



DEPARTMENT OF CORRECTIONS
Institutions



Title: Critical Incident	DOC Policy: 40.1.8
Supersedes: 12/1/02	
Applicability: All functional units	
Directives Cross-Reference: Rule: Use of Force - Div 013 Policy: ESS and Critical Incident Trauma Management - 20.5.2	

I. PURPOSE

The purpose of this policy is to define responsibilities related to officer/employee-involved critical incidents involving serious injury or death, shootings of another person, and whenever a firearm is used as a warning. This policy is also intended to minimize additional trauma to an officer/employee involved in a shooting or critical incident by clearly detailing post-critical incident actions that will be taken.

II. DEFINITION

A critical incident occurs whenever an officer/employee uses force pursuant to the department's rule on **Use of Force**, resulting in serious injury or death, shootings of another person, and whenever a firearm is used as a warning.

III. POLICY

A. The following action will apply when:

1. An officer discharges a firearm as a warning that does not result in injury or death to another person;
2. An officer accidentally or intentionally discharges a firearm resulting in injury or death to another person; or
3. An employee is involved in a critical incident involving a serious injury or death.

B. Involved Officer/Employee Responsibilities:

1. Immediately notify verbally designated emergency contacts of the incident and location.
2. Do not delay the required notification except:
 - a. To protect others;
 - b. To render first aid;
 - c. To protect a crime scene;
 - d. To maintain custody of inmates in immediate area of control or prevent their escape; or

- e. When the officer/employee is incapacitated.
- 3. Determine the physical condition of any injured person, request necessary emergency medical aid, and render first aid when appropriate.
- 4. Secure the scene and preserve evidence.
- 5. Remain at the scene (unless injured) until properly relieved.
- 6. Protect the weapon as evidence.
 - a. Replacement weapons will be obtained and used by the officer or his/her replacement to maintain security. DOC officers will place the weapon in secured storage if available and retain key to storage areas.
 - b. If secure storage is not available, the officer/employee will contact his/her immediate supervisor for direction to protect the weapon for examination and maintain chain of evidence.
 - c. Insure that the chain of evidence and documentation is maintained for the discharged firearm.
- 7. The officer/employee will not be required to immediately submit a formal report. The officer/employee's verbal statement to his/her supervisor will serve as the initial report which will include only basic information, i.e., where the incident occurred, where possible evidence is located, identified witnesses to the incident, and/or the investigating law enforcement officer. In coordination with the investigative process, the final report will include the officer/employee's written description of the incident.

C. Officer-in-Charge (OIC)/Section Supervisor Responsibilities:

- 1. Ensure suitable and adequate personnel and other resources are dispatched and respond appropriately to the incident scene.
- 2. If armed coverage must be continued, relieve the involved officer with a qualified armed post officer. Ensure the weapon involved has been secured and a chain of evidence maintained for inspection.
- 3. Assign the involved officer/employee(s) a companion staff member who will not be assigned first responder duties.
- 4. If the involved officer/employee is transported to the hospital, assign an officer to accompany him/her in addition to the companion officer.
- 5. Assign an officer/employee to maintain security of the shooting scene until relieved by the law enforcement agency of jurisdiction.
- 6. Ensure the following notifications have been made:
 - a. Medical personnel (internal and external if there are injuries);
 - b. Functional unit manager;
 - c. Assistant Director of Operations or Institutions Administrator;

- d. Law enforcement agency of jurisdiction;
- e. Emergency Staff Services (ESS);
- f. Special Investigation (Inspections);
- g. Local labor president; and
- h. Any additional notifications required by DOC Emergency Preparedness manual/rule.

D. Companion Officer's Responsibilities:

- 1. Provide for the involved officer/employee's welfare and safety.
- 2. Remain with the involved officer/employee until relieved by a peer support member.
- 3. Avoid discussing the shooting or critical incident.
- 4. Take the involved officer/employee to a quiet room and facilitate officer/employee's contact with support personnel or family members.
- 5. Do not allow the involved officer/employee to wash his/her hands until applicable tests are administered or allowed to do so per the law enforcement agency of jurisdiction.
- 6. Do not allow the officer/employee to remove uniform clothing or alter the appearance unless medically necessary or until photographs are taken by the investigating agency.
- 7. Advise the OIC/section supervisor of the involved officer/employee's location.

E. First Responding DOC Officer's Responsibilities:

- 1. Respond in a safe and appropriate manner.
- 2. Assist in protecting others and maintaining security of zone of control.
- 3. Check on the welfare of the officer/employee and other persons involved in the shooting or critical incident.
- 4. Provide first aid when appropriate.
- 5. Secure the scene and preserve the visible evidence.
- 6. Brief the on-scene supervisor and investigative personnel.
- 7. Identify witnesses and obtain preliminary information
- 8. Assist in crowd control
- 9. If assigned to accompany any involved person to the hospital:
 - a. Write down any statements;

- b. Secure evidence, i.e., clothing if necessary to remove for medical care;
- c. Protect personal property; and
- d. If escorting an inmate, assume duties of a transport officer.

10. Document actions in a written report.

F. Relieving Officer's Responsibilities for Armed Post:

1. Assume involved officer's zone of control.
2. Obtain all necessary security equipment (i.e., radio, weapons not discharged) from involved officer.
3. Obtain replacement weapon and ammunition if not already done.
4. As much as possible, maintain crime scene and disturb as little as possible.
5. Document the time the armed post was assumed and submit a report after being relieved from assignment.

G. ESS Peer Support Team Leader Responsibilities:

ESS peer support team leaders will notify or ensure notification of the following:

1. ESS peer support member provided to assist the involved employee;
2. The department designated psychologist;
3. The person identified on the involved employee(s) Emergency Personal Information Notification form (if the involved officer is incapacitated and unable to make notification); and
4. Local union representative.

H. Investigative Responsibilities:

1. The investigation will consist of two separate and parallel investigations: A unit incident investigation and an internal administrative investigation.
 - a. The incident will be investigated by the law enforcement agency of jurisdiction as directed by the district attorney's office, normally the Oregon State Police. The Department of Corrections Inspections investigator will assist as requested by the law enforcement agency of jurisdiction.
 - b. Law enforcement agency of jurisdiction officers may take possession of involved officer/employee's clothing and weapon. Replacement equipment and clothing will be provided.
 - c. The law enforcement agency of jurisdiction's crime lab will process the scene as needed.

- d. The law enforcement agency of jurisdiction and DOC Inspections will coordinate retention of all evidence from the incident and will be responsible for its processing with the exception of evidence collected specifically for an internal administrative investigation.
 - e. The law enforcement agency of jurisdiction will have first access to the involved officer/employee for an interview but only after the officer/employee has a reasonable opportunity to contact and consult with an attorney and/or labor representative.
 - f. Prior to the officer/employee's interview with the law enforcement agency of jurisdiction, the attorney and/or labor representative will request authorization by the law enforcement agency of jurisdiction in conjunction with the local district attorney's permission for the following request:
 - (1) Be allowed a courtesy walk through of the crime scene with the involved officer/employee for purposes of refreshing the employee/officer's recollections; to facilitate the provision of a brief statement by the involved officer/employee to assist investigators in processing the scene.
 - (2) Review of the crime scene will occur as long as it would not compromise the integrity of the crime scene and or any evidence. The employee and or representative will be escorted while in the crime scene by the investigating jurisdiction and only under their direction.
 - g. If the involved officer/employee volunteers or consents to have blood and/or urine drawn, Inspections may assist the law enforcement agency of jurisdiction by taking the officer/employee to the hospital for purposes of maintaining chain of custody on evidence. If the officer/employee has criminal charges brought against him/her, a part of the state's sample, or in the cases where the sample is limited, results of the testing will be provided through discovery to the officer/employee or his/her legal counsel. The sample shall be taken in accordance with the current Oregon State Police Forensic Lab procedure.
 - h. The DOC Inspections investigators will not be present during the incident investigation interview.
 - i. The involved officer/employee should be read his/her *Miranda* rights at the beginning of the criminal investigation interview by a law enforcement investigator from the investigation team.
 - j. If the officer/employee invokes his/her rights, the interview by law enforcement will be terminated. The investigator will then notify the DOC Inspections investigator.
2. The DOC Inspections investigators and other investigators designated by the Inspector General will be responsible for the internal administrative investigation.
- a. The DOC Inspections interview should be delayed until a decision is made by the district attorney's office about the possibility of criminal prosecution resulting from the criminal investigation of the incident.

- b. The investigation will determine if department policy and procedures were followed during the **use of force** incident and to evaluate employee and department performance in relation to the **incident**.
- c. The DOC Inspections investigator will ascertain from the police investigator if *Miranda* rights were read and whether they were waived or invoked.
- d. The DOC Inspections investigator may give the involved officer the *Garrity* advisement. The DOC Inspections investigator will not compel an employee to provide information until it has been determined that no criminal prosecution will result from the investigation.
- e. Statements taken under *Garrity* advisement are for Department of Corrections purposes only. There will be no information sharing of these statements between DOC Inspections and the criminal-investigating agency. Additionally, the criminal-investigating agency will not have access to Inspections investigative files regarding the involved officer(s).
- f. If the involved officer/employee refuses to give a DOC Inspections interview after the *Garrity* advisement, the Inspector General and the functional unit manager will be notified immediately.
- g. A DOC Inspections file will be prepared on the incident.
- h. DOC Inspections will report their findings to the Inspector General and the functional unit manager.

I. Criminal Investigation Section Duties:

- 1. DOC Inspections investigative personnel arriving at a shooting/critical incident scene will:
 - a. Assist with securing of the scene.
 - b. Assist the law enforcement agency of jurisdiction investigators with their investigation and interview of potential witnesses as requested.
 - c. Assist law enforcement agency investigators as requested by securing evidence that will by its nature diminish in time. This evidence may include but is not limited to:
 - (1) Blood samples from all involved parties;
 - (2) Urine samples from all involved parties; and
 - (3) Photographs of the involved parties as they were dressed during the incident.

J. The DOC Communication Manager Duties:

- 1. The public information officer (or designee) will:
 - a. Contact the on-scene supervisor or Officer-in-Charge for a briefing;

- b. Prepare an initial press release for approval by the functional unit manager in cooperation with the investigating officers and district attorneys office; and
2. Subsequent press releases will be issued by or at the direction of the district attorney's office after review and approval by the functional unit manager.

K. Mandatory Follow-up:

1. As determined by the functional unit manager, an officer/employee(s) involved in a critical incident may be reviewed for fitness to continue to perform his/her duties by a psychologist employed by or hired by the department prior to the employee's return to their job assignment.
 - a. If the involved officer/employee uses or discharges their duty weapon or held hostage during the critical incident: as determined by the functional unit manger, the officer involved will be reviewed for fitness to continue to perform his/her duties by a psychologist employed by or hired by the Department prior to the employee's return to their job assignment.
 - b. Whenever an officer/employee is involved with a critical incident resulting in the serious injury or death of another, the employee may *be placed on* administrative leave pending the criminal and or administrative investigation.
 - c. If the Critical incident involves the use of a firearm or the employee is held hostage; the employee shall be place on administrative leave pending the criminal and or administrative investigation.
2. Critical Incident Review:

A department critical incident review of the shooting/critical incidents will convene as soon as practical after any grand jury process is completed. The functional unit emergency preparedness coordinator will schedule and chair the critique.

- a. The critical incident review is open to any functional unit employee, but the following employees are required to attend.
 - Officer-in-Charge
 - Functional unit manager
 - Section manager/supervisor
 - Functional unit safety manager
 - Master Control/Central Control employee on duty at the time of the shooting/critical incident
- b. Individuals from the following other divisions will also be invited:
 - District Attorney's office
 - Law enforcement agency of jurisdiction
 - DOC safety manager
 - Department contract psychologist
 - Assistant Director of Operations or Institutions Administrator
 - DOC Inspections administrator
 - ESS peer support

- Local labor president
- c. The critique will provide a summary of the critical incident, including the following:
- (1) Effective use of resources;
 - (2) Problems encountered;
 - (3) Recommendations for changes in the department policies, procedures, post orders, and security enhancements related to the shooting, critical incident;
 - (4) Lessons learned.

IV. IMPLEMENTATION

This policy will be adopted immediately without further modification.