

Memorandum of Understanding Between Law Enforcement Agencies of Boulder County including:

Boulder County Coroner's Office
Boulder Police Department
Erie Police Department
Longmont Department of Public Safety
Nederland Marshal
Ward Marshal

Boulder County Sheriff's Office
Colorado State Patrol
Lafayette Police Department
Louisville Police Department
Twentieth Judicial District Attorney's Office
University of Colorado Police Department

All hereinafter referred to as the "Parties."

The Parties recognize in-custody deaths, officer-involved shootings, and incidents in which a person sustains serious bodily injury or is killed in connection with police action are critical incidents that should be investigated by a team of investigation experts from at least one other agency or several agencies to eliminate any potential of bias, and to utilize the skills and techniques of multiple investigators to ensure a thorough and transparent investigation is completed. The Parties' participation in this memorandum of understanding also satisfies statutory requirements that each police department, sheriff's office, and district attorney's office develop protocols for participation in a multi-agency team to conduct an investigation, evaluation, and review of an incident involving the discharge of a firearm by a peace officer that results in injury or death. C.R.S. §16-2.5-301.

By signing this agreement, the Parties agree to the following policies and procedures concerning officer-involved shootings or in-custody deaths involving peace officers.

I. Policy

The Boulder County Investigation Team (BCIT) is initiated by the respective Chief Executive Officer(s) (C.E.O.s) of the various Boulder County law enforcement agencies to serve as an investigatory resource for all Boulder County law enforcement agencies in cases involving either (1) the use of deadly or potentially deadly force, (2) in the event of an in-custody death, and/or (3) incidents in which a person sustains serious bodily injury or is killed in connection with police action.

The Sheriff, Chief of Police, or in the event of their absence, a ranking member of command staff or their designee, may request the deployment of this resource.

II. Personnel

- A. The BCIT is an ad-hoc team, staffed by personnel detailed from multiple county agencies, as designated by the Sheriff, a Police Chief, Coroner, or the District Attorney.
- B. The BCIT staffing shall include a Team Coordinator, two Alternate Team Coordinators, Assistant Team Coordinators, Supervisors, Investigators, Support Staff provided by the various Boulder County agencies, and a Legal Advisor from the District Attorney's office.

- C. All members from police or sheriff's agencies are expected to be experienced investigators or other technical specialists who will complete assigned tasks.
- D. Every year the C.E.O.s will select the Team Coordinator, Alternate Team Coordinators, and Assistant Team Coordinators for the following year. C.E.O.s will discuss and appoint replacements for any leadership vacancies occurring during the year. All BCIT appointments will be reviewed on an annual basis by the participating agencies, as near the beginning of the calendar year as is feasible. The annual BCIT roster will be distributed to the C.E.O.s once the annual appointments are finalized.

E. Duties

1. Team Coordinator: serves as the initial point of contact for the investigation and as a liaison between the BCIT and the requesting agency. The Team Coordinator provides overall direction and management of each investigation, is responsible for completing the Investigative Summary, and is charged with presenting the investigatory findings to the C.E.O.s and DA's Office. The Team Coordinator is also responsible for the transfer of the investigative case file to the requesting agency.
2. The Team Coordinator for a particular incident will be determined based on availability and if the investigation involves the Team Coordinator's home agency.
3. Assistant Coordinator: will assist in the preparation of the investigatory summary and presentation for the C.E.O.s/DA's Office, and complete any additional duties as determined by the Team Coordinator.
4. Team Coordinators and Assistant Team Coordinators will typically be the rank of Commander, the equivalent or above.
5. BCIT Supervisors: will oversee and advise investigators in completing specific tasks. BCIT Supervisors will normally be detective sergeants from the member agencies assigned to the BCIT.
6. BCIT Investigator: will complete and document tasks as assigned and presents the findings on a timely basis to BCIT leadership, reporting directly to the BCIT Supervisor.
7. BCIT Support Staff: individuals assigned by any participating agency to provide support in the form of scene processing, report writing, transcription or any other clerical work necessary for the investigation.
8. Coroner's Office: BCIT members will consist of assigned Coroner's investigators, supervisors, a forensic pathologist, and any additional experts deemed necessary. Investigators will assist in scene processing and identification of the decedent in cases of deadly force. The Coroner's Office will be responsible for conducting an autopsy in cases of deadly force. The Coroner's Officer will communicate with the BCIT about findings and timing of the release of information and reports.

Forensic Pathologist and/or other Coroner personnel will participate in the presentation to CEO's/DA's Office as deemed appropriate.

9. District Attorney Legal Advisor: serves as the primary legal advisor to the BCIT and shall, at the completion of an investigation (if no charges are filed), release a publicly available report documenting the findings, including the basis for the decision not to criminally charge the involved parties. The DA's Office shall post this report on its website.

III. Procedures

- A. The BCIT is available to assist any law enforcement agency within Boulder County, with investigations specified above.
- B. The BCIT will be activated only upon the request of the C.E.O., or the C.E.O.'s designee, of the agency having law enforcement and investigative jurisdiction for the incident. Activation of the BCIT shall occur by notification to the Team Coordinator or in their absence an Alternate Team Coordinator.
- C. The BCIT will operate until the C.E.O. of the requesting agency terminates the request or the investigation is concluded.
- D. The Team Coordinator will ensure the requesting agency's C.E.O., or designee, is kept apprised of the status of the investigation throughout all phases.
- E. The BCIT will perform its designated functions and present documentation of the completed investigation to the requesting agency's C.E.O. unless otherwise directed by the requesting agency's C.E.O. (or designee).
- F. In cases involving the use of deadly force, the BCIT will be responsible for conducting a criminal investigation into the facts and circumstances which gave rise to the use of deadly force.
- G. In the use of force cases which do not result in the death of an involved party, the requesting agency is responsible for assigning detectives to assist with arrest warrants, search warrants, and other identified investigative needs related to criminal charges and prosecution of any surviving non-officer involved offenders.
- H. Members of the BCIT shall not respond to media requests for information. Responding to all such media inquiries shall be the responsibility of the requesting agency. If a body-worn camera or other video footage is to be released to the media, it should only be released by the requesting agency after consultation with the DA's Office and the Team Coordinator.
- I. The completed investigative summary and all materials collected or generated by the BCIT shall become the custodial property of the requesting agency, subject to that agency's policy and relevant criminal justice records law. Any subsequent release of the BCIT documentation becomes the responsibility of the requesting agency.

IV. Investigation

- A. A request for a BCIT deployment will be made by the C.E.O., or designee, of the agency with primary criminal jurisdiction for the investigation to the Team Coordinator or, if unavailable, an Alternate Coordinator, who will then serve as the BCIT Coordinator for the specific incident.
- B. The Team Coordinator will be provided all available details of the incident in order to determine what resources may be required for the investigation.
- C. The Team Coordinator will contact those members of the BCIT deemed necessary for the investigation and provide response instructions and a BCIT assembly location.

V. Requesting Agency Responsibilities

- A. Request to activate BCIT immediately following the incident
 - 1. On Scene Responsibilities
 - a. Render aid to injured people.
 - b. General security, preservation of the scene, and evidence storage.
 - c. Establish and maintain the perimeter.
 - d. Identify all witnesses and, whenever possible, detain them for interviews by BCIT members. If detention is not possible, the full names, addresses, phone numbers and other particular information about the witnesses should be collected.
 - e. In cases involving an officer-involved shooting, all involved officer weapons should remain in the condition they were in at the conclusion of the incident until directed by a BCIT member. Weapons not in possession of the involved officer(s), but at the scene should not be moved or disturbed.
 - f. Brief members of the BCIT.
 - g. Ensure any identified relatives or next of kin of the person or persons who have sustained serious bodily injury and in the event of death, work with the Boulder County Coroner to ensure that relatives/next of kin are notified as soon as practical.
 - h. Release any body-worn or dash camera footage in compliance with C.R.S. 24-31-902, mandatory effective July 1, 2023.
 - 2. Beyond Scene Responsibilities
 - a. Conduct any internal or administrative reviews.
 - b. Handle all media inquiries and general media relations.
 - c. Provide necessary equipment, material or supplies as requested by BCIT.
- B. When a request occurs after an incident
 - If more than 24 hours have passed since the incident, the synopsis should be in writing whenever possible. Additional information of any investigation which has been completed prior to the notification shall be included.

VI. BCIT Responsibilities

- A. Review all available audio/video, including but not limited to B.W.C., dash, and drone.
- B. Complete accurate scene processing.
- C. Collect and process physical evidence.
- D. Interview any involved officers.
- E. Interview all essential witnesses.
- F. Officers not interviewed shall complete reports as soon as practicable.
- G. Consult with experts.
- H. Transcribe designated recorded interviews as needed.
- I. Provide status updates to the C.E.O. of requesting agency.
- J. Complete final investigative reports and case documentation.
- K. Present the case to the C.E.O., invited Command Staff and DA's Office
- L. Team Coordinator shall be responsible for notifying law enforcement executive of required reports to the Division of Criminal Justice pursuant to C.R.S. 24-33.5-517 and the Deaths in Custody Reporting Act of 2013 for all cases investigated by BCIT. Division of Criminal Justice reporting link can be found at <https://ors.colorado.gov/ors-coll-ois>.

VII. Costs

- A. Necessary equipment may be supplied by the requesting agency and/or member agencies of the BCIT. If additional or specialized equipment is needed, the cost of obtaining the equipment (with pre-approval) will be the responsibility of the requesting agency.
- B. Any specialized tests must be approved by the requesting agency who is responsible for any costs pertaining to these tests.
- C. Personnel costs, including overtime, will be the responsibility of the agency providing the member to the BCIT and not the requesting agency.
- D. All BCIT members, when responding to a call-out and regardless of jurisdiction, will be deemed to be on duty and responding to a call or mutual aid request.
- E. Contracted professional transcript costs will be paid by the requesting agency.

VIII. Training

- A. Member agencies are responsible for ensuring and bearing any cost to train their respective BCIT team members. At a minimum, investigators should attend an officer-involved shooting investigation training which includes human factors in the use of force within one year of being a BCIT member.
- B. Supervisors should attend training associated with managing major investigations.
- C. Members should meet annually to critique and review prior investigations.

This agreement shall become effective upon the signature of all participants.

Emma R. Hall
Emma Hall
Coroner, Boulder County

December 21, 2020
Date

Joe Pelle
Joe Pelle
Sheriff, Boulder County

December 21, 2020
Date

Maris Herold January 11, 2021
Date
Maris Herold
Chief, Boulder Police Department

Steve Garcia December 26, 2020
Date
Steve Garcia
Colorado State Patrol

Kimberly Stewart December 25, 2020
Date
Kimberly Stewart
Chief, Erie Police Department

Rick Bashor December 20, 2020
Date
Rick Bashor
Chief, Lafayette Police Department

Chief Dave Hayes December 23, 2020
Date
David Hayes
Chief, Louisville Police Department

Rob Spendlow February 3, 2021
Date
Rob Spendlow
Chief, Longmont Department of Public Safety

Larry Johns December 23, 2020
Date
Larry Johns
Nederland Marshal

Michael Dougherty December 22, 2020
Date
Michael Dougherty
District Attorney, Twentieth Judicial District

Doreen Jokerst December 21, 2020
Date
Doreen Jokerst
Chief, University of Colorado Police Department

Pete Lawrence December 26, 2020
Date
Pete Lawrence
Ward Marshal

CITY OF BOULDER

Chris J. Murbke

City Manager

ATTEST:

Erika M. Jordan

City Clerk

APPROVED AS TO FORM:

Erin Poe

City Attorney's Office