

## 213. POST CRITICAL INCIDENT PROCEDURE



### RICHFIELD POLICE DEPARTMENT POLICY

Effective Date: 01/01/97  
No. of Pages: 7  
Serial Number: 10-113  
Authority: Chief Jay Henthorne

*NOTE: This policy is for internal use only and does not enlarge an employee's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this policy, if proven, can only form the basis of a complaint by this Department, and then only in a non-judicial administrative setting.*

### I. PURPOSE

The purpose of this Policy is to provide guidelines that shall be uniformly applied following any officer involved in a critical incident that has resulted in death or serious injury, in order to maximize the investigation of the incident and minimize the traumatic effect the incident may have on the involved officer(s).

The Richfield Police Department and employees understand that the performance of law enforcement duties are inherently demanding; that such duties are sometimes performed under dangerous conditions and/or in a stressful environment; and that certain situations create a significant risk of physical and emotional harm to the officer. It is, therefore, important to the Department for the safety and well-being of its employees to ensure that all personnel in the service of the Department are physically, psychologically and emotionally fit and receive care for injuries received in the line of duty.

It is the purpose of this policy to establish standards and procedures for identifying circumstances that create a substantial risk of emotional harm and providing a means by which employees may seek assistance in dealing with the effects of traumatic events. This policy shall be administered in a manner which is consistent with the Department's desire to treat affected employees with dignity and respect under such circumstances and to provide information and assistance to them concerning their involvement in traumatic events, their recovery, and their return to duty.

### II. POLICY

It is the policy of this Department that officers at the scene of an officer involved critical incident will take the appropriate steps to ensure the safety of those at the scene, apprehend suspects, provide medical assistance to those in need, protect the crime scene and take steps to assist in the safety and well-being of the involved officer(s).

### III. DEFINITIONS

The following terms as used in this policy shall have the following meanings:

1. *Critical incident.* An incident involving any of the following situations occurring in the line of duty:
  - a) The discharge of a firearm by an officer resulting in injury or death to any person;
  - b) Any event in which a person dies or sustains serious bodily injury involving an officer in the performance of their duties;
  - c) Death or substantial bodily harm to an officer.
2. *Traumatic Incident.* Any event involving or witnessed by an officer that could have lasting effects. As determined by a Richfield Police supervisor/Command Staff.

3. *Substantial bodily harm.* Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.
4. *Police report.* A report required by the Richfield Police Department Policy and Procedure Manual which sets forth the officer's account of an incident and which is entered into the Richfield Records Management system or any other data system for retaining Comprehensive Law Enforcement Data.
5. *Witness officer.* An officer who witnesses a critical incident but who apparently did not engage in any conduct constituting a critical incident.
6. *Involved officer.* An officer who appears to have engaged in conduct constituting a critical incident.
7. *Qualified Mental health professional.* A certified psychiatrist, psychologist who is approved to meet with officers and has an in-depth understanding of critical incidents and the law enforcement culture.
8. *Critical Incident Stress Debriefings.* A formal one-on-one or group discussion conducted by a qualified mental health professional and appropriately trained peer support team (CISM) that is designed to assist participants in understanding their emotions and strengthening their coping mechanisms following a critical incident.
9. *Escort Officer.* An officer assigned by the Designated Richfield Supervisor at the scene to stay with Involved and Witness Officer(s) until the Escort is relieved. Escorts assigned to Involved Officers shall be determined by a supervisor. Escort officers will provide emotional support and security to the involved officer.
10. *Investigating Entity.* The designated agency determined by the Chief of Police will be assigned the responsibility for the criminal investigation of the critical incident.
11. *Investigator.* The person(s) from the investigating agency who are conducting the criminal investigation of the critical incident.
12. *Designated Richfield Supervisor.* The ranking Richfield supervisor at the scene or his or her designee at the scene.

#### IV. PROCEDURES

Officers will take the following actions at the scene of a critical incident:

As soon as a critical incident occurs, a Witness or Involved Officer shall immediately notify: His/her immediate supervisor. The witness or involved officer will be required to provide pertinent public safety information related to the incident. .

##### **On Scene Responsibilities:**

Identify all potential hazards to the safety of police officers and others who are at, or will respond to, the scene of the critical incident.

- a. Respond as necessary to neutralize or contain any hazards to personal safety.
- b. Call for assistance as necessary to neutralize or contain such hazards to personal safety.
- c. Handcuff any criminal suspects and provide any identify and or identifying information about any suspects, witnesses, or other persons involved in the incident.
- d. Establish the Geographical scope or the critical incident scene.

##### **Medical Treatment:**

- a. Identify and assess any injuries and the need for medical assistance.
- b. Call for medical assistance as necessary.
- c. Provide first-aid and medical treatment.



### **Supervisory Responsibilities:**

- a. A Richfield supervisor shall, immediately notify Richfield Command Staff per protocol

### **Inner perimeter:**

- a. The on duty supervisor shall ensure the protection of the immediate scene of the incident. Allow access only to persons with a legitimate purpose.
- b. Identify and protect all physical evidence.
- c. Identify all potential witnesses.
- d. Establish a tape line or other barrier delineating the inner perimeter.
- e. Establish a log, noting the name, badge number, and times of all persons entering the inner perimeter.

### **Outer Perimeter:**

- a. Identify and establish a manageable outer perimeter.
- b. Provide sufficient space for staging support personnel and services.
- c. Provide sufficient space to keep spectators and press sufficiently back from the immediate scene of the incident so as not to impede the investigative activities.
- d. Provide for adequate traffic flow of support personnel and services.

### **Immediate Action for involved officers:**

- a. Separation involved officers.
- b. Transport involved officer(s) to a safe and private location.
- c. Keep involved officers away from the press; do not allow photographs or interviews.
- d. Assign Escort Officer.

### **Involved Officer Management**

#### **1) Dealing with the officers following a critical incident.**

Officers involved in critical incidents, whether Witness or Involved Officers, can be profoundly affected by the incident. How a Witness or Involved Officer is treated during the time following a critical incident can minimize or aggravate the psychological effect on them. Therefore, first and foremost, anyone dealing with a Witness or Involved Officer should keep in mind the following guiding principles at all times:

- a) Be sensitive to individual officer needs. Physical contact with the officer must be evaluated on an individual basis. Often officers feel overwhelmed by all of the people wanting to console them. Before attempting to speak with an officer, please ask the supervisor attending to the officer to inquire if s/he would like to meet with you. If the officer declines to meet with any particular person, please honor his/her decision.
- b) Because both Witness and Involved Officers can be profoundly affected by critical incidents, they should not be left alone or ignored.
- c) Avoid making the officer(s) feel like a suspect.

#### **2) Escort Officer Responsibilities**

- a) The assigned Escort Officers primary responsibility should be focused on calming physical and emotional stress and restoring and/or reinforcing the involved officers' sense of safety, and assist in the personal needs of the involved officer.
- b) Assist with providing food, drink, and restroom facilities.
- c) Personal Needs of the Officer. If an Involved Officer's requests, she/he shall not be unreasonably denied access to those requests (food, drink, restroom facilities).
  - Food and drink
  - Restroom facilities
  - Telephone or cellular phone to contact loved ones; Offices should be provided the opportunity to contact their family members as soon as possible. It is best for the officers themselves to contact their families. It is therefore prudent that no contact be made with family members before the officer(s) have had this

- opportunity. If this opportunity is significantly delayed, or officers are injured and unable to call themselves, then individuals who preferably know the families and have been previously chosen by officers should call as soon as possible. Offers to call other support people such as family members, chaplains, and so on, should be made to ensure that the family members have their support system mobilized. Family members who wish to be with the injured officers should be offered transportation in lieu of driving themselves.
- Family members should not respond to the station until arrangements have been made by a command staff member.
  - A Police Chaplain or other clergy.
- d) It is prudent that no contact be made with family members before the officer(s) have had this opportunity. If this opportunity is significantly delayed, or officers are injured and unable to call themselves, then individuals who preferably know the families and have been previously chosen by the officers should call as soon as possible.
- e) Offers to call other support people such as family members, chaplains, and so on, should be made to ensure that the family members have their support system mobilized. Family members who wish to be with the injured officers should be offered transportation in lieu of driving themselves.
- f) If the involved officer has an immediate need to talk about the details of the incident they should be encouraged to do so solely with individuals with whom they have privileged communication (i.e., attorney, chaplain, licensed mental health professional.)
- g) Assist the involved officer in making contact with a legal representative or appropriate bargaining unit representative to make arrangements for counsel and representation.

#### ***Involved Officers***

##### **1. At the scene.**

- a) The Designated Richfield Supervisor shall determine which officers are Involved Officer(s). The Designated Richfield Supervisor/Command at the scene shall assign an Escort to stay with the Involved Officer(s) until the Escort is relieved.
- b) As soon as practicable, and with the permission of the Designated Richfield Supervisor, the Escort shall take the Involved Officer(s) from the scene to the Richfield Police Department or designated location. Escorts shall keep the Involved Officer(s) separate from other Involved and Witness Officers.
- c) Upon arrival of the Investigating Agency at the scene, the Investigator may meet with the Designated Richfield Supervisor. The Designated Richfield Supervisor shall identify all Involved Officer(s), other witnesses, and other known evidence at the scene for the assigned Agency Investigator.
- d) Involved Officers shall be allowed a reasonable opportunity to consult legal counsel or a representative of the officer bargaining unit for the purpose of obtaining legal counsel. Immediately after consultation with legal counsel, the legal counsel will inform the Investigating Agency if the Involved Officer(s) is willing to give a voluntary statement. Involved Officer(s) who are able and willing should have a period of recovery time before providing a full formal statement, generally within 24-48 hours if the officer is physically capable, at a location agreed upon by the Involved Officer(s) their legal counsel and the Investigating Agency. Under the review of legal counsel officers may have access to video technology.
- e) Officers involved in a Critical Incident may view or listen to video technology of the incident only after:



- The Officer has met with the Union representative or legal counsel, if those entities are requested by the officer, and
  - The officer and legal counsel have met with the investigative entity or designee regarding the process for Critical Incident set out in Policy #213.
- f) Unless a supervisor has a reason to believe that the officer poses a threat to himself/herself or to others or unless directed by a supervisor or Command Staff, the Involved Officer(s)' firearm should not be taken at the scene.
- g) Involved Officer(s) shall not talk to anyone at the scene about the incident, except to provide public safety information to enable the primary responders, investigators, or duty supervisor to secure the scene, facilitate the investigation, apprehend suspects, and to allow for officer or civilian safety at the scene. At the discretion of a supervisor, the Involved Officer(s) shall not be unreasonably denied access to a Union representative or legal counsel at the scene.
- h) Involved Officer(s) should not be left alone, and should not be placed in the back seat of a police vehicle.

### **INVOLVED OFFICER (S) NEEDING MEDICAL TREATMENT**

1. Where an involved officer must be transported to a hospital for medical treatment, the Incident Commander shall assign an Escort Officer to accompany the involved officer to the hospital. Involved Officers should not be transported to the same hospital as any injured suspect(s) related to the incident.
  - a) Staffing Note: The assignment of an involved officer to accompany another involved officer to the hospital should be avoided whenever possible; however, if no reasonable alternative exists, the involved officer detailed to accompany the involved injured officer shall be relieved by another uninvolved Escort Officer as soon as practical. Any officer accompanying an involved officer should not discuss the incident with the involved officer.
2. Property Preservation: The Escort officer who accompanies an involved officer to the hospital shall ensure that all relevant evidence and property is preserved and safeguarded.
3. The escort officer who accompanies an Involved Officer to the hospital shall also provide the following aid and assistance:
  - a) If the injured officer is able to communicate and wishes to contact family or other significant persons, the escort officer will assist in making such contact.
  - b) Establish contact with the communication center (preferably with land line phone) and report on the status of the injured officer and any significant changes in the injured officer's condition. If the injured officer is not able to communicate, the accompanying officer shall notify the supervisor that the Emergency Notification must be made on behalf of the Involved Officer.

Note: This plan assumes that a sealed emergency notification instruction form will be kept on file with the Department which will express the officer's wishes in the event the officer is unable to communicate.
  - c) Relay to the Incident Commander through the communication center any information which might aid in the identification and apprehension of any suspects and any information relevant to the initial security and protection of the scene of the Incident.
  - d) Advise the admitting person at the hospital or other medical facility that the Involved Officer does not wish to be listed on any directory, and that the Involved Officer's name shall not be released or verified to any person.

## **Involved Officer Management**

### Away from Scene

- 1) A Department escort officer should be assigned to accompany an involved officer to the Police Department or other predetermined location.
- 2) The escort officer who accompanies an involved officer shall:
  - a) Assist the involved officer in making contact with the officer's family or other significant person to advise them of the incident.
  - b) Assist the involved officer in making contact with a legal representative or appropriate bargaining unit representative to make arrangements for counsel and representation.
  - c) Make arrangements for the provision of psychological resources to the involved officer(s).

## **Rights and Responsibilities of Involved Officer(s) See involved Officer**

### **INVESTIGATION BY OUTSIDE AGENCY**

- 1) Under the following circumstances, the criminal investigation of a critical incident will be conducted by an outside agency :
  - a) Where the critical incident has occurred outside of the geographical area for which this Department has law enforcement jurisdiction; or
  - b) Where this agency has predetermined or where the Chief or his designee has determined at the time of the critical incident, that an outside agency will conduct the criminal investigation function on behalf of the agency.
- 2) Where an outside agency will conduct the criminal investigation, a liaison shall be established between this Department and the investigating agency to assist in the conduct of the criminal investigation. Unless provided otherwise by agreement with the investigating agency, the following guidelines shall apply in all cases where an incident is externally investigated:
  - a) A liaison officer shall be assigned to work with the investigating agency.
  - b) This Department will not have functional control of the criminal investigation, but shall provide for full cooperation between the agencies.
  - c) All requests for information, access to Involved Officers use of resources and equipment made by the investigating agency shall be made through the liaison officer assigned to assist with the investigation. Equipment, or weapon(s), are relevant to the investigation of the incident. Duty and or back-up Weapons discharged shall be presumed to have evidentiary value. Accordingly, such weapons shall be collected and preserved as evidence.
  - d) If requested by the investigating agency, Involved Officers shall make themselves available for a firearms inspection. As requested by the assigned investigator, an Involved Officer(s) shall surrender his/her firearm and any other requested equipment. Involved Officers shall be provided with replacement firearms and equipment as soon as reasonably possible.
    - Where feasible, weapons of involved officers shall be gathered through a weapons exchange at the request and direction of the investigating agency. Ideally, the officer will be provided with a replacement weapon at the same time that the officer's weapon is gathered for evidentiary purposes.
    - Where feasible, weapons exchanges and collection of weapons and equipment for evidentiary purposes shall be done in a private setting away from the view of the public and media.
    - Involved officers temporarily without weapons shall be shielded from public view and not placed in any position where their lack of weapon could foreseeably jeopardize their safety.
  - e) Use of resources and equipment made by the investigating agency shall be made through the liaison officer assigned to assist with the investigation.
  - f) Involved Officer(s) shall be afforded an opportunity to consult with legal counsel.
  - g) Consultation with Legal Counsel. Witness and Involved Officers are entitled to consult with their legal counsel during the pendency of the critical incident investigation, up to and including any grand jury proceedings. Such reasonable and necessary meeting or meetings shall be considered on-duty time.




**PEER DEBRIEFING:** All Involved Officers will take part in post critical incident support facilitated by the Metro CISM Team.

ADMINISTRATIVE LEAVE: Involved officers shall be placed on a mandatory paid administrative leave for a period determined by the Chief of Police following the critical incident.

**PSYCHOLOGICAL DEBRIEFING:** All Involved Officers shall be required to meet individually with a licensed Mental Health Professional trained and experienced in working with law enforcement personnel and familiar with officer- involved shootings. The involved officer(s) shall select a mental health professional from a preapproved list. Such meeting or meetings shall be considered on-duty time.

- a) Witness officer shall be encouraged and allowed to meet with the mental health professional selected by the officer from an approved list. Such meeting or meetings shall be considered on-duty time.

By Order Of:

  
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Chief of Police