



CRYSTAL POLICE DEPARTMENT

Department Policy Manual

TITLE: Critical Incident

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PURPOSE

This policy establishes a framework and guidelines for responding to critical incidents involving members of this agency. The guidance and steps below are intended to supplement rather than replace regular agency practices. Accordingly, this policy identifies tasks and priorities that should be addressed, but does not provide detailed instructions as to the manner of completing them.

POLICY

This agency will respond to critical incidents in a manner that protects public safety, fosters trust in and accountability for law enforcement, and addresses the needs of personnel who have been exposed to threatening circumstances and acute stress. Because situations may vary significantly, personnel must exercise sound judgement in determining how and when to implement the procedures set forth in this policy.

DEFINITIONS

The following phrases have special meanings as used in this policy.

CRITICAL INCIDENTS include officer-involved shootings and other situations involving most or all of the following circumstances:

- A law enforcement officer has used force or taken other actions;
- That resulted in death or serious injury to another;
- Such that the review of the officer's conduct for compliance with criminal laws is likely to occur regardless of whether there is a citizen complaint;
- It is foreseeable that the event will result in at least some degree of media interest of public scrutiny toward the agency and officer; and
- The circumstances will warrant due consideration for the emotional health and wellbeing of the officers involved.

INVOLVED OFFICER means an officer employed by this agency who used force or took other actions that resulted in death or serious injury to another.

UNINVOLVED OFFICER means an officer employed by this agency who may have participated in, witnessed, or responded to a critical incident, but who did not use force or take other actions that resulted in death or serious injury to another.

EMPLOYING AGENCY means the agency that employs one or more involved officers.

INVESTIGATING AGENCY means another law enforcement agency that will independently investigate the use of force or other circumstances that resulted in death or serious injury.

INDEPENDENT INVESTIGATION

The Crystal Police Department will request an independent investigation whenever officers of this agency use deadly force or take other action that directly results in death or serious injury to another. For incidents occurring within the territorial jurisdiction of the City of Crystal, the chief or chief's designee shall contact an investigating agency to request assistance. For incidents occurring outside the territorial jurisdiction, the chief or designee shall coordinate the request with the agency having jurisdiction over the place where the event occurred. This agency will provide all reasonable cooperation and assistance to the investigating agency.

IMMEDIATE PRIORITIES

Because situations may vary significantly, officers on the scene or who arrive there in the immediate aftermath of an incident must exercise professional judgement to determine the order in which to address potentially competing priorities. Involved officers, until relieved, and uninvolved officers shall take appropriate actions to:

1. Summon emergency medical care for and provide first aid to any individuals with serious injuries or medical conditions.
2. Summon appropriate resources to the scene.
3. Protect the public and officers against any risks posed by ongoing hazards or dangerous people at large.
4. Obtain and broadcast information to aid in the apprehension of any dangerous suspects.
5. Notify command staff and agency leaders of the incident.

RIGHT OF INVOLVED OFFICERS

Nothing in this policy shall be construed as limiting or depriving involved officers of their rights to remain silent and to consult with an attorney prior to giving any statements or making any reports that could be used against the officer in a criminal proceeding.

Involved officers shall not be subject to employment-based drug or alcohol testing, unless based on reasonable suspicion and conducted pursuant to the city's drug and alcohol testing policy. As a matter of course, investigators conducting the criminal review may ask involved officers to voluntarily provide samples for blood and alcohol testing as part of the criminal investigation. This agency will not penalize the refusal to voluntarily participate in such testing. Personnel from this agency may assist involved officers in voluntarily supplying the requested samples, such as by providing transportation to a hospital or clinic, or witnessing the collection of the sample.

WRITTEN REPORTS

Officers who were involved in or witnessed a critical incident shall not be required to prepare a written report concerning the incident unless specifically directed to do so. This determination will be made after consultation with the outside investigative agency. In cases where a witness or involved officer gives a statement, this statement may take the place of a written report.

ADMINISTRATIVE LEAVE

Officers shall be placed on administrative leave following an officer involved shooting or officer involved critical incident, for an amount of time determined by the chief or the chief's designee. The chief or designee may, at his or her discretion, provide for more extended leave on a case by case basis.

FIREARM DISCHARGE REPORT

The chief shall, within 30 days of the incident, complete and submit the firearms discharge report required by Minn. Stat. §626.553, subd. 2.

STATEMENTS FROM INVOLVED OFFICERS

Because of the nature of criminal investigations of involved officers, it is understood that involved officer's choice to provide a statement to investigators is voluntary and cannot be required. If involved officers choose to give a statement, this agency will assist in any way requested in the facilitation of such interviews.

It is the policy of this agency to allow officers and their respective attorneys to review video recordings from the officer's assigned vehicle or body camera prior to giving a statement to criminal investigators. It is also understood that an officer may elect not to review video recordings on advisement from their attorney(s).

AGENCY ADMINISTRATIVE REVIEW

This agency will review all critical incidents to determine whether the force used or actions taken by officers were in compliance with governing law, agency policy, and agency training. The timing of this review will be determined on a case by case basis, and the review will encompass an examination of all relevant evidence.

If the results of the review establish there was no misconduct, the results of this determination shall be documented and the matter closed.

If the results of the review conclusively establish that misconduct occurred, then the chief or chief's designee shall determine appropriate remedial or disciplinary action and document the findings, and the matter shall then be closed. The provisions of this policy do not abridge the rights of officers to challenge or appeal any disciplinary action under the collective bargaining agreement or other applicable procedures.

If the results of the review suggest that misconduct may have occurred, then an administrative investigation shall be conducted consistently with the Peace Officer Discipline Procedures Act and the applicable collective bargaining agreement.