



442 FW 6
**Management of
 Officer-Involved
 Critical Incidents**

New
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 Series: Law Enforcement
 Part 442: Firearms and Use of Force
 Originating Office: Office of Law Enforcement

[PDF Version](#)

6.1 What is the purpose of this chapter? This chapter establishes policy to ensure the safety, well-being, and protection of Service law enforcement officers involved in critical incidents. Table 6-1 below is a quick reference guide:

| Table 6 1: Quick Reference Guide to Sections | |
|---|-----------------------------|
| Are you the.... | Go to... |
| Law Enforcement Officer involved in a critical incident? | Section 6.5 |
| Immediate Supervisor of a law enforcement officer involved in a critical incident, or Zone Officer , if delegated. | Section 6.6 |
| Special Agent in Charge or the Assistant Regional Director- National Wildlife Refuge System (ARD-NWRS) of an officer involved in a critical incident? | Section 6.7 |
| Chief, Office of Law Enforcement (OLE) or the Assistant Director-National Wildlife Refuge System (NWRS)? | Section 6.8 |

6.2 What is the scope of this chapter? This chapter applies to:

- A. Service Law Enforcement Officers (LEO), including Special Agents and Refuge Officers, and
- B. Supervisors and managers of Service law enforcement personnel.

6.3 What is the authority for this chapter? The authority for this chapter is [446 DM](#).

6.4 What terms do you need to know to understand this chapter?

A. Critical Incident. Any incident involving an LEO when performing official duties or because of official duties that results or may result in serious injury or death (i.e., officer-involved shootings, serious use of force incidents (see [442 FW 2](#)), suicides).

B. Critical Incident Stress. A state of cognitive, physical, emotional, and behavioral arousal that accompanies a critical incident reaction.

C. Critical Incident Stress Management. A comprehensive crisis intervention approach to mitigate long- or short-term traumatic stress response following a critical incident.

D. Critical Incident Stress Debriefing. A group crisis intervention tool designed to assist a group of people after an exposure to the same critical incident. A mental health professional trained in critical incident stress management must either lead or participate in the debriefing.

E. Mental Health Professional. A board-certified psychologist or psychiatrist.

F. Post-Traumatic Stress Disorder. An anxiety disorder resulting from exposure to short-term, severe stress or the long-term buildup of repetitive and prolonged, milder stress. Post-

Traumatic Stress Disorder is characterized by symptoms of:

- (1) Excessive excitability and arousal,
- (2) Numbing withdrawal and avoidance,
- (3) Repetitive, intrusive memories or recollections of the trauma or events related to the trauma, with a:
 - (a) Duration of at least a month, and
 - (b) Causing significant distress/dysfunction.

G. Serious injury. Serious injury means injury to a person that involves:

- (1) A substantial risk of death,
- (2) Extreme physical pain,
- (3) Obvious disfigurement, or
- (4) Loss or impairment of function of a bodily member, organ, or mental faculty.

6.5 What are the responsibilities of Service LEOs involved in a critical incident? (See [Exhibit 1](#) for a checklist of responsibilities.) Unless incapacitated, the LEOs involved in a critical incident should take the following actions:

- A.** Take appropriate measures to ensure the scene is safe, treat the injured, and summon medical or local law enforcement assistance if necessary.
- B.** If possible, secure all suspects and detain and identify any potential witnesses.
- C.** Secure the scene and preserve all evidence.
- D.** At the first opportunity, notify your immediate supervisor.
- E.** Provide information to responding law enforcement officers to ensure public safety (i.e., to help identify and apprehend any suspects).
- F.** Once the scene is safe, relinquish any weapons used in the incident to the investigating law enforcement agency, your immediate supervisor, or appropriate Zone Officer if delegated. (See [Section 6.6E](#))
- G.** Consider consulting an attorney before making any verbal or written statements. The Special Agent in Charge (SAC) or Assistant Regional Director (ARD)/NWRS will, as soon as possible, contact the Department of Justice to request emergency interim legal representation for the LEO. LEOs should be aware that all statements made to Service personnel or other law enforcement personnel, supervisory or otherwise, are not privileged or protected.

6.6 What are the responsibilities of immediate supervisors following a critical incident? (See [Exhibit 2](#) for a checklist of responsibilities.) The immediate supervisor of a Service LEO involved in a critical incident must:

- A.** If possible, go immediately to the scene of the critical incident. When you arrive, ensure that medical assistance is being provided, the scene has been secured, and the appropriate law enforcement authorities have been notified.

B. Advise the involved LEO to consider consulting an attorney before making any verbal or written statements. Ask the involved LEO only those questions you need to fulfill serious incident reporting requirements (see [054 FW 1](#)).

C. If possible, have the involved LEO leave the scene of the critical incident.

D. Notify the SAC [for Office of Law Enforcement agents] or Regional Director (RD) [for Refuge LEOs] through the appropriate chain of command and act as their on-scene primary point of contact. Supervisors of Refuge LEOs should also contact their appropriate Zone Officer and may delegate some of these responsibilities to the Zone Officer as appropriate.

E. In cooperation with the investigating law enforcement agency having jurisdiction over the critical incident, determine whether the investigating agency, the offices of Law Enforcement or NWRS will take any weapon(s) the involved LEO used. You:

(1) Must be a LEO to take possession of any weapon(s),

(2) Must ensure chain of custody and forensic integrity are maintained for any weapon(s), and

(3) May issue a replacement firearm to the involved LEO, but the LEO does not have to accept it.

F. Try to notify the immediate family members of the involved LEO, if the involved LEO desires, and provide details as appropriate before any media report the incident. Do not report the involved LEO's name to the media. Supervisors should consult with local law enforcement or others trained in notifications before notifying family members of LEOs who are injured or have been killed.

G. Safeguard the LEO's personal and Government property.

H. Assist the LEO in identifying and notifying a third party (i.e., relative, friend, co-worker) to:

(1) Ensure that immediately after the incident the LEO is not isolated or left alone for any extended period of time, and

(2) Provide the LEO with essential needs such as food, water, and shelter.

I. Report serious incidents in accordance with [054 FW 1](#).

J. If the critical incident meets the criteria of a use of force reportable incident (see [442 FW 2](#)), complete a Discharge of Firearm/Use of Force form ([FWS Form 3-2401](#)). The purpose of the form is to consolidate specific details necessary for the Service to complete a comprehensive investigation and review of the incident. This form may be provided to the Professional Responsibility Unit as part of Board of Review procedures (see [442 FW 3](#) for more information on Boards of Review).

K. If appropriate, ensure the involved LEO receives mental health counseling and assessment or critical incident stress management services described in [sections 6.9](#) and [6.10](#).

L. Following a critical incident, monitor the behavior of the LEO for symptoms of Post-Traumatic Stress Disorder. In coordination with your SAC or ARD-NWRS and Regional Human Resources office, ensure that the involved LEO seeks assistance from a designated mental health professional if the LEO's behavior is disrupting job performance or impacting requirements to carry a firearm.

6.7 What are the responsibilities of the SAC and ARD-NWRS following a critical

incident? (See [Exhibit 3](#) for a checklist of responsibilities.) Following a critical incident involving a Service LEO, the SAC or ARD-NWRS must:

A. Notify:

(1) The Chief, OLE and/or the Regional Director and the Assistant Director/NWRS, as appropriate, about the incident.

(2) If appropriate, the Department of Justice's (DOJ) Constitutional Tort Section by telephone at:

202-616-4140,
202-616-4168, or
202-353-5329

(See [Exhibit 4](#) to request emergency interim legal representation for the involved LEO(s)).

(3) The Professional Responsibility Unit (PRU).

(4) The Regional Human Resources office. Ensure that the office provides death/injury benefit assistance to the family of a severely injured or deceased Service employee (see [Exhibit 6](#) (PDF) for a list of available benefits).

(5) The Regional External Affairs office, if appropriate. The SAC/RD is responsible for all distribution of information to the media about Service LEOs involved in critical incidents and must ensure that the involved officer's name is not released to the media.

B. Review investigative reports of the incident.

6.8 What are the responsibilities of the Chief, OLE or the Assistant Director/NWRS following a critical incident? The Chief, OLE or the Assistant Director/NWRS must:

A. If appropriate, notify the Director's office and the Office of External Affairs,

B. Convene a Board of Review if the incident meets the criteria established in [442 FW 3](#), and

C. Support efforts of the SAC or RD and ensure coordination with the Regional Human Resources office for any death/injury benefit assistance needed for the family of a severely injured or deceased Service employee (see [Exhibit 6](#) (PDF) for a list of available benefits).

6.9 What mental health counseling and assessment does the Service require following a critical incident?

A. The immediate supervisor and Regional Human Resources office must ensure that an LEO receives, at Service expense, mental health counseling or assessment when they are involved in any critical incidents:

(1) When a Service LEO's use of force results in death of another person, or

(2) Involving an LEO who discharges a firearm against a person.

B. The involved LEO must attend at least one session with a Service-designated and funded mental health professional who specializes in law enforcement culture and associated trauma.

(1) The mental health professional will determine what follow-up sessions are necessary and

help the immediate supervisor determine when the officer may return to duty.

(2) Before the officer returns to duty, the mental health professional must certify in writing that the involved LEO is fit for duty. The mental health professional gives this certification to both the officer and his/her immediate supervisor.

(3) In addition to the Service-provided mental health professional, LEOs may also seek additional counseling with their personal health care provider.

6.10 When does the Service make critical incident stress management services available for LEOs and Service employees? The Service must provide access to critical incident stress management (CISM) services, including any critical incident stress debriefings, to LEOs involved in critical incidents within 72 hours of the incident. The Service will coordinate CISM services through the Human Resources office and use all available resources, including other Departmental bureaus and local agencies. The Service will also provide critical incident stress management services to:

- A. Co-workers involved in the incident,
- B. Spouses and domestic partners of the involved officers, and
- C. Immediate family members of the involved officers.

6.11 How long will an LEO be excused from work following a critical incident? We will excuse (in writing) LEOs directly involved in serious critical incidents (e.g., officers involved in shootings) from work for a minimum of 5 days following the date of the incident. This time allows us to gather information necessary to make a decision about when it is best for the officer to return to duty ([226 FW 2](#)). If the immediate supervisor, in consultation with the mental health professional, determines that additional time is needed, the supervisor should make a request to the SAC or RD for approval. During the excused absence, the LEO should be available for:

- A. Service investigations about the incident, and
- B. Mandatory meetings with the Service-designated mental health professional.

6.12 What additional responsibilities and procedures are there in the event an LEO is severely injured or killed during a critical incident? We encourage LEOs to complete a Line of Duty Death Information Form when they begin work as an LEO (see [Exhibit 5](#) (PDF)). The LEO should put this form in a sealed envelope and give it to his/her immediate supervisor. Supervisors will only open this envelope and use this form in the event of the line of duty death or severe injury of the LEO. If an LEO is killed or severely injured in a critical incident:

- A. The immediate supervisor must notify the Headquarters Division of Human Capital and the Regional Human Resources office. These offices coordinate Office of Workers' Compensation Programs (OWCP).
- B. The SAC or ARD-NWRS, or immediate supervisor must:
 - (1)** Serve as the primary contact for the LEO's family members.

(2) Assist the LEO's family members to apply for available death/injury benefits. The SAC, ARD-NWRS, or immediate supervisor must coordinate with the Regional Human Resources

office to ensure the family meets reporting requirements and all the notifications are made so they get the programs and benefits to which they are entitled (see [Exhibit 6](#) (PDF) for a list of available benefits).

For information on the content of this chapter, contact the Office of Law Enforcement. For more information about this Web page, contact [Krista Holloway](#) in the Division of Policy and Directives Management.

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