

FIRST JUDICIAL DISTRICT LAW ENFORCEMENT J-CRASH Team

POLICY AND PROCEDURES REVISED June 2023

POLICY

It is the consensus of the CEOs of the law enforcement agencies in the First Judicial District that a team of highly trained and skilled investigators, working under the authority of the District Attorney and comprised of personnel from each participating law enforcement agency and the District Attorney's Office, be formed to investigate incidents in which any law enforcement officer within the Judicial District is involved directly or indirectly in an automobile crash resulting in the death or serious injury to a citizen or officer while acting under the color of official law enforcement duties. Utilizing a multi-jurisdictional investigative team protects the integrity of the investigation and provides an objective, dispassionate group that will remain independent as they thoroughly investigate the crash. The J-CRASH team can be called upon by any law enforcement agency in the 1st Judicial District to investigate in conjunction with the Critical Incident Response team when the need arises.

This investigation is not intended to take the place of the involved agency's Internal Affairs investigation. Both investigations can run simultaneously, but it is not the responsibility of the J-CRASH team to review compliance with departmental policies. All information received by the crash investigation will be turned over to the involved agency.

- **Use of J-CRASH team:** The J-CRASH team will provide thorough, comprehensive investigations of incidents described above. The J-CRASH team will be available to any requesting law enforcement agency CEO in the First Judicial District.
- **Investigative Costs/Equipment:** All normal personnel costs related to the investigation shall be the responsibility of the agencies providing members to the J-CRASH team. J-CRASH team members, while responding to a "call out", will be deemed to be on duty. The requesting agency will provide all necessary equipment and supplies required by the J-CRASH team to conduct an investigation. If specialized equipment is necessary, the costs of obtaining that equipment will be the responsibility of the requesting agency. Any costs associated with specialized testing, towing or storage required during an investigation will be the responsibility of the requesting agency.
- **Department's Internal/Administrative Investigation:** The involved department's administrative "internal" investigation will be conducted independent

of the J-CRASH investigation. The J-CRASH investigation will have priority over the involved agency's internal process.

- **Assigned Personnel:** Officers with the rank of Lieutenant or higher will be appointed to serve as J-CRASH Coordinators by agreement of the CEOs of each agency in the District. Some agencies may request to designate a Sergeant to act as their Coordinator. Officers will be assigned to the J-CRASH team by the CEO of each law enforcement agency. Assigned officers will serve at the discretion of the officer's CEO.
- **J-CRASH Coordinator(s):** There is no set on-call schedule for the Coordinators. It is incumbent for the group of Coordinators to work together and communicate with each other to be assured a response from two Coordinators is the minimum standard established. This does not preclude the opportunity for multiple Coordinators to respond to the same crash investigation. Determination must be made at the on-set of the investigation as to who will have overall control at the time. This should be a rotating process so as not to burden any one Coordinator or one agency. There may be other determining factors that can change who will be in charge such as the agency involved in the critical incident, vacations and other agency and individual commitments. Other Coordinators that elect to respond can be utilized for various tasks. In most cases they will provide support and utilize this as a training opportunity to enhance cohesiveness and consistency as to how these investigations will be conducted.
 - All J-CRASH Coordinators will be responsible for maintaining the roster and assure that accurate call-out lists are available to the District Attorney's Office, Jeffcom and all law enforcement agencies within the First Judicial District. All agencies that participate in the J-CRASH team will be equally responsible to see that the list of their respective personnel is accurate. If there are changes to the list, a representative from the agency must make immediate notification to the J-CRASH Coordinators. If the change creates a vacancy on the J-CRASH team, then an immediate process will begin to replace the person in accordance with J-CRASH policy.
 - The J-CRASH Coordinators will be responsible for developing the less experienced members assigned to the J-CRASH team. There must always be a conscious effort to plan for succession and develop other members.
 - The J-CRASH Coordinators will be responsible for scheduling biannual meetings to review any callouts and investigations conducted during the previous year, to provide additional training to the J-CRASH members, to update the roster, to provide this information to JeffCom dispatch and to discuss other relevant issues.

- There will always be two J-CRASH Coordinators at any crash callout which will facilitate a bifurcated investigation covering the scene and the interview portions of the investigation.
- **Involved Agency Liaison:** When the J-CRASH team is called-out by the involved agency, the involved agency will provide a command officer to act as a liaison to the J-CRASH Coordinator identified as having overall control of the investigation. The J-CRASH Coordinator and involved agency liaison will be clearly identified to all team members and the District Attorney's Office at the initiation of the investigation or as soon as possible thereafter.
- **Removal of Officer/Coordinator:** Any J-CRASH team member may be removed upon the recommendation of the Lead Coordinator(s) and with the majority approval of the CEO's. A J-CRASH team member may also be removed by his/her agency's CEO. Any Coordinator may be removed by the Coordinator's CEO or upon recommendation of the majority of the CEO's.

PROCEDURES FOR ACTIVATION AND USE OF THE J-CRASH TEAM

The First Judicial District J-CRASH team will be activated at the request of the CEO or the CEO's designee of the law enforcement agency employing the officer or officers involved in the incident.

- **Role of J-CRASH Coordinator:** The J-CRASH Coordinators are responsible for the notifications to the appropriate agency liaisons upon the request of the involved agency, who then make notifications to the responding J-CRASH team members. The J-CRASH team will normally be assembled as soon as possible at the scene of the crash. After the assembly of the J-CRASH team at the designated location, a briefing will be conducted concerning the incident once all J-CRASH team members are present on scene. An employee of the involved agency that is not directly involved in the incident itself, a J-CRASH Coordinator or a designee may provide the briefing information. At the conclusion of the briefing, the J-CRASH Coordinators will assign investigators to specific investigative duties i.e., technical accident investigation, interviews of officers, interviews of witnesses, area canvass, background and criminal if necessary. The J-CRASH Coordinators will identify to the group one J-CRASH team member who will have primary oversight for the crash scene(s) and one J-CRASH team member who will have primary oversight of the interviews.

There will always be a minimum of two Coordinators who will respond. JeffCom Dispatch has contact information for the J-CRASH Coordinators and will contact all J-CRASH Coordinators when a request is made for the J-CRASH team to respond. The J-CRASH Coordinators will determine which coordinator will take on the primary

responsibilities. All J-CRASH Coordinators, if available, may respond to assist and for training purposes.

- **Involved Agency Responsibility:** The scene of an officer involved crash will be secured and preserved by the involved agency. Care should be taken to make sure the scene is undisturbed. Other than essential law enforcement information needed to preserve public safety, no information regarding this incident will be discussed until contact is made with and the arrival of the J-CRASH Coordinators. The involved agency's officer(s) responsible for the written reports detailing their observations should record any evidence that might be disturbed by any personnel rendering aid. In addition to securing the scene, all witnesses to the event should be identified and when possible, detained for interviews. If this is not possible, full name, addresses, phone numbers, etc. will be collected for future interviews.

If officers are removed from the scene, the involved agency is responsible and accountable for keeping officers separated. Also, the involved agency is initially responsible and accountable for all evidence received from involved officers. The J-CRASH team will assume this responsibility once on scene. Detailed policies and procedures regarding scenes, duties, and responsibilities, in cases involving the death of an individual, may be found in the "First Judicial District Homicide and Questionable Death Policies and Procedures." The J-CRASH team should follow these policies and procedures as they apply to the investigation being conducted.

- **Evidence Collection:** The agency who will be investigating potential criminal charges arising from the crash or matters leading up to the crash against a non-law enforcement individual is presumed to be the agency responsible for evidence collection and storage. If there are no potential criminal charges against a non-law enforcement individual, it is the involved agency's responsibility to collect and store all evidence related to these events. Evidence collection may be deferred to the J-CRASH team if the involved agency does not have the appropriate lab resources. Therefore, there are three primary Crime Labs that may be called upon to assist in the evidence collection related to an officer involved crash (Arvada PD, Jefferson County SO and Lakewood PD). At least one J-CRASH team member will be assigned to work with the assigned crime scene personnel. Said J-CRASH team member(s) assigned to evidence collection will oversee and coordinate the evidence collection and packaging. This J-CRASH team member will prepare a report detailing their independent role in this process and their observations. It is imperative that all evidence collected either by involved agency personnel immediately following a critical incident, or the lab that responds to process the scene, be consecutively numbered for better tracking.
- **Evidence Processing:** When possible, all involved officers or potentially involved officers will be photographed, as they appeared at the time of the crash. Special attention will be given to photographing all injuries sustained by all involved officers, as well. Involved vehicles will also be photographed and images of them captured

as they appeared at the time of the crash. Once the J-CRASH team has completed the processing of evidence, the storage of evidence will be the responsibility of the involved agency who will be investigating potential criminal charges arising from the crash or, if there are no potential criminal charges against a non-law enforcement individual, it is the involved agency's responsibility to store all evidence related to these events.

- **Reconstruction:** The J-CRASH team, not the involved agency, will have primary responsibility for any reconstruction. The capture of data for purposes of reconstruction may be done, when necessary, by the involved agency with oversight by the J-CRASH team. The analysis of data from the incident will always be the responsibility of the J-CRASH team.
- **Additional Investigative Assistance:** If the involved agency needs additional assistance with the investigation of related criminal activity and/or the events leading to the crash, the CEO should make a request for mutual aid, independent of utilizing the J-CRASH team.
- **Interviews of Involved Officers:** Interviews will be conducted with all involved officers as soon as possible during the investigation. A team of two J-CRASH investigators will be assigned to interview each involved officer. All interviews will be audiotaped and videotaped (if possible). If the involved agency does not have the necessary equipment, the involved officer(s) will be transported to the nearest agency equipped for such interviews. The location(s) of these interviews will be at the discretion of the Lead Coordinator. If the involved officer(s) or their agency has requested psychological counseling prior to interviews, a J-CRASH Coordinator or their designee should request that the counselor not discuss any facts regarding the crash with the involved officer(s) prior to the J-CRASH interview. As in every criminal investigation, the involved officer(s) has the right to an attorney at all times during the J-CRASH investigation.
 - If the involved officer(s) has requested to delay the interview for any reason, the designated J-CRASH Coordinator or their designee should request that the involved officer not discuss any facts regarding the incident with anyone other than their attorney and that the involved officer refrain from viewing or listening to any media coverage regarding the incident during the time of the delay. The J-CRASH Coordinator or their designee, in conjunction with the involved officer(s) and their attorney, should schedule a date, time and place for the interview to occur as soon as possible.
 - The fact that the involved officer requested a delay prior to being interviewed and the length of that delay will be documented.
- **Recorded Incidents:** If the incident was recorded via a dash-cam or body-worn-camera (BWC) device, the involved officer and their attorney will not be given access

to that recording prior to their interview. The recording may be made available, if practicable, to the designated J-CRASH Coordinator or their designee and to the DA's Office. Other J-CRASH team members may be given access to that recording if necessary for immediate investigatory needs. However, the content of that recording will not be provided to the J-CRASH team investigators who are assigned to interview the involved officer. After the conclusion of the interview, the officer and their attorney will be given the opportunity to watch the recording. The officer cannot be compelled to watch but they are encouraged to do so. The J-CRASH investigators assigned to interview the involved officer will watch/listen to the recording and may conduct a follow-up interview with the officer. If there is no available BWC footage from the involved officer and comparable surveillance footage is available, this may be provided in place of the BWC footage once the initial interview is conducted.

As in every criminal investigation, the involved officer(s) has the right to an attorney at all times during the J-CRASH investigation.

- **Scene Management:** All crash scenes will be treated as a crime scene and investigated accordingly. Command centers shall be assembled as necessary and only J-CRASH team members and other law enforcement officers shall be given access to any scene. The public and members of the press will be kept from entering the crash scene area. The officers directly involved in the incident and any eye witnesses are the primary focus of the interview aspect of the investigation. Secondary officers will be interviewed as peripheral witnesses.
- **Miranda Advisement:** A Miranda advisement may not be warranted in most situations in which an officer is involved in an accident. Miranda is only required for a custodial interrogation. Investigators assigned to the J-CRASH team will use their professional judgment and experience to determine whether a situation requires a Miranda advisement. The legal advisor from the District Attorney's Office will be available to consult on this issue.
- **Eyewitnesses:** Whenever possible, interviews with eyewitnesses will be audio and videotaped.
- **Peripheral Law Enforcement and Lay Witness Interviews:** If the J-CRASH team has insufficient resources to conduct all necessary interviews in a timely manner, the involved agency may be utilized to conduct interviews of any lay witnesses or peripheral law enforcement witnesses, including those from the involved agency.
- **Criminal Investigation:** It is the responsibility of the appropriate jurisdiction to conduct the criminal investigation that may coincide with the investigation of the officer-involved crash. It is recognized that members of the J-CRASH team may

conduct interviews that are germane to the criminal investigation. It is anticipated that this information will be shared in a timely manner.

- **Transcription of Recorded Interviews:** Whenever possible, all audio/video recorded interviews of the directly involved officers and witnesses will be transcribed by the J-CRASH team member's agency. This is to relieve the involved agency of the burden and allow for the transcription of interviews, so that the information may be gathered and presented for review as expeditiously as possible. If the J-CRASH investigator's agency is unable to transcribe the interviews, it is ultimately the responsibility of the involved agency to do so.
- **J-CRASH Team Member Reports:** Reports will be completed by J-CRASH investigators by the due date determined. The J-CRASH Coordinator or their designee will be responsible for completing the State of Colorado traffic accident report and submitting it to the Department of Revenue.
- **Use of the J-CRASH team in non-1st Judicial District jurisdictions:** A law enforcement officer employed within the 1st Judicial District may be involved in a crash while acting under the color of official law enforcement duties, outside the 1st Judicial District. The J-CRASH team will not respond to this incident as any investigation regarding this crash will be conducted by a non-1st Judicial District law enforcement agency, ensuring an independent investigation.
- **Investigation Completion Goal:** Recognizing that there are unexpected circumstances which can cause delays with any criminal investigation, every effort will be made to complete investigations and reviews in a timely manner. J-CRASH Coordinators and their designees will strive to present the facts of the incident to the District Attorney's Office within six weeks of the event. This includes the collection of all necessary paperwork, transcriptions, and other necessary information. The District Attorney's Office will strive to complete the review of the facts and render a written decision within six weeks after receiving the information and the presentation by the J-CRASH Coordinator(s) and their designees.
- If there are delays in either the investigation or the disposition from the District Attorney's Office, and the above timeline cannot be met, an explanation will be provided to the CEO of the involved agency by the J-CRASH Coordinator or the District Attorney. It is imperative that the involved officers and the involved agency be advised each step of the way. This timeline is built on reasonableness and is subject to change due to complexity.
- **Media/Relations/Public Information:** The involved agency or agencies shall be responsible for managing any media inquiries or public information immediately following the incident, and up until the final J-CRASH report. Upon presentation of the J-CRASH report to the DA's Office and the involved agency CEO, the responsibility

for any media release/public information, if any, will be determined by the DA and the CEO of the involved agency.

- **Victim Advocates:** The involved agency shall be responsible for providing victim advocates when appropriate and as deemed necessary in consultation with the J-CRASH Coordinators and the CEO of the involved agency.
- **Records Requests:** If the incident does not result in criminal or traffic charges against anyone, all records requests shall be referred to the CEO of the involved agency. If criminal or traffic charges are filed as part of the investigation, all records requests shall be referred to the District Attorney's Office.

ROLE OF THE DISTRICT ATTORNEY'S OFFICE

When the J-CRASH team is activated, as part of the call-out procedure, a J-CRASH Coordinator will notify the Chief Investigator or designee from the District Attorney's Office. After discussion between the J-CRASH Coordinator and the District Attorney's Chief Investigator, a determination will be made regarding the necessary response from the District Attorney's Office. The DA's Chief Investigator will be responsible for notifying the on-call Deputy District Attorney. The on-call Deputy District Attorney will be available to provide legal consultation. At least one Deputy District Attorney will respond; more than one may be needed depending on the circumstances of the investigation.

The District Attorney's Office will be responsible for reviewing the conduct of the involved officers for any criminal or traffic violations of Title 18 or Title 42 of the Colorado Revised Statutes. If charges against an officer are not accepted, a written summary of that review will be provided to the J-CRASH Coordinators and to the CEO of the involved agency. In the case of a resulting criminal prosecution against a non-law enforcement person, the District Attorney will delay issuance of this summary until the case reaches disposition.

Presentation of J-CRASH Report

When the investigation is completed, it will be presented by J-CRASH investigators designated by the J-CRASH Coordinators, to the District Attorney and the CEO of the involved agency. Only key staff members designated by the District Attorney and CEO of the involved agency may attend this presentation. The J-CRASH Coordinator will be responsible for notifying and scheduling the presentation with the District Attorney and CEO of the involved agency. The focus of the presentation is to review the conduct of the involved officers as to whether probable cause exists regarding a violation of any criminal or traffic law by law enforcement.

In addition to the District Attorney, the presentation to the District Attorney may be attended by the Assistant District Attorney, Chief Investigator and any other individuals

designated by the J-CRASH Coordinators or the District Attorney. No one involved in the critical incident from the involved agency may attend the DA presentation.

The CEO of the involved agency may request that the J-CRASH Coordinators make a separate presentation to the involved agency.

DEFINITIONS

- **CEO:** The person responsible for the law enforcement agency. Title for this person may vary by agency, but typically would be known as "Sheriff", "Chief of Police", "Director of Department of Public Safety", etc. If the CEO is unavailable, the person chosen to act in the CEO's stead will be given the authority of the agency's CEO for purposes of this policy and procedure.
- **Involved Agency/Requesting Agency:** The law enforcement agency, which employs the officer or officers involved in the automobile crash resulting in the death or serious injury to a citizen or officer.
- **Involved Agency Liaison:** Upon call-out of the J-CRASH team, the involved agency's Coordinator or their designee will act as the liaison to the J-CRASH Coordinators. If no Coordinator is available, the involved agency will designate an officer with command rank (Lieutenant, equivalent or above) who will act as a liaison between the J-CRASH Coordinators and the involved agency and assist in facilitating the investigation process. The involved agency commander may delegate this responsibility.
- **Involved Officer or Officers:** The law enforcement officer or officers who are directly or indirectly involved in a crash which resulted in activation of the J-CRASH team's investigation.
- **J-CRASH Coordinator:** Officers with the rank of lieutenant or higher who have been appointed to the J-CRASH team by their CEO's and who are responsible for the scheduling and appropriate agency notifications regarding the J-CRASH team. Coordinators are assigned to provide oversight and supervision of any J-CRASH investigation during the year; Coordinators present J-CRASH reports to the District Attorney and CEO of the involved agency unless otherwise delegated; Coordinators maintain the roster, assure that accurate call-out lists are available to all law enforcement agencies within the First Judicial District, schedule annual meetings with all members of the J-CRASH team, and facilitate at least two annual trainings in J-CRASH investigations for all members.

First Judicial District
J-CRASH Team
Policy and Procedures

We, the undersigned, as duly appointed heads of our respective agencies within the First Judicial District, State of Colorado, by affixing our signatures hereto, do recognize the necessity for and approve the policy and procedures as set out herein and will instruct all appropriate personnel to adhere to this policy effective immediately. Further, we will also ensure that appropriate training efforts will be made to implement this document.

**1ST JUDICIAL DISTRICT
ATTORNEY'S OFFICE**

DATED:

ALEXIS KING, DISTRICT ATTORNEY

**COLORADO SCHOOL OF MINES
POLICE DEPARTMENT**

DATED:

DUSTIN OLSON, CHIEF OF POLICE

ARVADA POLICE DEPARTMENT

DATED:

ED BRADY, CHIEF OF POLICE

COLORADO STATE PATROL

DATED:

, DISTRICT COMMANDER

**BLACK HAWK POLICE
DEPARTMENT**

DATED:

**MICHELLE MORIARTY, CHIEF OF
POLICE**

EDGEWATER POLICE DEPARTMENT

DATED:

**ERIC SONSTEGARD, CHIEF OF
POLICE**

GILPIN COUNTY SHERIFF'S OFFICE

DATED:

KEVIN ARMSTRONG, SHERIFF

LAKESIDE POLICE DEPARTMENT

DATED:

ED LOAR, CHIEF OF POLICE

GOLDEN POLICE DEPARTMENT

DATED:

JOE HARVEY, CHIEF OF POLICE

LITTLETON POLICE DEPARTMENT

DATED:

DOUG STEPHENS, CHIEF OF POLICE

JEFFERSON COUNTY SHERIFF'S OFFICE

DATED:

REGINA MARINELLI, SHERIFF

MOUNTAIN VIEW POLICE DEPARTMENT

DATED:

STEVE DAVIS, CHIEF OF POLICE

LAKESIDE POLICE DEPARTMENT

DATED:

ROBERT GORDANIER, CHIEF OF POLICE

RED ROCKS COMMUNITY COLLEGE POLICE DEPARTMENT

DATED:

SEAN DUGAN, CHIEF OF POLICE

**WHEAT RIDGE POLICE
DEPARTMENT**

DATED:

CHRIS MURTHA, CHIEF OF POLICE