



**DEPARTMENT OF CORRECTIONS
Community Corrections**



Title:	Critical Incident	DOC Policy: 50.1.5
Effective:	5/1/17	Supersedes: N/A
Applicability:	Community Corrections Offices	
Directives Cross-Reference:		
Rule: Use of Force (Community Corrections) - Div 022 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, and shootings of another person. 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

Critical Incident: A critical incident occurs whenever an officer/employee uses force pursuant to the department's rule on **Use of Force (Community Corrections)** (OAR 291-022), resulting in serious physical injury as defined by ORS 161.015 or death and shootings of another person.

III. POLICY

A. The following action will apply when:

1. An officer accidentally or intentionally discharges a firearm resulting in injury or death to another person; or
2. An employee is involved in a critical incident involving a serious physical injury or death.

B. Involved Officer/Employee Responsibilities:

1. Immediately notify local law enforcement 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; or
 - d. 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. The officer will relinquish their weapon to the investigating agency at the agency's request. If the weapon is not immediately requested by the investigating agency it will be relinquished to the supervisor as soon as the supervisor arrives on scene. The supervisor will place the weapon in secured storage maintaining chain of evidence. Replacement weapons will be issued upon return to work until such time that the involved officer's firearm is returned. If the officer's badge is taken as evidence, a replacement badge will also be issued.
 - b. Ensure 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's/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's/employee's written description of the incident.

C. Local Community Corrections Director or Designee Responsibilities:

1. Ensure suitable and adequate personnel and other resources are dispatched and respond appropriately to the incident scene.
2. Ensure the weapon involved has been secured and a chain of evidence maintained for inspection.
3. Assign the involved officer/employee a companion staff member.
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. Act as a gatekeeper to the involved officer/employee. This includes limiting access to the employee; taking the involved officer/employee to the county community corrections office; and facilitating the officer/employee's contact with support personnel, family members, attorney and/or union representative.
6. Assign an officer/employee to maintain security of the scene until relieved by the law enforcement agency of jurisdiction.
7. Ensure the following notifications have been made:
 - a. Medical personnel;
 - b. Assistant Director of Community Corrections;
 - c. Law enforcement agency of jurisdiction;
 - d. Emergency Staff Services (ESS);
 - e. Special Investigations Unit (SIU); and
 - f. Local labor president or designee

D. Companion Officer's Responsibilities:

1. Provide for the involved officer's/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 the county community corrections office 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, allowed to do so per the law enforcement agency of jurisdiction, or if the health of the officer/employee is at risk.
6. Do not allow the officer/employee to remove uniform clothing or alter the appearance unless medically necessary, until photographs are taken by the investigating agency, or if the health of the officer/employee is at risk.
7. Advise the Local Community Corrections Director or supervisor of the involved officer/employee's location.

E. First Responding or On-Scene Parole and Probation Officer/Employee's Responsibilities:

This section applies if a Parole and Probation Officer/employee is either already on scene or is the first responding officer to the scene.

1. Contact local law enforcement officials immediately.
2. If applicable, respond in a safe and appropriate manner. Community Corrections vehicles are not designated as emergency vehicles and are, therefore, not exempt from the Oregon Vehicle Code.
3. Assist in protecting others and maintaining security of zone of control.
4. Check on the welfare of the officer/employee and other persons involved in the shooting or critical incident.
5. Provide first aid when appropriate.
6. Secure the scene and preserve the visible evidence.
7. Contact the Local Community Corrections Director or Supervisor. Advise the Director/Supervisor of the involved officer/employee's location.
8. Identify witnesses and obtain preliminary information
9. Assist in crowd control
10. Provide for the involved officer's/employee's welfare and safety.
11. Avoid discussing the shooting or critical incident.
12. Document actions in a written report.

F. 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. A psychologist designated by the department; and
3. Local union representative.

G. Investigative Responsibilities:

1. The investigation will consist of two separate and parallel investigations: An incident investigation conducted by law enforcement 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.
 - b. The law enforcement agency of jurisdiction officers may take possession of involved officer's/employee's clothing, badge if of evidentiary value, 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 will retain 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's/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 officer's/employee'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, the director or supervisor may assist the law enforcement agency of jurisdiction by taking the officer/employee to the hospital for purposes of maintaining evidence chain of custody. 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 and/or his/her legal counsel. The sample shall be taken in accordance with the current Oregon State Police Forensic Lab procedure.
 - h. The DOC SIU Inspectors 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 SIU Inspector.
2. The SIU Inspectors and other investigators designated by the Inspector General will be responsible for the internal administrative investigation.
 - a. The SIU Inspector 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 SIU Inspector will ascertain from the police investigator if *Miranda* rights were read and whether they were waived or invoked.
 - d. The SIU Inspector may give the involved officer the *Garrity* advisement. The SIU Inspector 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 the Department of Corrections purposes only. There will be no information sharing of these statements between SIU Inspectors and the criminal-investigating agency. Additionally, the criminal-investigating agency will not have access to SIU investigative files regarding the involved officer.
 - f. If the involved officer/employee refuses to give an SIU interview after the *Garrity* advisement, the Inspector General and Assistant Director of Community Corrections will be notified immediately.
 - g. An SIU file will be prepared on the incident.
 - h. SIU Inspectors will report their findings to the Inspector General, Assistant Director of Community Corrections, and the Local Community Corrections Director.

H. The DOC Communication Manager Duties:

1. The Public Information Officer or designee will:
 - a. Contact the on-scene supervisor, Local Community Corrections Director, or the Assistant Director of Community Corrections for a briefing;
 - b. Prepare an initial press release for approval by the Local Community Corrections Director, or the Assistant Director of Community Corrections in cooperation with the investigating officers and District Attorney's Office.
2. Subsequent press releases will be issued by or at the direction of the District Attorney's Office after review and approval by the Local Community Corrections Director, or the Assistant Director of Community Corrections.

I. Mandatory Follow-up:

1. As determined by the Local Community Corrections Director, or the Assistant Director of Community Corrections, an officer/employee 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 is held hostage during the critical incident as determined by the Local Community Corrections Director or the Assistant Director of Community Corrections, 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 physical injury of another, the employee may be placed on *paid* 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 placed on paid 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 Local Community Corrections Director or the Assistant Director of Community Corrections 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 the critical incident review:
 - Local Community Corrections Director
 - Community Corrections Administrator
 - Assistant Director of Community Corrections
- b. Individuals from the following other divisions and agencies will also be invited:
 - District Attorney's Office
 - Law enforcement agency of jurisdiction
 - Department contract psychologist
 - Inspector General
 - 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.

Certified: signature on file
Birdie Worley, Rules Coordinator

Approved: signature on file
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