

**RESOLUTION NO. 2020-03**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
RIDGWAY, COLORADO, AMENDING THE POLICE  
PROCEDURES MANUAL TO ADD SECTION 26: OFFICER  
INVOLVED SHOOTING POLICY**

**WHEREAS**, the Town Council implemented the Police Procedures Manual through the adoption of Resolution 99-04 on April 14, 1999; and

**WHEREAS**, the Town Council has subsequently amended the Police Procedures Manual through Resolutions 11-08, 18-02, 19-13 and 19-18; and

**WHEREAS**, Colorado Senate Bill 19-091 was signed into law on April 23, 2019 and requires law enforcement agencies to develop policies to support officers involved in a shooting or fatal use of force; and

**WHEREAS**, the Police Procedures Manual does not include an Officer Involved Shooting Policy and the Town Council finds this policy necessary to preserve the health, safety and welfare of the community.

**NOW THEREFORE, BE IT RESOLVED** by the Town Council of the Town of Ridgway, the Officer Involved Shooting Policy as set forth in **Exhibit A: Officer Involved Shooting Policy** is now adopted:

ADOPTED AND APPROVED this \_\_\_\_\_ day of May, 2020.

ATTEST:

\_\_\_\_\_  
Pam Kraft, Town Clerk

\_\_\_\_\_  
John Clark, Mayor



## **Exhibit A**

### **Chapter 26: Officer Involved Shooting Policy**

#### **PURPOSE AND SCOPE**

The purpose of this policy is to establish policy and procedures for 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 a deputy. In other incidents not covered by this policy, the Marshal may elect to follow the process provided in this policy.

#### **POLICY**

Officer-involved shootings and deaths are investigated in a thorough, fair and impartial manner.

#### **TYPES OF INVESTIGATIONS**

Officer-involved shootings and deaths involve several separate investigations. The investigations may include, but are not limited to:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved deputies.
- A civil investigation to determine potential liability.

#### **CONTROL OF INVESTIGATIONS**

Investigators from surrounding agencies, including the 7<sup>th</sup> Judicial District Law Enforcement Critical Incident Investigation Team, may be assigned to work on the criminal investigation of officer-involved shootings and deaths. This may include at least one investigator from the agency that employs the involved officer. 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.

#### **CRIMINAL INVESTIGATION OF SUSPECT ACTIONS**

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Ridgway Marshal's Office would control the investigation if the suspect's crime occurred in Ridgway. If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Marshal and with concurrence from the other agency.

#### **CRIMINAL INVESTIGATION OF OFFICER ACTIONS**



The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from the Ridgway Marshal's Office is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy. Requests made of this office to investigate a shooting or death involving an outside agency's officer shall be referred to the Marshal or the authorized designee for approval.

## **ADMINISTRATIVE AND CIVIL INVESTIGATION**

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

## **INVESTIGATION PROCESS**

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

## **UNINVOLVED OFFICER RESPONSIBILITIES**

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

- (a) If not already notified, while in route, or, if time allows otherwise, upon arrival, the responding officer should notify the Marshal, via Dispatch, or, if time allows via cell phone. If and when officers use a radio to communicate, any personal information about those involved in the incident shall not be revealed.
- (b) Secure the scene and identify and eliminate hazards for all those involved.
- (c) Take all reasonable steps to obtain emergency medical attention for injured individuals.
- (d) Coordinate a perimeter or pursuit of suspects as appropriate.
- (e) Request additional resources, units or agencies as appropriate.
- (f) Assign an officer, if available, otherwise other EMS personnel to write down the name of every person at the scene, including when the responding units arrive and when someone leaves the scene.
- (g) Brief the supervisor upon arrival.

## **SUPERVISOR RESPONSIBILITIES**

Upon arrival at the scene, the first uninvolved Ridgway Marshal's Office supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
  1. 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.



# MARSHAL'S OFFICE

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- (b) If necessary, the supervisor may administratively order any Ridgway Marshal's Office deputy to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
  1. 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.
  2. The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Duty Officer and Montrose Regional Dispatch Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional Ridgway Marshal's Office members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
  1. Each involved Ridgway Marshal's Office deputy should be given an administrative order not to discuss the incident with other involved officers or Ridgway Marshal's Office members pending further direction from a supervisor.
  2. When an involved officer's weapon is taken or left at the scene for other than officer- safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other deputies.

## DUTY OFFICER RESPONSIBILITIES

Upon learning of an officer-involved shooting or death, the Duty Officer shall be responsible for coordinating all aspects of the incident until relieved by the Marshal. While in route, the first responding deputy shall notify the Marshal through Dispatch or if time allows by cell phone. All outside inquiries about the incident shall be directed to the Marshal.

## NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Marshal, who will notify as necessary:
  - Colorado Bureau of Investigation
  - Coroner
  - Town Manager
  - Critical Incident Investigation Team
  - 7<sup>th</sup> Judicial District Attorney's Office
  - Involved Officer's Agency



- Public Information Officer
- Outside Agency for Assistance

All outside inquiries about the incident shall be directed to the Marshal or Town Manager if no Public Information Officer is available.

## INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
  - 1. Involved Ridgway Marshal's Office deputies 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.
  - 2. Requests from involved non-Ridgway Marshal's Office deputies 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 Office to each involved Ridgway Marshal's Office deputy. A licensed psychotherapist may also be provided to any other affected Ridgway Marshal's Office 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).
  - 4. Peer counseling can be provided at the request of the involved officer and will be provided through the Montrose Police Department Peer Counseling Team.
- (e) Although the Ridgway Marshal's Office will honor the sensitivity of communications with peer counselors, there is no legal privilege to such communications. Peer counselors are cautioned against discussing the facts of any incident with an involved or witness officer.

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.

Each involved Ridgway Marshal's Office deputy shall be given reasonable paid administrative



leave following an officer-involved shooting or death. It shall be the responsibility of the Duty Officer to make schedule adjustments to accommodate such leave.

## **CRIMINAL INVESTIGATION**

The District Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting or death. The 7<sup>th</sup> Judicial District Law Enforcement Critical Incident Investigation Team will be in charge of the investigation if requested by the Marshal or his designee, provided the incident meets their guidelines. They will work with District 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) Ridgway Marshal's Office supervisors and other personnel should not participate directly in any voluntary interview of Ridgway Marshal's Office deputies. 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, to maintain the integrity of each involved officer's statement, involved deputies 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.

## **REPORTS BY INVOLVED RIDGWAY MARSHAL'S OFFICE DEPUTIES**

In the event that suspects remain outstanding or subject to prosecution for related offenses, this office shall retain the authority to require involved Ridgway Marshal's Office deputies to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved Ridgway Marshal's Office deputy 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 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 Ridgway Marshal's Office deputy 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.

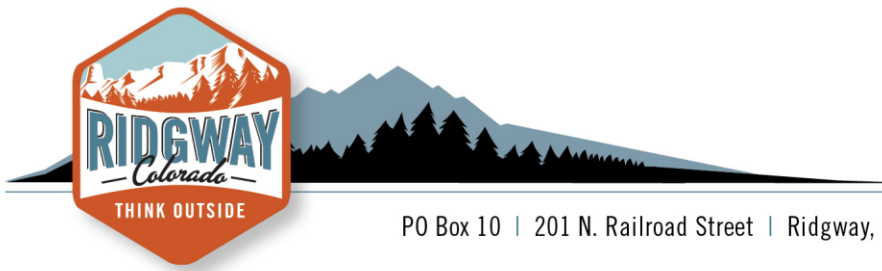
## **WITNESS IDENTIFICATION AND INTERVIEWS**

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 Office.
  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.
  2. 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.

## **INVESTIGATIVE PERSONNEL**

Once notified of an officer-involved shooting or death, it shall be the responsibility of the designated Patrol supervisor to assign appropriate investigative personnel to handle the investigation of related crimes. Office investigators will be assigned to work with investigators from the District Attorney's Office and may be assigned to separately handle the investigation



of any related crimes not being investigated by the District Attorney's Office.

All related office reports, except administrative and/or privileged reports, will be forwarded to the designated Patrol supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports will be forwarded to the Marshal.

### **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 Marshal or the authorized designee shall ensure this protocol is posted on the Town of Ridgway website and is available to the public upon request (CRS §16-2.5-301).

### **ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with an officer-involved shooting or death, this office will conduct an internal administrative investigation of involved Ridgway Marshal's Office deputies to determine conformance with office policy. This investigation will be conducted under the supervision of the Marshal and will be considered a confidential deputy personnel file.

Interviews of members shall be subject to office policies (see the Personnel Complaints Policy) and applicable laws.

- (a) Any deputy involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the deputy, such compelled samples, and the results of any such testing shall not be disclosed to any criminal investigative agency.
- (b) If any deputy 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 that involved deputy.
  1. If a further interview of the deputy 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 deputy shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved deputy 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 deputy's physical and psychological needs have been





- addressed before commencing the interview.
2. If requested, the deputy shall have the opportunity to select an uninvolved representative to be present during the interview. However, in order to maintain the integrity of each individual deputy's statement, involved deputies shall not consult or meet with a representative collectively or in groups prior to being interviewed.
  3. Administrative interviews should be recorded by the investigator. The deputy may also record the interview.
  4. The deputy shall be informed of the nature of the investigation. If a deputy refuses to answer questions, he/she should be given his/her Garrity rights and ordered to provide full and truthful answers to all questions. The deputy shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally.
  5. The Marshal shall compile all relevant information and reports necessary for the Office to determine compliance with applicable policies.
  6. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
  7. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

## **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 Town Attorney, as appropriate.

## **DEBRIEFING**

Following an officer-involved shooting or death, the Ridgway Marshal's Office should conduct both a critical incident/stress debriefing and a tactical debriefing.

## **CRITICAL INCIDENT/STRESS DEBRIEFING**



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A critical incident/stress debriefing should occur as soon as practicable. The Marshal is responsible for organizing the debriefing. Notes and recorded statements 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 Office 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 Office, including supervisory and other Office personnel.

## **TACTICAL DEBRIEFING**

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Marshal 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.

## **MEDIA RELATIONS**

Any media release shall be prepared with input and concurrence from the Marshal and the Town Manager along with the representative responsible for each phase of the investigation. Releases will be available to the press through the Town Manager in the event of inquiries.

No Ridgway Marshal's Office deputies shall make any comment to the media unless he/she is authorized by the Marshal.

Ridgway Marshal's Office members 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.

## **REPORTING**

The Marshal 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.

