PROCEDURE MANUAL
09-10

MICHIGAN STATE POLICE

Critical Incident and Investigative Response Team Protocol

Purpose: This manual provides procedures to be followed in the event of a critical incident that results in the death or great bodily harm to any person and establishes an Investigative Response Team (IRT) with consistent protocols for the criminal investigation of officer-involved shootings, use of force related deaths, and critical incidents.

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Definitions:

Companion Officer: A licensed police officer assigned to provide support to an involved officer following a critical incident.

Criminal Investigation: An investigation to determine if any individual involved in an incident bears criminal responsibility.

Critical Incident: For the purposes of this manual, a critical incident includes incidents that result in the death or great bodily harm to a member or to any other person while in the custody of an enforcement member, while an enforcement member is attempting to gain control of a person, or as a result of any crash involving a member driving a department vehicle.

Administrative Investigation: An investigation to determine if a member followed department written directives in carrying out their lawful duties.

Investigative Response Team (IRT): A group of specially trained individuals from a district outside of the incident venue, assigned to investigate critical incidents.

Investigative Response Team Leader: A Special Investigation Section (SIS) commander, or IRT member designated by the SIS commander, assigned from a district outside of the incident venue, who will serve as the lead investigator on critical incidents.

Involved Officer-Critical Incident: A police officer who engages in an action during their duties that results in serious injury or death in a critical incident.

Involved Officer: A police officer who is involved in a critical incident.

Officer-Involved Shooting: An incident where a police officer discharges a firearm at another person.

Witness Officer: A police officer who was on scene or responded to the scene of a critical incident whose actions are not directly involved.

Section 1: Critical Incident Protocol

1.1 Involved Member Responsibilities

Members involved in a critical incident shall, to the degree reasonably possible, take initial steps to eliminate any hazards for those involved, protect the safety of themselves and others, render first aid where necessary, and preserve evidence. Additionally, the involved member shall:

a. Make any appropriate arrests and ensure the scene is secure.

b. Ensure emergency medical care is provided to any injured individuals.

c. Contact dispatch and relay appropriate information regarding scene safety and security.

d. Notify their supervisor of the incident and details.

e. Provide scene security and ensure evidence preservation until relieved by a supervisor.

f. Identify potential witnesses and provide pertinent information to the lead investigator.

g. Provide the following public safety information to the department supervisor on scene:

   i. The extent of any known injuries and whether appropriate medical assistance has been rendered/summoned.

   ii. If there is a criminal suspect at large.

   iii. If anyone is under arrest and the charge.

   iv. If a weapon was involved, the direction of shots that were fired.

h. Remain on scene until relieved by a commander or lead investigator.

i. Notify the lead investigator of any alterations made to the crime scene (e.g., victim moved, weapons seized).

j. Members are reminded the best practice is not to discuss the actual incident with witnesses or companion officers.

1.2 On-Duty Supervisor Responsibilities

An on-duty supervisor shall immediately respond to the scene of all critical incidents and is responsible for:

a. Notifying the involved member's worksite commander of the incident and details.

b. Notifying the Operations Section of the incident and details.

c. Ensuring medical personnel are enroute and that appropriate medical care is administered to injured individuals.

d. Determining if the involved member(s) should be checked by on-scene medical personnel.

e. Assigning an enforcement member to escort any injured individuals to the hospital where the member is to remain until relieved by a member of the investigative team.

f. Implementing crime scene protocols to ensure the preservation of evidence and scene security.

g. Ensuring in-car and body worn camera footage is preserved for the investigative team. Secure any involved vehicles, including taking control of the keys, to preserve evidence for investigators. A supervisor, after consultation with an investigative team member, can deactivate in-car and body worn cameras of the involved members once they have secured the scene and the involved member has been removed from the inner perimeter of the scene or when deemed appropriate in accordance with Official Orders 04-20 and 04-21.

h. Ensuring any fired weapons remain holstered until collected by the lead investigator. Long guns should be secured in the trunk of the supervisor's vehicle until turned over to the lead investigator.

i. Upon direction from the lead investigator or post/section commander, ensuring the involved member is transported to a secure location by a designated companion officer. Consideration should be given to encouraging the member to choose their companion officer.

j. Ensuring the involved member(s) remain on duty and in the attire worn during the incident until relieved by the IRT Leader or their designee.

1.3 Worksite Commander Responsibilities

Following notification that a member of the worksite has been involved in a critical incident, the worksite commander, or assistant commander if the worksite commander is not available, shall immediately respond to the scene or location of the involved member and ensure:

a. Operations is notified of pertinent information.

b. The post is adequately staffed to perform necessary functions throughout the post area.

c. The district or division commander, or their designee, is notified of incident details.

d. That if a member discharged their firearm, it has been secured in a manner that preserves evidentiary value until the lead investigator takes possession.

e. All state issued electronic devices from the involved member(s) have been properly secured in a manner that preserves evidentiary value.

f. The involved member has access to the Critical Incident Resource Guide (CIRG).

g. Contact has been made with the Office of Behavioral Science and arrange psychological support for involved members.

h. A drug and alcohol screen are completed in accordance with Official Order 03-40 – Drug and Alcohol Testing.

1.4 Special Investigation Section Commander Responsibilities

a. The SIS commander, or their designee, who supervises the district in which the officer-involved critical incident occurred, shall respond to the scene of all critical incidents.

b. The SIS commander, or their designee, will advise Operations on activation of the Incident Response Team (IRT). If activated, the SIS commander, or their designee, will assign additional detectives from worksites outside the involved member's work area.

c. The SIS commander, or their designee, shall be responsible for securing the scene, evidence, and individuals directly related to the officer-involved shooting or critical incident.

    i. The responding IRT Leader will ensure the proper collection of all available evidence related to the investigation.

d. Upon arrival of the IRT Leader, the SIS commander, or their designee, will brief the IRT. After briefing the IRT, the local SIS commander, or their designee, will serve as a conduit for local resources.

e. If the IRT is not activated for a critical incident, the SIS commander, or their designee, will assign investigative responsibilities, and assume the role of the lead investigator.

f. When a memorandum of understanding, memorandum or agreement, or other written agreement entered into by the department establishes an alternative investigative process, the IRT shall not be activated. The lead investigator shall be designated in accordance with the applicable agreement.

1.5 District and Division Command Responsibilities

District and Division Commanders shall notify the Field Services Bureau commander of the incident and details.

1.6 Public Information Officer Responsibilities

In accordance with written directives governing media relations, the Communication and Outreach Division shall assign a Public Information Officer (PIO) to respond to critical incident scenes to coordinate media responses when appropriate. The PIO shall work with other involved agencies prior to releasing information that may impact the involved agency.

Section 2: Investigative Response Team Protocol

2.1 Investigative Response Team Responsibilities

The department's IRT provides an independent criminal investigation of critical incidents. The IRT shall be activated in all critical incidents involving department members, expect as provided in Section 1.4 f. of this manual. The IRT may be activated for critical incidents from other agencies, at the discretion of the SIS commander of the venue where the incident occurred and impacted district command.

a. IRT investigators will respond to a pre-determined location established by the IRT Leader.

b. IRT investigators will review the crime scene and be briefed on the status of the investigation by on scene personnel.

c. The IRT Leader shall assume operational command and will be responsible for all investigative follow up and coordination.

d. The responding IRT Leader or their designee will ensure the proper collection of all available evidence related to the investigation.

e. When the IRT investigators have compiled their reports, the IRT Team Leader, in conjunction with the detective first lieutenant or their designee, will present their investigative findings to either the Department of Attorney General or the prosecutor having jurisdiction. The determination shall be made according to OO 07-25 – Criminal Investigations Involving State Agencies or Employees.

2.2 Investigative Response Team Leader Responsibilities

The Investigative Response Team Leader should:

a. Collect and secure involved weapon(s) to be turned over to the appropriate crime lab for forensic analysis.

b. Assess whether any additional evidence needs to be collected from the involved officer, e.g., clothing, equipment, additional firearms magazines.

c. Ensure that the involved officer is photographed to document the member's appearance and physical condition, if applicable.

d. Contact the appropriate crime lab to determine if laboratory members should respond to and process the scene. Deviation from contact to the crime lab requires approval from the district commander. A member of the IRT should be assigned as a liaison with laboratory members during scene examination and processing.

e. Contact a department accident investigator and request a Total Station for scene mapping, if appropriate.

f. Contact the Biometrics and Identification Division, Audio/Video Analysis Unit, and request 3D imaging support, if appropriate.

g. Have aerial photographs taken using resources from the Aviation Unit, if appropriate.

h. Contact the medical examiner and ensure an autopsy is scheduled to be conducted by a forensic pathologist for any deceased individuals and assign an investigator to attend.

i. Identify all witness officers and ensure they are interviewed as soon as logistically possible. Witness officers should complete a written report as soon as reasonably possible.

j. Coordinate with the public information officer to determine if a media release is necessary.

k. Ensure updates are provided to the county prosecutor on the investigation status and progression.

l. Provide investigator contact information to the involved officer.

2.3 Investigative Response Team Training and Requirements

a. All IRT investigators shall be Special Investigation Section members that have attained the rank of detective sergeant, detective lieutenant, or detective first lieutenant.

b. All IRT investigators shall attend specialized training in police involved shootings.

c. At a minimum, all IRT investigators shall attend training on the investigation of officer involved shootings that has been approved by Field Services Bureau command after consultation with IRT detective first lieutenants and detective lieutenants.

d. All IRT members shall attend annual refresher training and meetings.

Section 3: General Provisions

3.1 Investigation Considerations

a. Criminal investigations, including review by a prosecuting official, should be completed prior to, and separate from, department administrative investigations. Members providing statements for the criminal investigation shall be afforded all Constitutional and statutory protections. Criminal investigation interviews are conducted separately from administrative interviews. While a member may be compelled to answer questions during an administrative interview, the member may not be compelled to answer questions during a criminal investigatory interview.

b. All interviews of witnesses or other involved persons shall be recorded.

c. Involved members will be permitted to watch recorded in-car video or body worn camera footage from their vehicle or person, of the incident prior to completing a written statement or prior to being interviewed. Video obtained from any other source, including other on scene officers, shall not be viewed unless approved by the involved member's district or division commander or their designee. When determining approval for viewing, commanders shall consider the significance of information present on the recording, as well as whether the information was available to the member at the time the incident occurred.

d. Any member, whose action(s) or use of force in an official capacity result in death or great bodily harm to any other person, shall be placed on administrative leave until the completion of a review to determine the appropriateness for the member to return to duty. This review shall be led by a member designated by the Field Services Bureau commander and, at a minimum, include consultation with the Office of Behavioral Science. After considering the review, the worksite commander, in consultation with the district/division and bureau commanders, may approve the member to return to regular duty or a light duty assignment.

e. The involved member will be asked to complete a written statement of the original incident and/or will be asked to take part in an interview by the investigative team. In a criminal investigation, statements shall not be compelled, either by policy or the investigating team.

f. Once the final investigation has been presented to the prosecuting official, the IRT Leader will coordinate with all investigators involved in the investigation, along with the Special Investigation Section commanders, to conduct an after-action review of the incident investigation.

g. Any administrative violations will be investigated by the Professional Standards Section.

3.2 Additional Training

a. All enforcement members will be provided awareness training during annual reviews of this department written directive.

Section 4: Investigating Officer Involved Shootings and Critical Incidents from Other Agencies

4.1 Protocol for Officer Involved Shootings and Critical Incidents from Other Agencies

When another agency requests assistance from the department to investigate an officer-involved shooting or critical incident, the following protocol should be followed:

a. Requests for assistance on a critical incident from another agency shall be directed to the SIS commander of the venue where the incident occurred.

b. The SIS commander, or their designee, shall notify their district commander, or assistant district commander, of all requests to investigate an officer-involved shooting or critical incident.

c. The SIS commander, or their designee, will assign detectives to the investigation. Consideration should be given to assigning detectives from a post outside of the requesting agency's jurisdiction.

d. A department crime lab shall be used to process the scene. Any deviation from this requires approval from the district commander, or assistant district commander, supervising the SIS commander.

e. Upon acceptance of the investigation by the SIS commander, or their designee, all evidence related to the shooting should be collected by department members and if applicable, analyzed by a department crime lab.

f. The requesting agency shall be notified by the SIS commander, or their designee, that the criminal investigation needs to be conducted prior to, and separate from, any administrative investigation.

g. Investigations of critical incidents that do not involve department members will be submitted to prosecutor's office having jurisdiction.

Review Responsibility: Field Services Bureau; Special Investigation Division

Accreditation Standards: CALEA 4.2.3 and 11.3.4