



# ROCKFORD POLICE DEPARTMENT

## GENERAL ORDER

**NUMBER:** 1.11

**TITLE:** Support of Employees Involved In Critical Incidents

**SERIES NUMBER:** 1

**SERIES TITLE / SUBJECT:** Law Enforcement Role, Responsibilities and Relationship

**TOPICS/ REFERENCE:** Administrative Assignment – Duty, AFSCME, Non-Sworn Employees, PBPA, Post-shooting Trauma, Sworn Employees

**APPENDICIES:** A

**ORIGINAL EFFECTIVE / ISSUE DATE:** December 12, 2006

**DATE OF LAST REVISION:** May 01, 2013

**THIS ORDER REMAINS IN EFFECT UNTIL REVISED OR RESCINDED**

**CALEA STANDARDS:** 1.3.8

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**Policy:**

Our personnel are the most valuable assets of the Department. The use of deadly force, involvement in a critical incident or a high stress incident may have a very traumatic effect on an employee and his or her family members. Therefore, proper steps must be taken to ensure that all necessary attention is given each individual employee who is involved in any potentially traumatic incident.

**Purpose:**

The purpose of this General Order is to establish Department policy, procedures and guidelines regarding the support and handling of employees involved in the death or serious injury of other individuals or serious injuries to themselves. The intent of this policy is to help the personnel involved and at the same time cause minimum interference with the necessary investigation of the incident.

These guidelines are not meant to be all-inclusive, since each incident must be dealt with on an individual basis, but are intended as broad guidelines to assist the employees and supervisors involved.

This General Order is comprised of the following numbered sections:

- I. RESPONSIBILITY OF RESPONDING SUPERVISOR
- II. RESPONSIBILITY OF THE SHIFT COMMANDER
- III. RESPONSIBILITY OF INVESTIGATIVE SUPERVISOR

## IV. CRITICAL INCIDENTS INVOLVING EMPLOYEES

## V. EFFECTIVE DATE

## VI. REVIEWS, REVISIONS AND CANCELLATIONS

## APPENDICES

## A. 15.12 Critical / Major Incident Employee Rights Procedures

## I. Responsibility of Responding Supervisor:

- A. The supervisor will ensure that the employee(s) is removed from the scene of the incident and brought to the Public Safety Building, as soon as practical, following the guidelines established in General Order - 1.09 *Use of Force* and the current Collective Bargaining Agreement (Appendix A). The supervisor will ensure another employee or supervisor is assigned to stay with the involved employee(s) and provide whatever assistance may be required. The involved employee(s) may ask for a specific individual and their request should be honored when possible. The employee(s) should *not* be placed in the rear seat of a caged squad car.
  - 1. When partners are involved, both employees should be removed from the scene as soon as practical.
- B. The involved employee(s) shall be allowed the opportunity to use a phone in private, both at the scene and at the Public Safety Building.

## II. Responsibility of the Shift Commander:

- A. Employees represented by the Policemen's Benevolent and Protective Association (PBPA) Unit #6:
  - 1. The Shift Commander will notify the Chief of Police, the Deputy Chiefs, Assistant Deputy Chiefs, the Department Chaplain and the Personal Services Officer to brief them on the situation.
  - 2. A representative of the PBPA Unit #6 will also be notified as set forth in the current Collective Bargaining Agreement between the City of Rockford and PBPA Unit #6.
- B. Employees represented by the American Federation of State, County and Municipal Employees (AFSCME).
  - 1. The Shift Commander will notify the Chief of Police, the Deputy Chiefs, Assistant Deputy Chiefs, the Department Chaplain and the Personal Services Officer to brief them on the situation.
  - 2. If the involved employee desires, the Shift Commander will notify a representative of AFSCME.
- C. Non-union represented employees
  - 1. The Shift Commander will notify the Chief of Police, the Deputy Chiefs, Assistant Deputy Chiefs, the Department Chaplain and the Personal Services Officer to brief them on the situation.
- D. The Shift Commander will contact the spouse or other immediate relative of an involved employee, if the spouse or relative is a Department employee and on-duty at the time. They will be advised of the situation if they are unaware of what has happened. They may be released from duty if either the involved employee or the spouse/family member requests it.

- E. The Shift Commander will contact the employee's supervisor or commander, whether on or off-duty if one of their employees is involved in a deadly force/or critical incident which results in death or serious injury to any person.
  - F. If any employee is injured and hospitalized, the Shift Commander will assign an officer to protect the involved employee from unwanted public and news media attention as well as ensure the involved officer's safety.
  - G. The Shift Commander will issue another weapon and holster to the involved officer prior to the officer ending their tour of duty if their weapon was taken as evidence.
    - 1. Weapon exchange will be done in such a way so as not to leave the officer without a weapon.
    - 2. The exchange may take place either at the scene, the Public Safety Building or other location when deemed necessary.
- III. Responsibility of Investigative Supervisor:
- A. The investigating supervisor will ensure a brief summary of the incident is given to supervisors and commanders so they may brief their personnel on what happened.
  - B. The employee's name shall not be released to the news media until the initial investigation is completed and then only by the Chief of Police or designee. The involved employee's immediate family will be notified prior to the employee's name being released to the news media.
  - C. The investigative supervisor shall make every effort to keep the involved employee and the employee's supervisor or commander up-to-date on the progress of the investigation.
- IV. Critical Incidents Involving Employees:
- A. Law enforcement duties often expose officers and support personnel to emotionally painful and highly stressful situations that cannot be resolved through normal stress coping mechanisms. It is the responsibility of the Rockford Police Department to provide employees with information on coping with stress. In the event of a critical incident, the Department will take immediate action to safeguard the continued good mental and emotional health of all involved employees.
  - B. Any employees involved in a use of deadly force, a critical incident that results in death or serious injury to any person or any incident deemed to be a high stress event by the involved employee's supervisor, will be given the following three working days off with pay. The involved employees may choose to take an additional four days off from work with no loss of pay (for a total of seven consecutive days) at their discretion. The involved employee will remain available to Department investigators as needed during this time.
  - C. The involved employee in a use of deadly force or critical incident, resulting in death or serious injury to any person, will be assigned to administrative duties within the Department until after the incident has been investigated and reviewed by the Chief of Police. If the case is presented to a grand jury, the

employee will remain on administrative duty until the grand jury presentation.  
(CALEA – 1.3.8)

1. Reassignment is not disciplinary in nature and intends to provide the involved member relief from the additional stress that may result of any investigation, publicity or other activities related to the incident.
  2. Reassignment, at the discretion of the Chief of Police, or designee, should be to a position that shields the employee from possible confrontations with the community.
- D. Any employee involved in a use of deadly force, a critical incident that results in death or serious injury to any person, or any incident deemed to be a high stress event by the involved employee's supervisor, shall be sent for counseling at a facility selected by the Department. The involved employee must attend a mandatory debriefing process before being allowed to return to full duty. The counseling sessions should take place as soon as practical after the incident. A report will be forwarded to the Department relative to the employee's mental ability to return to full duty. If further counseling sessions are required, they will be provided at no expense to the employee.
- E. Nothing in this Order precludes the employee from obtaining their own counseling at their own expense. However, any counseling deemed necessary by the Department must be attended regardless of the employee obtaining their own counseling.
- F. Involved employees will not discuss the case with the news media. For additional information see General Order *1.16 – News Media Relations*.
- V. Effective Date:
- A. The Department's policy on Support of Employees Involved in Critical Incidents became effective on December 12, 2006.
- VI. Reviews, Revisions and Cancellations:
- A. This General Order will be reviewed annually by the Commander of Field Services Bureau and, when necessary, revised or cancelled in accordance with the procedures for reviewing written directives established in General Order 10.01- Written Directives.
- B. This Order is a revision of and supercedes General Order 1.11 – Critical Incident – Support of Officers issued March 20, 2002.
- C. Any employee with suggestions for revisions and/or improvements to this order are encouraged to submit their ideas to the Commander of the Field Services Bureau.

BY ORDER OF

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Chet Epperson

Chief of Police

## APPENDIX A

### **15.12 Critical / Major Incident Employee Rights Procedures**

- A. **Definition.** For purposes of this Article, Critical Major Incident shall be defined as any time an employee shoots a person, or intentionally discharges their weapon at a person, or any other incident that results in life threatening injuries or death.
- B. **Union Representation.** In the event an employee is involved in a critical/major incident the Union shall be immediately notified of the incident by the employer. The Union shall provide a list to be kept in the Shift Commander's office of who is on-call for such notification at all times. An employee shall not be eligible to act as the Union representative if he is a material witness to the incident, a supervisor who is working at the time of the incident, or an employee assigned to investigate or gather evidence regarding the incident. The obligation of the City has been met when a listed eligible Union representative is actually contacted. When the Union representative arrives at the scene of the incident, he may consult with the involved employee(s) concerning the employee's rights and responsibilities under this Agreement. The Union representative's conduct shall not interfere with the ongoing criminal or internal investigation into the incident. The Union representative shall be afforded release time hereunder if he is otherwise on-duty; if off-duty, no compensation shall be required. The shift commander shall approve the response of an on-duty Union representative if operationally practical; such approval shall not be unreasonably withheld.
- C. **On Scene Preliminary Information.** When medically practical, employees involved in a critical/major incident shall be compelled by verbal order, the Rules and Regulations of the Rockford Police Department, and by Department General Order # 1967-04 to provide preliminary information to the first supervisor that arrives at the scene. The involved employee may also be ordered, in the presence of a Union representative witness, to conduct a walk-through of the incident with no more than four departmental personnel and the Union representative. The involved employee shall be removed from the scene immediately following the walk-through. If an employee is unable to provide information for medical reasons they shall provide this preliminary information as soon, as is medically practical.
- D. **Post-Incident Report.** Employees that are involved in critical/major incidents shall prepare and submit a complete Supplemental Report within 24 hours of being removed from the scene. More time to complete the report may be granted by the Chief of Police, or their designee, on a case by case basis. (I.e. if the employee was injured, etc.)
- E. **Post-Incident Interview/Interrogation.** In the event an employee is subject to interview or interrogation as a result of being involved in a critical/major incident, the employee shall have the right to have an attorney and a Union representative present during such interview or interrogation.

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- F. **Rights Notification.** The "rights" notification card shown below explaining application of the Garrity Rule in situations arising under paragraph A, above, will be provided by the Union to each employee. Whether or not the Garrity Rule is asserted during an ensuing criminal trial and issues related to the use of compelled statements during such a trial are issues which are exempt from application of Article 8 (Grievance Procedure) as non-arbitrable subjects.

### **"Your Rights Against Self-Incrimination"**

**"When you are involved in an incident and you prepare any written report to the Department (e.g., Officer's Report, Incident Report, Supplement Report, Accident Report, Witness Statement, Insurance Form) or give any oral statement to another employee, arising from the incident, YOU HAVE BEEN COMPELLED TO DO SO by Department mandate. Such compelled statements are subject to the Garrity Rule which precludes their use as evidence in criminal proceedings in which you are charged with a crime arising from the incident. If you are given your Miranda rights, any statements you make thereafter are voluntary and not compelled; they would not be subject to the Garrity Rule of preclusion and could be used against you in court."**