



City of Racine Police Department
Policy and Procedure

Number: 615

Subject: Critical Incident Response		
Date Issued: 11/21/2008	Effective Date: 08-03-18	Revision Number: 5

POLICY

Whenever a member of the Racine Police Department is actively involved in a **CRITICAL INCIDENT**, the Department will conduct thorough criminal and administrative investigations. This procedure is designed for officer involved shootings, in-custody deaths or any other significant event involving a member. (Office of Internal Affairs will conduct the Administrative Review).

It is the goal of the Department to fully investigate all **CRITICAL INCIDENTS**. The Department shall take such action that ensures that a thorough investigation and Administrative Review of all **CRITICAL INCIDENTS** is conducted in a manner that preserves the safety of the public, and respects and ensures the contractual and statutory rights and continued good mental health of all involved personnel.

When a **CRITICAL INCIDENT** is determined to be an **OFFICER INVOLVED DEATH OR SUBSTANTIAL INJURY THAT IS LIKELY TO RESULT IN DEATH**, the investigation shall be turned over to at least two investigators from an outside law enforcement agency, one of whom is assigned as lead investigator.

DEFINITIONS

A CRITICAL INCIDENT is:

1. Any use of deadly force by a member resulting in serious bodily injury or death to any person.
2. Any use of deadly force by a member, including discharge of a firearm toward another person, whether or not the person is injured.
3. Any in-custody death.
4. Any incident in which a member is actively engaged, that results in the death or serious injury of any person including the member (e.g., a vehicular pursuit or traffic crash involving a department vehicle).

AN OFFICER INVOLVED DEATH is:

The death of an individual, that results directly from an action or an omission of a law enforcement officer while the officer is on duty or while the law enforcement officer is off duty but performing activities that are within the scope of his or her law enforcement duties.”
Wis. State SS 175.47 (1)(c).

An INVOLVED MEMBER is: A sworn member whose personal actions or omissions were directly involved in a critical incident whether the member was on or off duty.

PROCEDURE

MEMBER

1. Whenever a member is involved in a **CRITICAL INCIDENT** the member shall notify Communications of the following:
 - a. Member(s) involved.
 - b. Injuries sustained by any member, citizen or suspect.
 - c. Request RFD Rescue if necessary.
2. Provide medical aid as needed to any injured person(s).

3. Attempt to maintain scene integrity until the arrival of a supervisor.
4. Participate in the criminal investigation to include a brief overview with the **CRITICAL INCIDENT** supervisor.

SUPERVISOR

1. A supervisor who was not involved in the **CRITICAL INCIDENT** shall respond to the scene immediately and assume command of the scene.
2. Coordinate all necessary medical treatment.
3. Establish a Command Post. Implement the Incident Command System.
4. Identify all personnel who are involved.
5. Recognizing the potential stress caused to each involved member, and to ensure the immediate safety of the general public, the supervisor should obtain a brief initial overview of the scene and ascertain what occurred from the involved member(s) by asking the member(s) to provide immediate necessary information. Members shall be advised that a more detailed interview and debriefing will be conducted at a later point in time.
 - a. Questions that may be necessary to ask of the member(s) are limited to:
 - (1) Are you injured? Are you aware of any other individual(s) who may be injured? If so, where are the injured individual(s) located?
 - (2) Did you discharge your weapon? Are you aware of whether any other member discharged a weapon?
 - (3) Did any suspect possess or discharge a weapon? If so, are you aware of the location of any such weapon?
 - (4) Other than your own weapon, are you aware of any other weapons that need to be secured? If so, where are they located?
 - (5) Are there any outstanding suspects? Where are they located? If they have fled the scene, please provide a description of their appearance, their mode of travel and the location in which they are headed? How long has it been since they left the scene?
 - (6) Are you aware of any witnesses to the **CRITICAL INCIDENT**? If so, please provide a description of the witnesses and their location?
 - (7) Is there any evidence that needs to be secured or protected? If so, where is it located?
 - b. The member shall be advised that he or she will have an opportunity to secure a Union representative or attorney for representation, consultation and assistance before a more detailed interview and debrief occurs.
 - c. Notify the Peer Support Coordinator so that a Peer Support Team member can be made available to each involved member.
 - d. As soon as practical, the member(s) will be allowed to contact his or her family to let the family know that the member(s) is alright. The involved member should not discuss any details of the **CRITICAL INCIDENT**.
 - e. The member shall be advised not to discuss the incident with anyone except an investigator assigned by the Department or assisting agency, a Union representative / attorney, personal attorney or mental health professional. *See attachments.*

NOTE

Discussions with investigators, supervisors, union representatives, co-workers, Peer Support members and non-spousal family members are not privileged.

6. Assign a Supervisor(s) to transport the involved member(s) to the police department to retrieve and take custody of the weapon(s) used in the incident.
 - a. If at all possible, recovery of the weapon used by a member should occur inside the Safety Building. In all cases, this should be done discreetly and out of view of the public and/or media and after the appropriate photographs have been taken of the officer and his/her gear.
 - b. Unless there is evidence of criminal wrongdoing by a member involved in the **CRITICAL INCIDENT**, a supervisor shall arrange for a replacement weapon to be assigned to the member(s).
7. If the incident involves any use of deadly force, the supervisor, with the assistance of the Internal Affairs Lieutenant, shall arrange for the collection of a blood sample for alcohol and drug testing from each member who used deadly force. In the event an investigation by an

outside agency is being conducted under Wis. Stat. § 175.47, and, if requested by the agency the member may voluntarily release the sample and/or the results of any testing of the sample by signing a written waiver of his or her rights under *Garrity v. New Jersey*, 385 U.S. 493, 87 S.Ct. 616, 17 L.Ed.2d 562 (1967). See *attachments*.

- a. A Supervisor will escort the involved member(s) to any medical facility deemed appropriate for professional medical collection of a blood sample.
- b. Within two (2) hours, but no later than six (6) hours have a blood sample drawn.
 - 1) Two (2) Implied Consent Blood Kits (WSLH #46) will be utilized to collect the involved members blood specimen.
 - 2) The Supervisor will complete sections A, B, and C of the Blood/Urine Analysis form included inside each kit.
 - 3) In section 3, the Supervisor will enter "Officer Involved Death/Administrative Investigation".
 - 4) In section E, the Supervisor will mark "Alcohol and Drug Panel".
 - 5) Have the specimen collector complete section D including their signature.
 - 6) Photocopy the Blood/Urine Analysis Sheet and forward it to the Internal Affairs Lieutenant.
 - 7) The Supervisor will place the completed form inside the kit with the two blood sample vials and seal each kit.
 - 8) The Supervisor will inventory both kits in BEAST, in accordance with blood sample evidence protocol in Policy 1201 – Property Inventory – Excluding Motor Vehicles.
8. In the event the supervisor reasonably believes that any further questions are necessary at this point in time to ensure the safety of the general public, he or she may, order the member to answer any such necessary questions at which time rights provided under *Garrity v. New Jersey* 385 U.S. 493 (1967) shall apply.
9. If possible, assign a member who was not involved in the **CRITICAL INCIDENT** to each involved member. If possible use members of Peer Support. The Peer Support Coordinator will assist with this.
 - a. The member should remain with the involved member until relieved by a supervisor.
 - b. Once the on-scene duties of an involved member are complete, they should be escorted away from the immediate scene by a Supervisor if possible.
 - c. If the involved member is required to be available at the scene but has no immediate duties, they should be taken away from the primary scene (out of sight).
10. Assign members to conduct a canvass of the area to locate and identify potential witnesses and/or locate any video that potentially recorded the incident. Early initial interviews will assist in identifying primary witnesses and help eliminate subsequent statements based on details learned after the fact. Direct the member(s) conducting the canvass to:
 - a. Identify all persons in the immediate area and obtain all of their contact information (home / work address, cell, home, work phone numbers).
 - b. Record all conversations to avoid future allegations of misrepresentation (this includes people who "saw nothing").
 - c. Obtain an overview of what each person saw or heard and where they were preceding and during the **CRITICAL INCIDENT**.
 - d. Encourage witnesses to remain near the scene to be available for a detailed interview with the investigators.

SHIFT COMMANDER

1. Activate Major Crimes
2. Arrange for Mobile Command Post
 - a. RAPD Command Post U-04
 - b. RFD TC1
 - c. RPD COP Vehicle
3. Directly notify:
 - a. Chief of Police
 - b. Deputy Chiefs of Police
 - c. IA Lieutenant
 - d. District Attorney's Office or designee

- e. Department chaplain (if needed for notification)
 - f. RPA or SOA Board member
 - g. Peer Support Coordinator
 - h. The PIO
4. Ensure that a lieutenant or higher ranking member is in charge of the scene.
 - a. If the shift lieutenant is on duty, then he/she will call in personnel to replace them.
 - b. If the shift commander is a sergeant, then he/she will contact a Deputy Chief (starting with Patrol), who will designate the lieutenant to be called in.

MAJOR CRIMES COMMANDER

1. Ensure a Major Crime Supervisor responds to the scene of the **CRITICAL INCIDENT** and takes command and responsibility of the on-scene Criminal Investigation.
2. Obtain a briefing from the Incident Commander.
3. If the **CRITICAL INCIDENT** involved the discharge or use of a weapon, ensure the security of each weapon involved until it is collected as evidence. The weapon may remain with the involved member if steps are taken to ensure that the condition of the weapon (including the magazines, if applicable) is not changed.
4. When an officer-involved incident occurs resulting in a death or a substantial injury that is likely to result in death, the Major Crimes Commander will turn over the investigation to at least two investigators from an outside agency, one of whom is assigned as lead investigator. The Chief of Police will determine the agency who will conduct the investigation.
 - a. During the investigation of all critical incidents, a reconstruction unit from the Wisconsin State Patrol shall be utilized.
 - b. The Incident Commander and Major Crimes Supervisor will assist the outside agency by providing support and resources as requested by the lead investigator.
5. Facilitate a walkthrough of the scene with the District Attorney's Office.
6. If not assigned to an outside agency, assign an investigator(s) to complete an investigative interview of the involved member(s).
 - a. An initial interview regarding the details of the incident should be conducted.
 - b. A detailed interview may be delayed to allow the member(s) time to overcome the initial stress of the **CRITICAL INCIDENT** (two to three sleep cycles—48 to 72 hours). The interview is not completed until after the involved member has reviewed his/her statement, as written by the investigator(s).
 - c. The involved member may be returned to the scene for a walk-thru, as necessary for the investigation or at the member's request.
 - d. The investigator(s) shall document the member's interview on a supplementary report. Unless there are criminal allegations against the involved member, the involved member shall have the opportunity to review a draft of their statement as documented by the investigator before the investigator submits the final report.
 - e. If any Major Crimes supervisor or investigator develops probable cause to believe that any member's actions may constitute a crime, they shall give consideration to the Constitutional rights of the member. The investigator shall contact the Major Crimes Commander immediately who shall notify the District Attorney.

NOTE

Investigators are not responsible for, nor should they engage in, an investigation to determine any violation of policy, procedure, or work rules.

7. Within twenty-four (24) hours of the **CRITICAL INCIDENT**, brief the Chief of Police or designee of the incident including; pertinent facts, initial findings and investigative progress. Significant developments in the investigation should be handled in a similar fashion (as long as distribution of the details does not compromise the investigation).

CHIEF OF POLICE

1. If the incident involves the death, or substantial injury that is likely to result in death, the Chief or his designee shall determine the agency who will conduct the investigation.
2. After the briefing of the investigation, determine if a statement to the media covering the initial findings of the investigation (and related details) is warranted.

3. Approve all media releases.
4. Place the involved member(s) on Administrative Leave.
 - a. A psychological review shall occur (if possible) within 72 hours
 - b. The member returning to full work status will be dependent on:
 - 1) The results of the psychological review.
 - 2) A review of the criminal investigation by the District Attorney's Office.
 - 3) The status of the Administrative Investigation.
5. Facilitate a debriefing of all personnel who responded to the **CRITICAL INCIDENT**. Remind participants that the discussion in the debriefing are private in nature but are not privileged.

NOTE

The Administrative Review shall not begin until the involved member's actions have been reviewed by the District Attorney's Office.

RELATED PROCEDURES

- [Table of Contents](#)
- [118 – Traumatic Incidents](#)
- [119 – Peer Support Team](#)
- [510 – Order of Administrative Leave](#)
- [601 – Use of Deadly Force/Discharge of a Firearm](#)
- [607 – Investigation of the Use of Force](#)

RELATED STATUTES

- 175.47 – Review of deaths involving officers

VOLUNTARY WAIVER

As a result of my involvement in a critical incident as defined by RPD Policy No. 615, and under the possibility of termination for refusal to comply, I was ordered by the Racine Police Department to provide a blood sample on the following date:_____. This blood sample was provided by me under the protection and standards of *Garrity v. New Jersey*, 385 U.S. 493, 87 S.Ct. 616, 17 L.Ed.2d 562 (1967) and *Oddsens v. Bd. of Fire & Police Comm'rs for Milwaukee*, 108 Wis. 2d 143, 321 N.W.2d 161, 824 (1982). Under these standards the sample or the results of testing of the sample cannot be used as part of any criminal investigation. By signing this document I am knowingly and voluntarily waving those rights and granting the agency investigating the critical incident under Wis. Stat. § 175.47 the ability to use this sample and/or the results of any testing of that sample as part of that investigation. This waiver only applies to the blood sample and any test results described above, and is limited to the purposes of this specific critical incident under Wis. Stat. § 175.47 investigation.

RPD Officer

Date

RACINE POLICE DEPARTMENT CRITICAL INCIDENT RESPONSE PROCEDURE FOR PUBLIC SAFETY STATEMENTS

The supervisor receiving the PSS shall state the following to officers substantially involved in the CIR: "Officer, I am asking you to give me a Public Safety Statement. Due to the immediate need to take action, you do not have the right to wait for representation to answer these limited questions". The supervisor shall then ask the following questions:

- (1) Are you injured? Are you aware of any other individual(s) who may be injured? If so, where are the injured individual(s) located?
- (2) Did you discharge your weapon? Are you aware of whether any other member discharged a weapon?
- (3) Did any suspect possess or discharge a weapon? If so, are you aware of the location of any such weapon?
- (4) Other than your own weapon, are you aware of any other weapons that need to be secured? If so, where are they located?
- (5) Are there any outstanding suspects? Where are they located? If they have fled the scene, will you please provide a description of their appearance, their mode of travel and the location in which they are headed? How long has it been since they left the scene?
- (6) Are you aware of any witnesses to the **CRITICAL INCIDENT**? If so, will you please provide a description of the witnesses and their location?

(7) Is there any evidence that needs to be secured or protected? If so, where is it located?

These questions should be followed by the order not to discuss the incident with anyone, prior to the arrival of the assigned detectives, with the exception of legal representatives. Involved officers should be paired with an uninvolved officer until relieved by a P.O.S.T. Team Member or another assigned officer. They will be allowed to make contact with union representatives and/or Counsel or other attorney if desired.