**Critical Incident Response, LMC Model Policy**

*League staff thoughtfully develops models for your city’s consideration. Models should be customized as appropriate for an individual city’s circumstances in consultation with the city’s attorney. Helpful background information on this model may be found in the League information memo,* [*Planning for Critical Incident Responses.*](https://www.lmc.org/resources/planning-for-critical-incident-responses/)

This icon marks references or explanatory comments. References to the *Planning for Critical Incident Responses* memo point to specific sections in that document that explain why particular language is included in the model, or provide background information to assist with proper implementation. In other cases, these comments will help you choose from among the different possible approaches offered in the policy. Delete these references and comments before adopting your customized policy.

City of \_\_\_\_\_\_\_, Minnesota

Critical Incident Response Policy

*[Italic brackets]* *Fields followed by text marked this way shows what agency-specific language should be placed in the blank.*

**Purpose**

This policy establishes a framework and guidelines for responding to critical incidents involving members of this agency. The guidance and steps below are intended to supplement rather than replace regular agency practices. Accordingly, this policy identifies tasks and priorities that should be addressed but does not provide detailed instructions for completing them.

**Policy**

This agency will respond to critical incidents in a manner that protects public safety, fosters trust in and accountability for law enforcement, and addresses the needs of personnel who have been exposed to threatening circumstances and acute stress. Because situations may vary significantly, personnel must exercise sound judgment in determining how and when to implement the procedures set forth in this policy.

**Definitions**

The following phrases have special meanings as used in this policy:

1. **Critical Incidents** include officer-involved uses of deadly force (UDFs) and other situations involving most or all of the following circumstances:
2. A law enforcement officer has used force or taken other actions;
3. That resulted in death or serious injury to another;
4. A review of the officer’s conduct for compliance with criminal laws will occur regardless of whether anyone files a complaint;
5. The event is likely to result in media interest, public scrutiny, or both; and
6. In view of the circumstances, it will be appropriate to consider steps for the emotional health and wellbeing of staff.
7. **Involved Officers** are those who could potentially have criminal liability because of their actions or inactions during a critical incident. “Involved officer” includes both those (1) who used force or took other actions resulting in death or serious injury to another, and (2) who might have been in a position to physically or verbally intercede if the force used was unlawful or unreasonable but did not do so.

*See information memo,* Planning for Critical Incident Responses*, § IV.A—Relieving involved officers from further involvement.*

1. **Uninvolved Officer** means an officer of this agency whose conduct will not be subject to criminal review and who thus does not have a direct stake in the outcome of the criminal investigation.
2. **Employing Agency** means the agency that employs one or more Involved Officers.
3. **Investigating Agency** means the Minnesota Bureau of Criminal Apprehension. The investigating agency may or may not take on the investigation of other surrounding events, such as any actual or suspected crimes that precipitated a UDF.

*See information memo,* Planning for Critical Incident Responses*, § II.B.1—Investigative resources (noting that Minn. Stat. § 626.5534 was amended in 2024 to require that the BCA investigate officer-involved deaths).*

**Independent Investigation**

\_\_\_\_\_\_\_ *[Your agency]* will request the BCA to investigate whenever officers of this agency use deadly force or take other action that directly results in the death or serious injury of another. For incidents occurring within the territorial jurisdiction of this agency, the chief or chief’s designee shall contact the BCA to request this investigation. For incidents that take place outside of this agency’s territorial jurisdiction, the chief or designee shall coordinate the request with the agency having jurisdiction over the place where the event occurred. As required by Minnesota Statutes section 626.5534, subdivision 3(b), this agency will fully cooperate with and promptly respond to requests for information from the BCA when it is conducting a mandated investigation.

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*See information memo,* Planning for Critical Incident Responses*, § II.B.1—Investigative resources.*

**Immediate Priorities**

Because situations may vary significantly, officers must exercise their professional judgment following a critical incident to identify and prioritize the steps to be taken. Involved Officers, until they are relieved, and Uninvolved Officers, shall take appropriate actions to:

1. Call for emergency medical care and provide first aid to any people with serious injuries or medical conditions.
2. Summon other appropriate resources to the scene.
3. Protect the public against any risks posed by ongoing hazards or dangerous people at large.
4. Obtain and broadcast information to aid in the apprehension of any dangerous suspects.
5. Notify command staff and agency leaders of the incident.

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*See information memo,* Planning for Critical Incident Responses*, § III.A—Immediate priorities.*

**Establishing On-Scene Command and Control**

As soon as practicable, an appropriate officer or supervisor should identify themself as the Incident Commander, who will have charge over other personnel at the scene and will be responsible for assuring that appropriate resources are directed to the highest priorities.

*Where optional provisions are offered in the model, you must choose one of the options, but selecting “option 1,” for example, does not require you to choose “option 1” at every choice point.*

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*Choose only one of the options for A:*

1. **[Option 1]** The first supervisor to arrive at the scene following the incident will be the Incident Commander until relieved by higher authority.
2. **[Option 2]** The most senior uninvolved officer at the scene when the incident occurs will be the Incident Commander until relieved by higher authority.
3. **[Option 3]** The first uninvolved officer or supervisor to arrive at the scene following the incident will be the Incident Commander until relieved by higher authority.
4. The Incident Commander shall identify themself over the radio to dispatch and others. Any officer or supervisor thereafter assuming command of the incident shall identify themself over the radio to dispatch and others.
5. Officers may, by quick consensus, designate a more experienced or more suitably trained officer at the scene to serve as the Incident Commander.

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*See information memo,* Planning for Critical Incident Responses*, § III.B—Establishing on-scene command and control.*

**Incident Management Activities**

Although the Investigating Agency will respond to the scene, immediate steps may still be necessary to protect public safety and to prevent the loss or destruction of evidence. Accordingly, *[Incident Commander]* or *[on-scene supervisor]*] shall determine which of the following tasks are of the highest priority and shall assign appropriate personnel to address them:

*This section implicitly assumes that command staff will respond in time and assume control over the agency’s management of the incident, but authorizes the Incident Commander or on-scene supervisor to implement necessary measures in the absence of higher authority.*

1. Promptly identify Involved and Uninvolved officers and, to the extent feasible, relieve Involved Officers of further duties at the scene. Uninvolved Officers who were present when the event occurred should be checked to determine if they are capable of performing law enforcement duties going forward.

*See information memo,* Planning for Critical Incident Responses*, § IV.A—Relieving involved officers from further involvement*.

1. If necessary, obtain Public Safety Statements from the Involved Officers using the form attached hereto as Appendix A. A Public Safety Statement is not necessary if the information that is needed can be obtained from other sources.

*See information memo,* Planning for Critical Incident Responses*, § IV.B—Consider taking public safety statements*.

1. Identify witnesses and the evidence they possess; obtain immediate statements from witnesses only if (1) there is reason to believe they may be unwilling to speak later, or (2) given the circumstances, it is reasonable to expect that information and opinions about the event will circulate rapidly, potentially tainting witness recollections.

*See information memo,* Planning for Critical Incident Responses*, § IV.C—Identify witnesses and the evidence they possess*.

1. Establish one or more perimeters to control the scene and restrict access, and keep a log of personnel entering and exiting the perimeter.

*See information memo,* Planning for Critical Incident Responses*, § IV.D—Preserve the integrity of the scene*.

1. Safeguard physical evidence that could become lost or degraded before the scene is methodically processed.

*See information memo,* Planning for Critical Incident Responses*, § IV.E—Evidence preservation.*

1. Prevent electronic evidence stored in body-worn cameras and in-car camera systems from being overwritten by deactivating any systems left in “record” mode; direct that incident videos be locked down to prevent uncontrolled access.



*See information memo,* Planning for Critical Incident Responses*, § IV.F—Protect digital evidence from being overwritten*.

1. Notify the BCA; obtain the estimated time of arrival at the scene and coordinate as to any immediate steps that should be taken. Clarify the scope of the BCA’s investigation so that clear lines of responsibility are established for investigating both the critical incident and any surrounding events or circumstances. If your agency does not have jurisdiction over the place of the incident, then coordinate notification to the BCA with the agency having primary jurisdiction.



*See information memo,* Planning for Critical Incident Responses*, § IV.G—Notify and coordinate with the investigating agency*.

1. Preserve the evidentiary value of weapons that officers have used or fired during the event, and issue replacement weapons for any that have been collected as evidence unless otherwise indicated.

*See information memo,* Planning for Critical Incident Responses*, § IV.H—Preserve the evidentiary value of officers’ weapons*.

1. Assign a liaison to work with the Investigating Agency.

*See information memo,* Planning for Critical Incident Responses*, § IV.I—Assign a liaison to work with the investigating agency*.

1. Assign a “Care Officer” to each Involved Officer. The duties of the Care Officer may include removing the Involved Officer from the scene to an appropriate location and providing reasonable assistance to meet the Involved Officer’s basic needs following the incident. The Care Officer may also be asked to verify that the Involved Officer has had no contact with other Involved Officers or witnesses. There is generally no legal privilege for communications between Care Officers and Involved Officers. It may also be appropriate to assign a Care Officer to any Uninvolved Officers who were traumatized by the incident.

*See information memo,* Planning for Critical Incident Responses*, § IV.J—Assign a “care officer” to each involved officer.* The title “Care Officer” is intended to convey that a significant role of this officer is to look after the needs of coworkers who must remain on duty and participate in evidence collection procedures following a potentially traumatic incident. Agencies may opt for other titles for this role, such as “Escort Officer” or “Monitor Officer” if concerned that the term “Care Officer” would foster an impression of bias. The separation of functions between the Employing Agency and Investigating Agency will hopefully mitigate these concerns.

1. Coordinate notification to the families or survivors of any officers killed or seriously injured during the incident. The BCA has staff designated for notifying the families or survivors of other individuals killed or seriously injured during the incident.

1. Consider the advisability of providing public information about the event.

**Involved Officers**

Involved Officers shall:

1. Refrain from assisting with any ongoing law enforcement or scene management activities as soon as properly relieved.

*See information memo,* Planning for Critical Incident Responses, *§ IV.A—Relieving involved officers from further involvement*.

1. Preserve the integrity of physical evidence such as blood, fingerprints, and other biologics on the officer’s person, clothing, and equipment until it is collected.
2. Remain in the company of their assigned Care Officer or at the location designated until relieved from duty.
3. Not discuss the incident with others who were involved in or witnessed the incident, or with other employees of this agency, until the criminal review has been completed. This section shall not be construed, however, to prohibit officers from discussing the incident with the officer’s attorney, psychologist or licensed social worker, clergy member, or spouse.

*See Minnesota Statutes, section 595.02, subdivision. 1(a)-(c) and (g) (identifying legally privileged communications).*

**Rights of Involved Officers**

1. Nothing in this policy shall be construed as limiting or depriving Involved Officers of their rights to remain silent and to consult with an attorney prior to giving any statements or making any reports that could be used against the officer in a criminal proceeding.

*See information memo,* Planning for Critical Incident Responses, *§ VI.A—Commitment to respecting constitutional rights.*

1. Involved Officers shall not be subject to employment-based drug or alcohol testing unless it is based on reasonable suspicion and conducted pursuant to the city’s drug and alcohol testing policy. As a matter of course, investigators conducting the criminal review may ask Involved Officers to voluntarily provide samples for drug and alcohol testing as part of the criminal investigation. This agency will not penalize officers for refusing to voluntarily participate in this testing. When requested by the investigating agency, personnel from this agency may assist Involved Officers in voluntarily supplying the requested samples, such as by providing transportation to a hospital or clinic and witnessing the collection of the sample.

*See information memo,* Planning for Critical Incident Responses, *§ IV.L—Post-incident chemical testing*.

**Written Reports**

Decisions about whether to request reports from Involved Officers and officers who witnessed the incident will be made in consultation with the Investigating Agency. Officers who were involved in or witnessed the incident shall not prepare reports unless specifically requested to do so, except that nothing in this policy relieves officers of their responsibility under Minnesota Statutes, section 626.8475(b), to make a written report of another officer’s use of excessive force to the reporting officer’s chief law enforcement officer within 24 hours of the incident.

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*See information memo,* Planning for Critical Incident Responses, *§ VI.B—Written reports.*

**Administrative Leave and Modified Assignments**

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*Choose only one option for A:*

1. **[Option 1]** The chief or chief’s designee may place Involved Officers and affected Uninvolved Officers on paid administrative leave for a reasonable time following a critical incident.
2. **[Option 2]** The chief or chief’s designee shall place Involved Officers and affected Uninvolved Officers on paid administrative leave for [three] [four] [five] [days] [shifts] following a critical incident. The chief or chief’s designee may, in their discretion, modify administrative leave assignments on a case-by-case basis.

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*Cities are encouraged to consult with their city attorney or labor counsel for advice in determining an appropriate approach to administrative leave assignments. Option 2 may be preferable in environments where greater consistency and predictability are valued since it establishes a default time period for the leave. See information memo,* Planning for Critical Incident Responses*, § V.A—Administrative leave.*

1. The chief or chief’s designee may, in their discretion, consider the placement of officers on special or modified assignment following a critical incident on a case-by-case basis.

*See information memo,* Planning for Critical Incident Responses*, § V.A—Administrative leave.*

**Critical Incident Stress Debriefing and Psychological Services**

1. The chief or chief’s designee may schedule a critical incident stress management session following the incident for Uninvolved Officers and uninvolved support personnel affected by the incident. Authorized attendees may use work time or be compensated for attending the session. The sessions shall be conducted in private and closed to the public and nonparticipants. Personnel who take part in the session shall not disclose any information or opinions acquired as a result of the session.

*See information memo,* Planning for Critical Incident Responses, *§ V.C—Critical incident stress debriefing.*

1. Officers facing criminal review or the prospect of civil liability shall not participate in group debriefing sessions or peer-to-peer counseling. Services for such officers shall instead be provided by a licensed psychologist or licensed social worker.

*See information memo,* Planning for Critical Incidental Responses*, § V.C—Critical incident stress debriefing.*

1. Officers involved in a critical incident and other affected personnel shall, upon direction of the chief or chief’s designee, attend one or more confidential meetings with a licensed psychologist or licensed social worker. The city will pay for the cost of such services. Officers mandated to attend these meetings may use work time or be compensated for attending. The meeting shall be confidential as between the officer and the psychologist or social worker, but the officer may be asked to sign a limited release authorizing the provider to verify the officer’s attendance. Should a fitness-for-duty evaluation be required, a different individual shall conduct it, with an appropriate release to allow the examiner to provide information to the city.

*See information memo,* Planning for Critical Incident Responses, *§ V.B—Psychological services.*

**Firearm Discharge Report**

The chief shall, within 30 days of the incident, complete and submit the firearms discharge report required by Minnesota Statutes, section 626.553, subd. 2. The chief should coordinate with the BCA for the specific information to be included in the report.

**Statements from Involved Officers**

1. Because the criminal investigatory interviews of Involved Officers are conducted on a voluntary basis, the time and place of such interviews is a matter to be worked out between the Involved Officers, their attorneys, and the criminal investigators assigned to the matter. To the extent that this agency is requested to assist in scheduling or facilitating such interviews, the following guidelines shall apply:
2. The rights of officers to take time for rest and recovery from the incident before giving a statement for criminal investigatory purposes shall be respected. Published recommendations advise that officers should have some amount of time for recovery and rest prior to providing a statement about the incident.

1. Officers should be given a choice as to the location of the interview, and should not be interviewed in places where criminal suspects are typically interviewed or interrogated.

*See information memo,* Planning for Critical Incident Responses, *§ VI.C—Timing of statements from involved officers.*

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*Choose only one option for B:*

1. **[Option 1]** It is the policy of this agency to allow officers to review video recordings from the officer’s [vehicle] [and] [body camera] prior to giving a statement to criminal investigators.
2. [**Option 2]** The [agency] recognizes that video and audio recordings from an event will likely contain more information than officers could perceive or consider during a critical incident, and there will therefore likely be differences between officers’ recollection of events and what is captured by a digital recording device. Unless directed otherwise by the chief or chief’s designee, the agency will utilize the following procedures in an effort to ensure that digital evidence is fairly used and considered in the course of investigations into critical incidents:
3. The \_\_\_\_\_\_\_ *[agency’s]* video and audio recordings of an event will not be made available to an officer for review before the officer has provided a statement of their recollections and perceptions to the BCA. Should these recordings become otherwise available, Involved Officers shall refrain from viewing them, or receiving or obtaining information about their contents, before giving a statement of their recollections and perceptions to the BCA.
4. The \_\_\_\_\_\_\_ *[agency]* expects that digital recordings will be used in a fair manner and to arrive at an accurate understanding of the incident and the officer’s actions, based on what was perceived by and known to the officer at the time of acting. This agency will utilize the following procedures, and communicate these procedures to any outside Investigating Agency:
* The officer will be reminded at the outset of the interview that differences between digital recordings and the officer’s memory are to be expected;
* The officer, together with the officer’s attorney, will be provided with an opportunity to review and reflect on relevant digital recordings before the interview is concluded; and
* The officer will be provided with a fair opportunity to address any issues or concerns that arise from consideration of the digital evidence.
1. This policy does not govern officers’ review or use of digital evidence in matters other than critical incidents, such as in the course of preparing reports in arrest situations.

*See information memo,* Planning for Critical Incident Responses, *§ VI.D—Officer interviews: review and use of digital evidence*.

**Agency Administrative Review**

1. This agency will review all critical incidents to determine whether the force used, or actions taken by officers were in compliance with governing standards, agency policy, and agency training. This review should encompass the consideration of all relevant and available evidence, and the timing of the review will be determined on a case-by-case basis.
2. If the analysis of the incident establishes that there was no misconduct, this determination shall be documented, and the matter closed.
3. If the results of the review conclusively establish that misconduct occurred, then the chief or chief’s designee shall determine appropriate remedial or disciplinary action and document the findings, and the matter shall then be closed. The provisions of this policy do not abridge the rights of officers to challenge or appeal any disciplinary action under the collective bargaining agreement or other applicable procedures.
4. If the results of the review suggest that misconduct may have occurred, then an administrative investigation shall be conducted consistent with the Peace Officer Discipline Procedures Act [and the applicable collective bargaining agreement].

*See information memo,* Planning for Critical Incident Responses, *§ VII—Agency administrative review.*

City of \_\_\_\_\_\_\_, Minnesota

Critical Incident Response Policy

**Appendix A: Public Safety Statement Questionnaire**

The initial on-scene supervisor or Incident Commander may use the following questions to obtain immediate information about ongoing life and safety issues after a critical incident:

Date of Incident: \_\_\_\_\_\_\_ Time of Statement: \_\_\_\_\_\_\_

Name of Officer: \_\_\_\_\_\_\_

**Read this:** “Officer, I am asking for your voluntary cooperation in answering the following questions to protect life and safety. You do not have to answer these questions, and there is no penalty if you decide not to answer.”

1. Are there any injured persons who have not yet received medical attention and, if so, where are they?
2. Did any suspects leave the scene?
* Please provide identifying information and their direction and mode of travel.
* Were any of the suspects armed and, if so, with what type of weapon?
* How long has it been since the suspect left?
1. Are there any other hazards or conditions that pose a threat to public safety?
2. Please indicate the direction and likely impact areas of any rounds that were fired, to enable a search for any others who may have been injured:

City of \_\_\_\_\_\_\_, Minnesota

Critical Incident Response Policy

**Appendix B: Incident Management Checklist**

**Immediate Priorities:**

(Order will vary based on circumstances)

|  |  |
| --- | --- |
|  | Call for care/provide first aid to those with serious injuries. |
|  |  |
|  | Summon appropriate resources to the scene. |
|  |  |
|  | Protect the public against any risks posed by ongoing hazards or dangerous people. |
|  |  |
|  | Broadcast suspect information. |
|  |  |
|  | Notify command staff/agency leadership. |
|  |  |
|  | Implement incident command. |

**Incident Management Activities:**

(Order will vary based on circumstances)

|  |  |
| --- | --- |
|  | Identify and relieve Involved Officers and Uninvolved Officers who are incapable of performing duties.  |
|  |  |
|  | Consider and, if necessary, obtain Public Safety Statements. |
|  |  |
|  | Identify witnesses and the evidence they possess; take statements only if necessary.  |
|  |  |
|  | Establish one or more perimeters; keep a log of those entering and exiting.  |
|  |  |
|  | Safeguard physical evidence to prevent loss or degradation before scene is processed.  |
|  |  |
|  | Prevent bodycam and dash-cam recordings of the event from being overwritten; lock down recordings to prevent unauthorized access. |
|  |  |
|  | Notify BCA of incident and obtain ETA. |
|  |  |
|  | Preserve the evidentiary value of police weapons; issue replacement weapons. |
|  |  |
|  | Assign a liaison to work with the BCA. |
|  |  |
|  | Assign a Care Officer to Involved Officers and, if necessary, to others relieved of duty. |
|  |  |
|  | Provide notifications to family/survivors of department members killed or injured. |
|  |  |
|  | Consider the advisability of providing public information about the event. |