



Newport News Police Department - Operational Manual

OPS-617 - RESPONSE TO EMPLOYEE INVOLVED CRITICAL INCIDENTS

Amends/Supersedes: OPS-617 (09/02/2010)

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This directive is for Departmental use only and does not apply in any criminal or civil proceeding. This Department policy should not be construed as a creation of higher legal standard of safety or care in an evidentiary sense with respect to third-party claims. Violations of this directive will only form the basis for Departmental administrative sanctions.

I. GENERAL

- A. In all situations, the actions of Department personnel will be governed by appropriate Department policies and legal restrictions.
- B. The guidelines for handling and investigating officer-involved critical incidents establish the responsibilities for involved officers, witness officers, and support officers, as well as responding supervisors and investigators; however, stated portions of the policy also address procedures for any employee-involved critical incident. The Department will ensure training is provided for all personnel responsible for management of critical incidents. [11.3.4(e)]
- C. Officer-involved critical incidents may produce symptoms of post-traumatic stress to include time and space distortion, confusion, hearing and visual distortion and emotional impairment, including shock.
- D. Any employee whose actions result in the death or serious physical injury of another shall be removed from his current duty assignment pending an administrative review. The employee may be placed in a temporary assignment, if deemed appropriate by the Chief of Police, pending the outcome of the administrative review. [4.2.3]

II. DEFINITIONS

- A. *Critical Incident* - For the purposes of this policy, a critical incident is generally defined as any incident involving police personnel where death or serious injury occurs and any other serious or complex event deemed by the Chief of Police to fall under this category.
- B. *Employee* - As used in this policy, the term "employee" shall refer to any employee of the Newport News Police Department, sworn or non-sworn, unless otherwise noted.
- C. *Involved Employee* - Any employee who is actively and directly involved in the critical incident.
- D. *Witness Employee* - Any employee not actively involved in the critical components of the incident, but may have witnessed, been present, or have knowledge of the incident.

- E. *Support Employee* - Any employee either selected by the involved employee or the on-scene supervisor to be a calming influence and provide support to the involved employee. The support employee will normally be a supervisor and/or a personal friend of the employee. Assignment of a support employee will be at the discretion of the on-scene supervisor based on circumstances and availability of personnel.

III. PROCEDURE

A. Responsibilities Following a Critical Incident

NOTE: If the involved employee is non-sworn, the first sworn officer on the scene will be responsible for Section III, A, 1, c-e.

1. Involved employee(s) shall:
 - a. Immediately take all measures to render the situation safe and provide/summons medical assistance for the injured. [4.1.5]
 - b. Notify the Communications Division of the situation:
 - 1) Provide information and descriptions of any suspects still at large.
 - 2) Request additional units to assist in protecting the scene, identifying witnesses and detaining suspects as necessary.
 - c. Contact an on-duty patrol supervisor. [81.2.5(a)]
 - d. As time, resources and physical capabilities permit: [42.2.1(c)]
 - 1) Secure the area and establish boundaries of the incident;

NOTE: Scene boundaries must be sufficiently large to allow for all appropriate personnel to adequately conduct their investigation and process the scene.

- 2) Protect evidence from loss, destruction or damage that is likely to occur before assistance arrives. Ensure that any evidentiary items are not moved or, if moved, attempt to note the original locations and positions of persons, weapons and other relevant evidence; and
 - 3) Point out all evidence to first arriving officers/supervisors.
- e. If requested by the on-scene supervisor, immediately provide a brief oral description of the facts, to include events prior to, during, and immediately following the incident.

NOTE: It is the supervisor's responsibility to determine if it is necessary to obtain the brief statement of facts from an involved sworn officer. Any statement given by the involved officer(s) and fruits of the statement may not be used against the officer in any criminal proceeding. The statement provides information for incident management and the wellness of the officer. (See Section III.A.5.)

- f. Refrain from discussing the incident with anyone except:
 - 1) Departmental personnel assigned to the investigation;
 - 2) The Commonwealth's Attorney's Office;
 - 3) The Department and/or personal psychologist, a counselor, the officer's

private attorney, or the officer's chosen clergy (as noted in the "Notification of Internal Investigation" (NNPD Form #442)); and

- 4) When in doubt, consult a supervisor.
 - g. Obtain permission from the on-scene commander prior to leaving or being transported to his precinct station or police headquarters; (Not applicable if the employee was injured and transported by ambulance to the hospital).
2. Witness employee(s) shall:
- a. Be responsible for assisting the involved employee(s) in rendering the situation safe, providing/summoning medical assistance, protecting the scene, making proper notifications, and providing a brief description of the facts to the on-scene supervisor. [4.1.5]
 - b. Refrain from discussing the incident with anyone except:
 - 1) Department personnel assigned to the investigation;
 - 2) The Commonwealth's Attorney's Office;
 - 3) The Department and/or personal psychologist, a counselor, the officer's private attorney, or the officer's chosen clergy (as noted in the "Notification of Internal Investigation" (NNPD Form #442)); and
 - 4) When in doubt, consult a supervisor.
 - c. Obtain permission from the on-scene commander prior to leaving the scene.
 - d. Complete or provide information for the completion of associated paperwork to include IBRs, Blue Team entry, Commonwealth of Virginia - Police Crash Reports (State Form FR-300P), Workers' Compensation reports, letters of arrest/involvement, or any other reports required by the nature of the incident requested by an on-scene supervisor. Complete these reports prior to end of duty unless otherwise directed by the on-scene supervisor. [42.1.4; 82.2.1(b)]
 - e. Be available for official interviews and statements regarding the incident. Employees are responsible for complying with all immediate, preliminary and follow-up investigative questions as related to incident witnesses, either from criminal or administrative investigators. This is a condition of employment.
 - f. If witness employees become the focus of a criminal investigation, their status becomes that of an involved employee.

3. Responding officer(s)

Responding officers assigned a duty at the scene of an incident, will focus full attention on that duty or assignment until a supervisor relieves them. Once relieved, they will clear the scene and return to their normally assigned area and duties. If requested by investigators, they shall provide a written report or statement concerning their actions/observations at the scene of the incident. Officers not dispatched or assigned to the scene will continue with normal assignments, and will not respond to the scene.

4. Support employee(s) shall:

- a. Accompany the involved employee (i.e. to precinct, headquarters or the hospital), remaining with them unless the employee desires to be left alone.

- b. Act as a calming influence and monitor the affected employee for signs of possible critical incident stress or trauma. If signs of trauma or shock are evident, immediately summon appropriate medical assistance, and notify the on-scene supervisor. [4.1.5]
 - c. Ensure that they do not:
 - 1) Interfere with the preliminary investigation in any manner;
 - 2) Discuss the facts or specifics of the incident with the involved employee; or
 - 3) Make any statements that infringe on the privacy of the involved employee or jeopardize the criminal investigation.
5. Initial responding on-duty patrol supervisor shall:

- a. Evaluate the situation, speak with other persons present (sworn and civilian) and, **only if necessary**, obtain a brief oral description of what occurred from the involved employee(s), unless the employee(s) are physically incapacitated and unable to do so.
 - 1) It is the supervisor's responsibility to determine if it is necessary to obtain the brief statement of facts from the involved employee.
 - 2) The statement will only be required when necessary to:
 - a) Obtain pertinent incident facts;
 - b) Ensure employee and citizen safety;
 - c) Determine the scope of the scene; and
 - d) Direct Departmental resources.

NOTE: If it is possible to satisfy these needs through other sources such as witness employees or independent witnesses, this statement **would not** be required from the involved employee(s).

- 3) If it is determined necessary to obtain this brief oral statement from the involved employee(s), it is considered mandatory for the involved employee(s) to provide it.
 - 4) The statement given by the involved employee(s) and any fruits of the statement would not be used against the employee in any criminal proceeding.
- b. Confirm that appropriate medical assistance has been summoned/provided as necessary.
 - c. Insure the scene is protected and witnesses identified and detained. [42.2.2(b,c)]
 - d. Coordinate the activities of back-up units.
 - e. Ascertain the scene status of the involved employee(s) to include their physical/emotional condition, providing resources and accommodating reasonable requests, as needed. (Also: ADM-330 "Employee Psychological Services")
 - f. Separate those involved, and any witness, employee(s) and ensure they are transported to the nearest precinct or to headquarters as soon as practical, unless circumstances dictate otherwise.
 - g. Take possession of the involved officer's firearm, as necessary, and in accordance with OPS-110 "Use of Force".
 - h. Ensure the Forensic Services Unit, the involved employee's Bureau/Precinct/Division Commander, Major Crimes Investigations Section, Public Information Office, Internal Affairs Division, Assistant Chief of the Patrol

Bureau, Assistant Chief of Investigations, Assistant Chief of the Support Bureau, Chief of Police, and Crash Team supervisor (if appropriate) are notified.

- i. Ensure that a supervisor will contact the involved employee's family to advise them of the incident and post-incident procedures (if there is no injury or hospitalization, this notification may be done by the involved employee if they so desire). If there is death, serious injury, or hospitalization, personal contact shall be made if possible. If the individual to be contacted lives a great distance away or out of state, the designated supervisor will contact the law enforcement agency in that jurisdiction and arrange for personal notification to be made, as well as arrange for transportation, if needed (See OPS-530, "Emergency Notifications and Messages"). [22.1.5]

NOTE: An open line of communication shall be established between the involved employee's immediate family and the designated supervisor to dispel rumors, answer questions and to see to any reasonable family needs. If the involved employee is seriously injured and hospitalized, arrangements shall be made to transport the employee's spouse or other immediate family members to the hospital.

- j. Ensure that all required reports are completed and submitted as soon as practical, including IBRs, Commonwealth of Virginia – Police Crash Reports, IAPro/Blue Team Firearms Discharge module (or other applicable entries), Workers' Compensation reports, arrest/involvement letters, and any other reports required by the incident nature. Any required reports will be completed by personnel before the officers secure from duty (with exception of the involved officer). [42.1.4; 82.2.1(b)]
- k. When involved employee(s) are seriously injured and transported to a medical facility, the on-duty supervisor should arrange for a supervisor to respond to the medical facility to:
 - 1) Ensure accurate information is obtained and updated concerning the condition of the employee(s), and is disseminated to members of the family and Department.
 - 2) Ensure responding personnel do not overwhelm the medical facility, interfering with the facility operation. A separate waiting area for concerned personal, away from the immediate operational areas of the facility, should be established, if possible.
 - 3) Ensure that entrances and driveways are not obstructed by Departmental or personal vehicles.
 - 4) Serve as a liaison between the facility and the Department for issues surrounding the incident and personnel at the facility.

B. Departmental Follow Up to Critical Incidents

1. The Major Crimes Investigations Section will be responsible for responding to the incident and conducting the preliminary criminal investigation (with the exception of motor vehicle crashes). In critical incidents involving a police vehicle crash, the Crash Team investigators and supervisor will be responsible for the investigation. They may request assistance from the General Investigations Section. [42.1.4; 11.3.4(a)]
2. The Internal Affairs Division will be responsible for the administrative or internal

investigation. Internal Affairs Division investigators may respond to the scene to observe the scene firsthand to better assist them in their investigation later. The internal investigation focus differs from a criminal investigation. [11.3.4 (b)]

- a. The internal investigation's purpose is to examine:
 - 1) Compliance with policy;
 - 2) Training considerations;
 - 3) Quality of supervision; and
 - 4) Other issues such as equipment concerns.
 - b. The Internal Affairs Division Commander will ensure that the involved employee(s) and witnesses sign a "Notification of Internal Investigation" (NNPD Form #442) (either personally, or through designation) on the incident date.
3. The criminal investigation will take precedence over the internal investigation and normally, criminal investigators will speak with the involved employees before the Internal Affairs investigators. To ensure the protection of an employee's compelled administrative statement, Internal Affairs investigators will wait until the appropriate criminal investigators have concluded their interviews before speaking with involved and witness employees. The Internal Affairs Division will also consult with the City and Commonwealth's Attorneys prior to conducting interviews to ensure no other relevant factors exist to warrant a delay in the administrative investigation. While information developed by the Criminal Investigation Team may be provided to the Internal Affairs Division, any compelled statements, or any fruits of compelled statements, developed by requiring police employee cooperation with the Internal Affairs Division **cannot, and will not** be disclosed to the Criminal Investigative Team.
 4. All involved and witnessing employees will be initially treated and questioned as if they were victims or witnesses to a potential crime. Full cooperation from involved and witness officers is necessary.
 5. If the preliminary investigation leads the investigator to believe that a crime has occurred, any employee who becomes the focus of the criminal investigation will be given the opportunity to consult with legal counsel, if they choose. All constitutional protections will apply. [1.2.3(c)]
 6. The Chief of Police will be briefed by investigators as soon as practical following the initial criminal on-scene preliminary investigation. The Chief will consult with the Commonwealth's Attorney to determine a course of action. If appropriate, the Chief may request that the investigation be turned over to an outside agency. [11.3.4(c)]

Steven R. Drew
Chief of Police