Attached to this memorandum is a document intended to provide an overview of the protocol that will be used during the investigation of officer involved shooting incidents. This protocol was developed in late October in coordination with the Denver Police Department and as a result of the recently passed legislation related to transparency in police officer involved shooting investigations (Senate Bill 15-219). The new process will embrace the spirit of the legislation and will be in full compliance with all technical aspects of the law.

### **CRS 16-2.5-301 – Police Officer-Involved Shooting Investigations:**

Each police department, sheriff’s office, and district attorney within the state shall 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 participating need not be from the same judicial district.

The law requires a multi-agency investigative team approach be employed any time an officer discharges his or her weapon and another person is injured or killed as a result of the weapon discharge. The law does not require a similar multi-agency response to investigate other weapon discharges including the humane killing of an animal, an accidental (negligent) discharge or those instances where an officer intentionally fires but does not strike a person.

The personnel assigned to the multi-agency team must be a part of the “investigation, evaluation and review” of any incident the team is assigned to investigate.

## **OFFICER INVOLVED SHOOTING MULTI-AGENCY INVESTIGATION PROTOCOL**

The investigation of an officer involved shooting will be divided into four separate components:

- Operational (Initial) Investigation
- Follow-up Investigation
- Case File Review
- Administrative Review

### **Definitions**

- Primary Agency - The police agency for the city where the police officer involved shooting occurs.
- Support Agency – The agency called to assist as part of the multi-agency investigation team.

### **Operational**

The Operational component of the investigation refers to the initial investigation that is completed following the discharge of a weapon. Generally, this period will commence immediately after an officer discharges his or her weapon and will conclude only after the crime scene has been completely processed and all civilian witnesses, police officers and suspects have been interviewed.

When a police officer is involved in a shooting the commanding officer of the Major Crimes Division (Denver) /Major Investigations Section (Aurora) of the primary agency will make prompt notification to the support agency to activate the multi-agency investigation team. Upon notification, the commanding officer of the support agency will, at a minimum, assign the following personnel to respond and assist with the investigation:

- 1 Command Officer
- 1 Sergeant
- 2 Detectives (Aurora equivalent is 'Agent')

Ideally, the personnel assigned to the multi-agency investigation team will be those currently assigned to the Homicide Unit. In the rare instance that Homicide Unit personnel are not available qualified personnel from within the Major Crimes Division (Denver)/Major Investigations Section (Aurora) will be assigned by the commanding officer of the support agency.

The assigned personnel from the support agency will immediately respond and will be assigned tasks at the direction of the commanding officer of the primary agency. At a minimum, one detective will be assigned to the scene of the incident and one will be assigned to assist with witness interviews. Specific duties will be assigned by the commanding officer of the primary agency.

Personnel from the support agency will have full and complete access to the crime scene and all interviews that are conducted. It is expected that the detectives from both agencies will work cooperatively and in an efficient manner to process the crime scene and conduct interviews so a thorough and complete investigation is completed.

The documentation and collection of evidence will be conducted by personnel assigned to the Crime Lab Unit of the primary agency.

### **Follow-up Investigation**

During this stage of the investigation additional follow-up interviews and forensic analysis will be completed. The general responsibility for these tasks will remain with the primary agency. The support agency will be readily available for consultation and participation in any part of the on-going investigation. If an initial or follow-up interview is to be conducted with a police officer (involved or witness) the support agency will provide personnel to monitor and assist. The specific assignments for the support personnel will be made by the commanding officer of the primary agency.

The primary agency will be responsible for requesting and completing any forensic analysis of evidence including DNA analysis, latent fingerprint examination and ballistic testing. Additionally, the primary agency will be responsible for compiling the investigative case file at the conclusion of the investigation. This file will contain all of the necessary documentation including a supplemental report with a summary of the investigative steps completed throughout the investigation, a list of relevant witnesses, copies of written statements and/or summaries of video interviews (transcriptions can be used in lieu of summaries), forensic analysis reports, scene photographs and autopsy reports (if applicable). The primary agency will be the custodian of records related to the investigation.

### **Case File Review**

Upon the completion of an investigation the commanding officer of the primary agency will coordinate an investigative review of the case with the personnel who participated in the investigation of the incident. During this meeting the entire case file and investigation will be presented and reviewed. Should an area of additional investigation be identified during the review process it will be brought to the attention of the commanding officer from the primary agency to be addressed. An additional case review meeting can be coordinated if necessary.

At the conclusion of the review a command officer from the support agency will provide written documentation to the primary agency indicating that the investigation and supporting documentation has been reviewed and is complete. The entire case file will then be forwarded to the appropriate District Attorney's office for review.

### **Administrative Review**

The law requires the secondary agency be a part of the "investigation, evaluation and review" of an incident. To comply with this portion of the law, each agency will designate a supervisory or command officer to participate in the administrative review process of any incident the team investigates. The specific role and responsibility of the assigned member will be determined by the Chief of Police (or designee) from the primary agency.