

KACO Critical Incident Investigation and Review OIS



Policy # Critical Incident Investigation and Review OIS	Related Policies:
<i>This policy is for internal use only and does not enlarge an employee's civil liability in any way. The policy does not create a higher duty of care, in an evidentiary sense, with respect to third-party civil claims against employees. A violation of this policy, if proven, can only form the basis of a complaint by this department for nonjudicial administrative action in accordance with the laws governing employee discipline.</i>	
Applicable State Statutes: KRS 15.518	
KACP Accreditation Standard: 1.11, 1.12	
Date Implemented:	Review Date: Dec. 20, 2022

- I. **Purpose:** The purpose of this policy is to direct a proper response to critical incidents by this agency.
- II. **Policy:** It is the policy of this agency to provide a thorough investigation and review of all critical incidents involving members of this agency.
- III. **Definition:**

Critical Incident: Critical Incident: any event that has a stressful impact sufficient to overwhelm a peace officer's usual coping strategies. These events may include:

- A. An officer/deputy-involved shooting.
- B. A vehicle crash resulting in serious injury or death to an officer/deputy or citizen.
- C. An officer/deputy being the victim of a felonious assault.
- D. The death of a colleague or partner.
- E. The death of, or serious injury to, a person in the custody of the officer/deputy.
- F. The severe injury to, or death of, a child, particularly if the officer has a child of or near the same age.
- G. An incident involving multiple deaths or injuries in a short amount of time.

- IV. In all cases, the chief of police/sheriff or his/her designee shall consider whether it is in the agency's best interest to utilize the services of the Kentucky State Police to conduct the major crimes investigation that accompanies any law enforcement critical incident which involves serious physical injury or death. In cases where the agency lacks the resources to conduct a complete and thorough investigation of the event, the Kentucky State Police shall be notified for assistance as soon as possible. This section does not relieve the agency of its responsibility to review the event for a determination as to whether or not the action indicates department policy and training issues.
- V. **Procedure General:** The agency shall conduct a critical incident review of all firearm discharges, in-custody deaths, serious injuries, and all uses of force/response to resistive suspects when the injury results in hospitalization. This review shall result in a written critique and specifically address the following issues and make a specific determination whether:
- A. The force, control, and/or restraint were consistent with the agency policy.
 - B. There are any issues requiring a reevaluation of agency policy and/or procedures.
 - C. There are any training needs identified.
 - D. The equipment provided by the agency was adequate.
 - E. Supervisory involvement was reasonable.
- VI. Initial Response
- A. First Officer/Deputy on Scene
 - 1. Neutralize the scene. Ensure the scene has reached a level of control such that there is no longer a threat of harm to citizens, officers/deputies, or suspects.
 - 2. Provide immediate medical attention to all persons injured.
 - 3. Secure the scene(s) of the event(s) to the extent possible. Use crime scene tape to secure any area that may contain evidence pertinent to the events being investigated.
 - 4. Assign sufficient personnel to ensure that the scene perimeter is not breached.
 - 5. Remove the officer/deputy from the center of the scene to a discreet area such as a police vehicle.
 - 6. Secure and segregate all witnesses to the event. This would include the segregation of the officers/deputies so that no allegations can be made that officers/deputies got together to create a story of the events.
 - B. First Responding Supervisor
 - 1. Check on the well-being of involved officer(s)/deputy(s).
 - 2. Allow/Assist officer(s)/deputy(s) in calling family member(s). Ensure notifications are made to the officer's/deputy's family.
 - 3. Immediately assume the role of incident commander and utilize the incident command concept until otherwise relieved of incident command.
 - 4. Ensure that the first responders have completed the above list of duties.
 - 5. Notify the hospital of incoming injured.
 - 6. Determine resources necessary for circumstances (i.e., community unrest, etc.).
 - 7. Assign a scribe to document all personnel present and the mission of each person entering the scene.
 - 8. Assign officer(s)/deputy(s) to accompany injured officers/deputies, suspects, and victims to the hospital.

9. Make notifications to the chain of command. Consider a flipchart for communications and who to notify in each type of event.
 10. Notify and brief surrounding agencies.
 11. Brief arriving investigators and ranking officers/deputies.
 12. Review all initial reports and supplements.
 13. Secure all weapons (in the event of an officer/deputy-involved shooting).
 - a. With officer weapons - Secure discreetly and provide the officer/deputy with another weapon immediately (when appropriate).
 14. Consider notifying the commonwealth or county attorney for on-scene response.
- C. Secure all evidence. This could include, but is not limited to:
1. Secure all recorded information surrounding the event:
 - a. Video/Audio Recording
 - b. Mobile Data Terminal (MDT) communication
 - c. Dispatch tapes
 - d. Computer-Aided Dispatch (CAD) log
 - e. 911 phone calls
 2. Other evidence:
 - a. Photographs
 - b. Diagrams
 - c. Bullet trajectory, including those that missed
 - d. Witness officer's/deputy's equipment
 - e. Consider a light meter (illuminometer) to measure lighting conditions.
- D. Provide all available information to investigators of the incident.
- E. The involved officer/deputy shall be allowed to obtain sleep before making any statements and compiling any reports. The involved officer's/deputy's statements and reports should be scheduled no later than 72 hours after the incident. The interview location and time should be coordinated with the officer/deputy and their attorney.
- F. Officer(s)/Deputy(s) should be allowed to review any available video/audio recording of the incident and consult legal counsel before making statements.

VII. Post Incident Procedures

- A. Administrative leave - Involved personnel shall be removed from line duties pending evaluation but shall remain available for any necessary administrative investigation.
- B. Any officer/deputy involved directly in a critical incident as defined by KRS 15.518, and Section III of this departmental policy may take forty-eight (48) hours of leave immediately following a critical incident. The determination as to whether the critical incident leave is paid or unpaid is determined by the sheriff or county legislative body (county police departments) and addressed in the county policies. This leave may commence upon:

1. The completion of that peace officer's/deputy's shift encompassing the critical incident; or
 2. The completion of all necessary administrative procedures relating to a critical incident, and the officer/deputy informs his or her supervisor.
- C. Counseling assistance - All agency personnel directly involved in or affected by a critical incident or the chief/sheriff, or their designee, on behalf of the involved or affected personnel, shall contact the Kentucky PCIS program through DOCJT 1-844-5KY-PCIS or other culturally competent provider (mental health provider with experience working with law enforcement) deemed appropriate by the chief of police/sheriff, as soon as practical after the incident. Involved support personnel should also be encouraged to take part in similar programs.
- D. Family counseling - The agency strongly encourages the families and significant others of the involved officer(s)/deputy(s) to take advantage of available counseling services.
- E. Kentucky Post-Critical Incident Seminar - The agency strongly encourages officers/deputies involved in a critical incident to attend the three-day seminar provided free by the Department of Criminal Justice Training. Call 1-844-5KY-PCIS for contact information, and for immediate help call Safe Call at 1-206-459-3020. (kypcis@ky.gov)
- F. Investigation timeliness - Any agency investigation of the incident should be conducted as soon and as quickly as practical.

VII. Departmental Debriefing

The chief of police/sheriff may sponsor an agency-wide debriefing concerning the incident so that rumors are kept to a minimum. The briefing should be limited to known facts, and no statements that make a conclusion of fact should be made (i.e., this was a good/bad shooting).

Agency employees are encouraged to show the involved officer(s)/deputy(s) their concern. Employees should not discuss the incident with the involved officer(s)/deputy(s).

VIII. Daily Stress Recognition

Stress disorders may not arise immediately, or the officer(s)/deputy(s) may attempt to hide the problem. Supervisors should monitor the behavior of unit members for changes in behavior that may be disrupting the officer's/deputies job performance.

A supervisor shall report any noted changes in the officer's/deputy's job performance through the chain of command, at which time any further action will be at the discretion of the chief of police/sheriff.