Officer-Involved Critical Incidents

305.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved critical incident that directly results from an action or an omission of an officer while on-duty or off-duty, but while performing activities that are within the scope of the officer's duties.

305.1.1 DEFINITIONS

Officer-Involved Critical Incidents (OICI) - Include any of the following:

(a) Officer-involved shooting (fatal or non-fatal)

(b) In-custody suicide

(c) In-custody death

(d) Pursuit (vehicle or foot) resulting in serious bodily injury or death

(e) Any other similar incident as determined by the Chief of Police

1. Under this category the Chief may determine that subsequent to initial investigation, the incident no longer qualifies as an officer-involved critical incident, suspend any further policy requirements, and notify the involved officers accordingly.

Involved Officer - Any officer identified as a principle or witness officer.

Principle Officer - Any officer that used force and /or was directly involved in the use of force or official law enforcement action (pursuit, etc.) resulting in death or serious bodily injury to an individual.

Serious bodily injury - Means bodily injury that creates a substantial risk of death or which causes serious permanent disfigurement, unconsciousness, extreme pain, permanent loss or impairment of the function of any bodily member or organ, a bone fracture, or impediment of air flow or blood flow to the brain or lungs (NDCC §12.1-01-04 (28)).

Uninvolved Officer - Any officer that responded to the incident, but was not present to witness or involved in, the use of force resulting in death or serious bodily injury.

Witness Officer - Any officer that witnessed the incident resulting in death or serious bodily injury, but did not themselves use force.

305.2 POLICY

The policy of the Fargo Police Department is to ensure that officer-involved critical incidents are investigated in a thorough, fair and impartial manner and are investigated by an outside law enforcement agency with the capabilities to investigate these complex incidents.

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305.3 TYPES OF INVESTIGATIONS

Officer-involved critical incidents involve several separate investigations. The investigations may include:

(a) A criminal investigation of the suspect's actions.

(b) A criminal investigation of the involved officer's actions.

(c) An administrative investigation as to policy compliance by involved officers.

(d) A civil investigation to determine potential liability.

305.4 CONTROL OF INVESTIGATIONS

Investigators from surrounding agencies should be assigned to work on the criminal investigation of officer-involved critical incidents that involve Fargo Police Department members. The North Dakota Bureau of Criminal Investigation (ND BCI) shall be requested for all OICI's involving department members. A department supervisor shall be assigned as a liaison to all such investigations, but shall not participate in the investigation. If the ND-BCI is unable to conduct the investigation, the Chief shall approve another outside agency to conduct the investigation if practicable.

Conversely, sworn members of the Fargo Police Department may be assigned to assist other surrounding law enforcement agencies with OICI's involving their members upon request and approval by the Chief of Police.

Jurisdiction is determined by the location of the critical incident and the agency employing the involved officer. The following subsections outline the jurisdictional responsibilities for investigating officer-involved critical incidents.

305.4.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Fargo Police Department would control the investigation if the suspect's crime occurred in Fargo.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police, and with concurrence from the other agency.

305.4.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

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Requests made of this department to investigate an officer-involved critical incident involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

305.4.3 ADMINISTRATIVE INVESTIGATION

Regardless of where the incident occurs, the administrative investigation of each involved officer is controlled by the respective employing agency. The administrative investigation includes the use of force review pursuant to the Use of Force Review Process policy (301). Any subsequent policy violations may also result in a personnel investigation if deemed appropriate by the Professional Standards Division commander as a result of the overall criminal case review and in conformity with the Personnel Complaint Policy (1009).

305.4.4 CIVIL INVESTIGATION

Civil investigations shall not be conducted by department members. However, department members may be subpoenaed to testify or otherwise provide investigative documents or information as required by law. Any member who receives legal notice regarding a civil investigation or potential lawsuit involving an officer-involved critical incident shall immediately notify their commanding officer and the Office of the Chief.

305.5 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved critical incident.

305.5.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved critical incident the first uninvolved Fargo officer shall identify themselves to the dispatcher as the officer-in-charge and shall assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

(a) Initiate incident command via radio communications by establishing a command post (CP) and safe entry route.

(b) Secure the scene and identify and eliminate hazards for all those involved.

(c) Identify and separate, as practicable, principle and witness officers, and assign an uninvolved officer to remain with them individually until relieved pursuant to this policy.

(d) Take reasonable steps to obtain emergency medical attention for injured individuals.

(e) Request additional resources from the Department or other agencies.

(f) Coordinate an inner crime scene area and outer perimeter for CP and operations.

(g) Coordinate the search or pursuit of suspects, as appropriate.

(h) Check for injured persons and evacuate as needed.

(i) Brief the supervisor upon arrival.

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305.5.2 OFFICERS ASSIGNED TO A PRINCIPLE OR WITNESS OFFICER

Officers who are assigned to remain with an involved officer (principle or witness), should ensure the safety and well-being of the involved member by escorting them from the active crime scene, but within the outer perimeter, to their squad. If medical attention is needed, the uninvolved member should escort the member with EMS. In either event, the body-worn cameras of both members may be stopped, noting the time and reason. Notification shall be made to the on-scene supervisor as to location and condition of the involved member. The officer assigned should allow the involved member an opportunity to call a significant other, reminding them not to discuss the incident itself in detail, and remain with them until relieved by a supervisor.

The involved member may also contact their legal representative, however, the representative shall be advised to respond to police headquarters to meet with the involved member. Under no circumstances shall a legal representative be allowed into the crime scene area unless approved and escorted by the assigned investigators to conduct any official investigative process.

The uninvolved officer shall not discuss the incident with the involved officer, as no legal privilege exists. However, the uninvolved officer should ensure that the involved officer has provided a public safety statement to a supervisor prior to conveying them from the scene unless the circumstances of the incident make it impractical to do so. Any subsequent public safety information provided by the involved member shall be immediately communicated to the incident commander. The uninvolved officer shall file a brief supplemental report documenting the assignment and any other significant events that occurred while safeguarding the involved officer, such as the arrival of legal representation, investigatory personnel or medical conveyance, etc.

305.5.3 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved Fargo supervisor shall ensure completion of the duties as outlined in subsection 305.5.1, plus:

(a) Attempt to obtain a brief overview of the situation from the officer-in-charge or any uninvolved officers.

(b) Obtain a public safety statement from the involved officer(s) if physically possible. If necessary, the supervisor shall administratively order any involved Fargo officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.

    1. Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired or other weapon information, location of any evidence, estimated scope of the incident scene, identity of known or potential witnesses and any other pertinent information.

    2. The initial on-scene supervisor shall not order any involved officer to provide any information other than public safety information.

(c) Provide all available information to the Shift Commander and Dispatch, as appropriate. If feasible, sensitive information should be communicated over secure networks.

(d) Take command of and secure the incident scene with additional department members until properly relieved by another supervisor or other assigned personnel.

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(e) As soon as practicable, ensure that involved officers are assigned an uninvolved officer who shall safeguard them and transport (separately, if feasible) to the Department or other suitable location as directed.

(f) Each involved Fargo officer shall be given an administrative order not to discuss the incident with other involved officers or department members pending further direction from a supervisor.

(g) Only in extraordinary circumstances shall a member's firearm be taken at the scene. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that the officer is provided with a comparable replacement weapon as soon as practicable and that they are transported by an assigned officer pursuant to this policy.

305.5.4 DIVISION RESPONSIBILITIES

Upon learning of an officer-involved critical incident, the Neighborhood Services Division (NSD) Shift Commander shall ensure a supervisor has been designated as the incident commander, a command post and safe entry are established, and the dispatch center is apprised. The Shift Commander is further responsible for coordination of all administrative aspects of the incident, including notifications pursuant to department policy until relieved by the NSD commander or designee.

The Criminal Investigations Division (CID) commander shall be responsible for coordinating all initial investigative aspects of the incident until relieved by the Chief of Police or or assigned investigative agency. The CID commander shall ensure the assigned investigative agency is fully briefed and is provided any assistance necessary to aid in the investigation.

The Professional Standards Division (PSD) commander shall ensure PSD personnel are prepared to assist with applicable provisions of this policy.

All outside media inquiries about the incident shall be directed to the Department Public Information Officer (PIO) who shall coordinate all responses through the Chief of Police and the investigating agency's PIO, if assigned.

305.5.5 NOTIFICATIONS

The Shift Commander shall ensure the following persons are notified, in person or by phone, as soon as practicable if not already involved:

(a) Chief of Police

1. The Chief shall be responsible for notifying the Mayor and City Attorney, as well as approving any secondary outside investigative agency if the North Dakota Bureau of Criminal Investigation (ND-BCI) is unable to respond.

(b) Assistant Chief

1. The Assistant Chief shall coordinate division commander efforts and address any emergency management responsibilities.

(c) Criminal Investigations Division Commander

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1. The CID commander shall notify the ND-BCI or approved outside investigative agency and ensure initial investigative steps are being conducted.

(d) Neighborhood Services Division (NSD) commander.

1. The NSD commander shall ensure staffing and resources are available to continue other policing operations and/or request necessary mutual aid in order to maintain service levels or address crowd control or crime scene needs.

(e) Professional Standards Division (PSD) commander

1. The PSD commander shall ensure PSD personnel are prepared to assist with applicable provisions of this policy. This may include family notification and assistance for injured officers, as well as facilitating administrative investigative requirements pursuant to this policy.

(f) Public Information Officer (PIO)

1. The PIO shall work with the Chief and executive team, as well as coordinate with any outside agency PIO.

(g) Psychological/peer support personnel (as needed/requested).

(h) Department chaplain (as needed/requested).

(i) Coroner (if necessary)

305.5.6 INVOLVED OFFICERS

The following shall apply to an involved officer:

(a) Any request for legal representation shall be accommodated.

1. Involved FPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.

2. Requests from involved non-FPD officers should be referred to their employing agency.

(b) Discussions with licensed attorneys shall be considered privileged as attorney-client communications.

(c) Discussions with agency representatives, other department members or employee groups regarding the criminal investigation are not considered legally privileged.

(d) A licensed mental health provider who specializes in working with first responders shall be provided by the Department to each involved FPD officer and may also be provided to any other affected FPD members, upon request.

1. Interviews with a licensed mental health provider shall be considered privileged.

2. An interview or session with a licensed mental health provider may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed mental health provider prior to providing a formal interview or report.

3. A separate fitness-for-duty exam may also be required pursuant to the Fitness for Duty Policy (1015).

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(e) Peer Support Team (PST) difusal may be provided in order to determine the need for other services and should focus solely on the wellbeing of the officer. Communications between an involved officer and a peer support member is addressed in the Wellness Program Policy, but are not legally privileged.

A principle officer in an officer-involved critical incident shall be administratively compelled to provide a blood sample for alcohol and drug screening as soon as practicable. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigate agency or used in any criminal proceedings. The principle officer(s) shall be transported by a supervisor to and from the sampling location as soon as administratively feasible.The screening shall not interfere or delay the ongoing investigation or interview of any principle officer. The sample shall be obtained in conformity with City of Fargo Employee Health procedures.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Each involved FPD officer shall be given reasonable paid administrative leave following an officer-involved critical incident, as determined by the Chief. It shall be the responsibility of the Shift Commander to make schedule adjustments to accommodate such leave.

Following any paid administrative leave, principle officers may be reassigned to administrative duty until the criminal investigation into their use of force is completed and reviewed by the assigned prosecutors office. Officers on administrative duty shall perform inside duties as assigned, but shall not perform street duty or involve themselves with in-custody suspects. Principle officers shall be permitted to take paid benefit leave in accordance with city and department policies.

305.6 CRIMINAL INVESTIGATION

The designated investigating agency is responsible for the criminal investigation into the circumstances of any officer-involved critical incident. Completed criminal investigations shall be reviewed by an appropriate prosecutor.

Investigative personnel from this department should perform necessary investigative steps until relieved by the assigned outside agency and may be utilized to provide support assistance as needed during the course of the investigation, but should not be actively involved in the investigation. A Criminal Investigation Division supervisor shall be assigned as a department liaison with the investigating agency, but should not participate in the investigation.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

(a) FPD supervisors and Professional Accountability Unit personnel shall not participate directly in any voluntary interview of FPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.

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(b) If requested, an involved officer shall be afforded the opportunity to consult individually with an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with each other or with an attorney collectively or in groups prior to being interviewed.

(c) If an involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview, normally not to exceed 48 hours.

(d) Involved officers may provide their statement to investigators as soon as practicable after the incident if they so choose. Thus, reducing the possibility of forgetting vital information or evidence, as well as having their memory affected by the 24/7 media and social media environments.

(e) Any voluntary statement provided by an involved officer shall be made available for inclusion in any related investigation, including administrative investigations. However, no administratively compelled statement shall be provided to any criminal investigators unless the officer consents.

(f) Any voluntary statement should be audio recorded and may be video recorded by the investigator. The Department shall make rooms available for this purpose. In some instances, video recording of specific physical actions or movements that directly relate to the officer's decision to use deadly force or initiate police action resulting in a officer-involved critical incident (OICI) is significant in assisting the investigation and review of the incident. The department shall make body-worn cameras available in these instances.

(g) It is understood that OICI's result in heightened stress for involved officers and as a result officers may remember other aspects of the event hours or days afterwards. Follow up interviews with investigators for this purpose are expected.

305.6.1 REPORTS BY INVOLVED FPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

Involved officer(s) should not be required to write the reports related to the criminal investigation itself, such reports should be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved officer of the right to consult with legal counsel prior to completing any such interview or criminal report.

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Reports related to the prosecution of criminal suspects shall be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved critical incident.

305.6.2 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved critical incident may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

(a) Identification of all persons present at the scene and in the immediate area.

1. When feasible, a recorded statement via body-worn camera should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.

(b) Identify witnesses who are willing to provide a formal interview and coordinate with the outside investigating agency supervisor in charge to identify a suitable location for criminal investigators to obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.

1. A recorded statement of consent should be obtained via body-worn camera prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

(c) Provide any information obtained by the Department regarding the suspect's known family and associates to the outside agency investigative supervisor in charge. The outside investigative agency should notify next of kin as appropriate, and obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

305.6.3 INVESTIGATIVE PERSONNEL

Once notified of an officer-involved critical incident, it shall be the responsibility of the Criminal Investigations Division (CID) commander to ensure appropriate CID supervision and investigative personnel are assigned to the investigation of related crimes and provide immediate response and investigative assistance at the scene of the OICI until relieved by outside agency investigators. Department investigators may be assigned to work with outside investigators, but once the investigation is turned over, should only assist upon request in order to maintain the integrity of the OICI investigation. After consultation with the outside agency supervisor, CID personnel may be assigned to separately handle the investigation of any related crimes not being investigated by the outside investigating agency. The CID supervisor responsible for the investigation of other related

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crimes shall coordinate with the outside agency supervisor investigating the OICI to eliminate unnecessary investigative redundancy whenever possible and appropriate.

All related department reports, except administrative and/or privileged reports, shall be forwarded to the designated CID supervisor for approval. Privileged reports shall be maintained exclusively by members who are authorized such access. Administrative reports shall be forwarded to the Professional Standards Division commander.

305.7 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved critical incident, this department shall conduct an administrative investigation of involved FPD officers to determine conformance with department policy, including the use of force. Unless otherwise directed by the Chief, this investigation shall be conducted by the Professional Accountability Unit (PAU) and shall be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws.

(a) Any principle officer involved in a critical incident shall be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.

(b) If any involved officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.

    1. If a further interview of any involved officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas with minimal, if any, duplication of questions addressed in the voluntary statement. If the involved officer chooses not to respond to the follow up adminstrative inquiry an internal investigation shall be intiated in order to determine policy compliance. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.

(c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator, after consultation and approval by the Chief, shall conduct an internal investigation to determine all relevant information and policy compliance.

    1. Although any internal investigation should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview. Unless otherwise directed by the Chief, the criminal investigation should be completed prior to initiating an internal investigation.

    2. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the internal investigation interview. However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with each other or with a representative collectively or in groups prior to being interviewed.

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3. Internal investigations shall be recorded by the investigator and be conducted in conformity with the Personnel Complaint policy (1009).
4. The officer shall be informed of the nature of the investigation. The officer shall be informed that the interview shall only be used for internal investigative purposes and that the statement cannot be used criminally.
5. The Professional Accountability Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
6. Regardless of whether the use of force is an issue in the case, the completed administrative or internal investigation shall be submitted to the Professional Standards Division commander who shall make a recommendation to the Chief as to whether there was compliance with the Use of Force policy (300).
7. Any other potential policy violations may result in an internal investigation pursuant to the Personnel Complaint policy (1009).

305.8 AUDIO AND VIDEO RECORDINGS

Any principle officer involved in a critical incident should not be permitted to review available Mobile Audio/Video (MAV), body-worn video, or other video or audio recordings prior to providing a recorded statement to criminal investigators or completing reports. The principle officer's recall and perspective can be adversely affected by events captured on video, but not observed or perceived by the officer during the critical incident itself due to the stressful nature of the incident. Assigned investigators may allow the involved officer to view available department video or audio recordings to address any discrepancy or to clarify a statement in furtherance of the investigation after the initial interview.

Any MAV, body-worn video and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without approval of the Chief in consultation with the outside investigative agency, the prosecuting attorney or City Attorney's Office as appropriate.

305.9 DEBRIEFING

Following an officer-involved critical incident, the Fargo Police Department should conduct both a critical incident stress debriefing and a tactical debriefing. See the Wellness Program Policy for guidance on Critical Incident Stress Debriefings.

305.9.1 CRITICAL INCIDENT STRESS DEBRIEFING

A critical incident stress debriefing should occur as soon as practicable. The Peer Support Team (PST) supervisor is responsible for organizing the debriefing in coordination with a licensed mental health professional. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order (N.D.C.C. § 44-04-18.1(5)).

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Prior to returning to or being placed in a regular or temporary work assignment, an involved officer should be required to attend a critical incident debriefing to offer them support.

In addition to any involved officers as defined in this policy, attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., dispatchers, other non-sworn). The debriefing shall be closed to the public and should be closed to all other members of the department, including supervisory and Professional Accountability Unit personnel unless they were involved in the incident.

305.9.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

305.10 OTHER POST INCIDENT REQUIREMENTS

Any principle officer involved in a critical incident shall be required to meet with a professionally licensed mental health professional approved by the Department within 72-hours of the incident, or as soon thereafter as possible, but prior to returning to full-duty status.

(a) The scope and content of the meeting with the mental health professional shall remain privileged and confidential between the officer and the mental health professional unless content is revealed that would fall under any mandated reporting statutes.

(b) The mental health professional shall provide the Professional Standards Division commander with confirmation that the member complied with this requirement.

(c) The letter from the mental health professional certifying that the member attended the mandatory meeting shall be maintained in the member's medical file within the human resources department.

(d) The member shall be required to follow the recommendations received from the duly designated physician and/or mental health professional, including any recommendations for additional care and/or evaluation.

The Chief of Police shall be responsible for making any final determinations regarding the member's return to full or temporary duty.

In addition, any principle member shall be required to meet with a licensed mental health professional who has expertise working with first responders and is approved by the Department approximately four (4) months following the incident and again at approximately six (6) months and one (1) year following the incident.

(a) The scope and content of the these required meetings shall remain privileged and confidential between the member and the mental health professional.

(b) The mental health professional shall, as soon as practicable, provide the Chief of Police with written documentation which certifies compliance with this requirement.

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(c) As deemed reasonable by the Chief of Police, the expenses associated with the required critical incident debrief for involved members, as well as the required meetings with a mental health professional shall be incurred by the department.

(d) The Department shall not incur the expenses associated with any travel, lodging, per diem, etc., for the member or the mental health professional relative to the requirements unless authorized by the Chief of Police.

Prior to returning to their regular work assignment, any principle member must receive written authorization to return to that assignment from the Chief of Police. The member shall also be required to do the following (if applicable):

(a) Re-qualify and/or re-certify with any firearm and/or defensive device, equipment, etc., utilized during the incident which requires qualification and/or certification.

(b) Accompany a designated on-duty officer or civilian employee, if applicable, of the members choosing, for minimally the first five (5) work days after returning to their regular work schedule.

(c) Meet with the member's command officer immediately following the completion of the first five (5) work days after returning to their regular work assignment for the purpose of ensuring the member is prepared and capable of working independently.

Following the completion of all of the requirements described within this section, the command officer responsible for the member involved shall provide the Chief of Police with a written recommendation as to the member's ability to remain in their regular work assignment.

The Chief of Police shall make any final determinations relative to the member's work status.

305.11 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the outside investigating agency supervisor, the Criminal Investigations Division liaison member, the department PIO and the Chief of Police. Releases shall be available to the Public Information Officer in the event of inquiries from the media.

No department member shall make any comment to the media unless authorized by the Chief of Police.

Department members receiving inquiries regarding officer-involved critical incidents occurring in other jurisdictions shall refrain from public comment and shall direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

305.12 REVISION DATE 09/12/2023

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