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SECOND JUDICIAL DISTRICT



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OFFICE OF THE DISTRICT ATTORNEY
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To: Whom it Concerns
From: Mitchell R. Morrissey
Re: Officer-Involved Shootings
Date: October 28, 2005

I am releasing the decision letter in the first officer-involved shooting to occur during my service as Denver District Attorney. In doing so, I want to add a few comments.

- Prior to being elected Denver District Attorney in November 2004, I served as a deputy district attorney and chief deputy district attorney for 22 years. I was one of 3 chief deputies selected by the District Attorney to handle officer-involved shootings with the District Attorney and First Assistant District Attorney. Prior to and since taking office, I have reviewed numerous cases. Because of this involvement I was very familiar with the protocol and issues related to officer-involved shootings prior to taking office.
- I had the good fortune to know in August of 2004 that I would become District Attorney in January 2005. During that time I observed the handling of the Officer Ranjan Ford—Frank Lobato (“Ford-Lobato”) officer-involved shooting case. This provided the opportunity to evaluate the use of the Denver Statutory Grand Jury in an officer-involved shooting case.
- I have also followed the administrative handling of the Ford-Lobato case by the Manager of Safety, Denver Police Department, and City government. Additionally, I have reviewed the very thorough letter released by the Manager of Safety at the conclusion of the administrative investigation and review.
- The delay in releasing this letter is the result of my ongoing evaluation of the process and a desire to release it in concert with the attachment to the decision letter. After evaluating the protocol that was in place when I took office, I am making the following changes which are discussed in more detail in the “*Officer-Involved Shooting Protocol 2005*” attachment:
 - In an effort to permit the Manager of Safety and Denver Police Department administrative investigation and review to begin sooner, in most cases I will make the **criminal filing decision within two-to-three weeks** of the shooting and will release a **brief decision letter** at that time, rather than a very detailed and time intensive letter.
 - In an effort to ensure the Manager of Safety and Denver Police Department administrative investigation and review is not impacted by the premature release of detailed facts, I will do the following:
 - Release a **brief decision letter** containing a **general description of the shooting**.
 - We will **not open the criminal-case file at the time our brief decision letter is released**. After the Manager of Safety has released his comprehensive letter, we will make our criminal-case file open for in-person review at our office by any person, if the City fails to open its criminal-case file for in-person review. The City is the Official Custodian of Records of the original criminal-case file and administrative-case file, not the Denver District Attorney.