


<b>PBP FORM 290</b>  <b>PITTSBURGH BUREAU OF POLICE</b> <i>"...honor, integrity, courage, respect, and compassion."</i>		<b>SUBJECT:</b> <b>"CRITICAL INCIDENTS INVOLVING POLICE"</b>	<b>ORDER NUMBER:</b> <b>12-10</b>
		<b>PLEAC STANDARD:</b> <b>1.3.7</b>	<b>PAGE 1 OF 7</b>
<b>RE-ISSUE DATE:</b> <b>05/31/2022</b>	<b>EFFECTIVE DATE:</b> <b>6/14/2014</b>	<b>REVIEW MONTH:</b> <b>MARCH</b>	<b>RESCINDS:</b> <b>ALL PREVIOUS</b>
			<b>REVIEW DATE:</b> <b>2/15/2022</b>

## 1.0 POLICY OR PURPOSE

- 1.1 To establish guidelines governing the investigation and review of police-involved critical incidents.
- 1.2 It is the policy of the Pittsburgh Bureau of Police to investigate thoroughly, objectively, and timely all police-involved critical incidents toward the following purposes:
  - 1.2.1 To determine whether PBP members adhered to applicable policy and law;
  - 1.2.2 To determine whether modifications to Bureau policy and training are necessary;
  - 1.2.3 To determine whether any other issues should be addressed.
- 1.3 As per City Ordinance 160.01, the Bureau of Police will request another law enforcement agency to conduct the criminal investigation into any critical incident involving any PBP member in order to ensure transparency and avoid any perceived conflicts of interest associated with an agency investigating its own incidents.
- 1.4 The Bureau of Police is dedicated to fully cooperating with all government agencies having jurisdiction to investigate critical incidents.

## 2.0 DEFINITIONS

- 2.1 Critical Incident – Any incident in which a PBP officer is involved, while acting in an official capacity, which causes critical bodily injury or death to any person, as well as any intentional shootings, in which a PBP member discharges a firearm at a subject as a use of force. Critical incidents would include, but are not limited to:
  - 2.1.1 Intentional and accidental shootings which result in bodily injury or death as a result of a gunshot wound;
  - 2.1.2 Intentional and accidental use of any other dangerous or deadly weapons, including less-lethal firearms, which causes critical bodily injury or death to any person;
  - 2.1.3 Attempts by police officers to make arrests or to otherwise gain physical control for a law enforcement purpose and which causes critical bodily injury or death to any person;
  - 2.1.4 Any fatal or critical bodily injury to a person in police custody.
  - 2.1.5 Police pursuits that result in critical injury or death.
- 2.2 FOP Counsel – Attorney retained by the Union to represent bargaining unit members in the criminal or administrative investigation.
- 2.3 FOP Representative – A member of the union executive board or their designee.
- 2.4 Investigators – The Violent Crime Unit (VCU) or Allegheny County Police Department (ACPD) as per signed MOU, or other law enforcement agency.
- 2.5 Involved Officer – PBP member who deployed deadly or physical force resulting in critical bodily injury or death to any person, or a member who was engaged in a primary or secondary pursuit where the pursuit was the cause of the critical injury or death, or a member who intentionally discharges a firearm at a subject.
- 2.6 Public Safety Statement - A brief factual account collected individually from an involved officer immediately following a Critical Incident in order to establish the level of danger that may still exist at the scene or in the community, aid the initial police response, and focus the preliminary investigation.

- 2.7 Witness Officer – PBP member who was present but did not deploy deadly force or participate as primary or secondary pursuit vehicle where the pursuit was the cause of the critical injury or death.
- 2.8 Garrity Statement – A statement that refers to an oral or written report obtained from a public employee under a threat of discipline up to and including termination of employment. The concept of Garrity statement was developed from Garrity v. New Jersey, 383 U.S. 941 (U.S. 1966). Generally, a Garrity statement is given by a public employee during the course of an internal investigation by a police department. Garrity statement contains an element of coercion. Hence, any statement or evidence obtained from a Garrity statement cannot be used later in criminal prosecution against a public employee. However, a Garrity statement can be used to evaluate an employee's performance.

### 3.0 PROCEDURES

- 3.1 The following procedures shall apply in circumstances which constitute a critical incident:
- 3.1.1 Responding officers shall determine the physical condition of the injured party(s) and render first aid when appropriate. Medical assistance shall immediately be summoned.
  - 3.1.2 Responding officers shall immediately notify Communications and the Shift Supervisor by radio of the nature and location of the incident and request whatever assistance is necessary to stabilize/secure the scene.
- 3.2 The Zone Shift Supervisor shall respond immediately and secure the scene pending the arrival of investigators. The supervisor will notify EOC via police radio and request that the duty commander and Major Crimes commander be notified and respond.
- 3.3 While securing the scene, the following procedures shall be followed:
- 3.3.1 An officer(s) will be immediately assigned to maintain a crime scene log to include time in, time out, name, and purpose.
    - 3.3.1.1 No unauthorized civilians or personnel shall be permitted on the scene. Authorization shall be granted only to the extent that an emergency situation requires the presence of a given individual.
  - 3.3.2 Ensure that no individual handles, alters or removes evidence unless the circumstances of a given emergency warrant handling, alteration or removal or there is a likelihood of losing such evidence if it is not immediately collected. In all other cases, handling, alteration or removal of evidence shall only occur with the permission of Investigators. In all cases, if evidence is handled, altered or removed, the Investigators shall be notified upon arrival at the scene.
  - 3.3.3 Obtain a public safety statement from the involved officers as outlined in Section 5.3.
  - 3.3.4 Assign an uninvolved officer to accompany involved officers until they are transported to a secure location and relieved by appropriate personnel.
  - 3.3.5 Take any necessary actions to search for suspect(s), identify and secure witnesses, and request any other resources needed to stabilize the situation (SWAT, additional personnel, etc.)
  - 3.3.6 Designate an uninvolved officer to prepare the original PBP Forms #2.0 "Offense Report", and #3.0 "Investigative Report." In completing the "Investigative Report", the designated officer shall include the names of all Public Safety personnel present during the course of the critical incident. The officer(s) completing the original "Investigative Report" and "Offense Report" and any officers completing supplemental reports shall complete the reports at the VCU Office. The VCU supervisor shall review and approve the reports prior to their distribution.
  - 3.3.7 All officers entering the crime scene must advise Investigators prior to leaving of all actions he/she took and all information he/she developed which may aid the investigation.
  - 3.3.8 Witness officers shall be separated at the scene and given an administrative order not to discuss the critical incident with other witness officers.
  - 3.3.9 Witness officers may be requested to report to investigators' offices for purposes of an interview and will also prepare a supplemental report.

- 3.3.10 All witnesses shall be identified and separated pending the arrival of investigators. All biographical information shall be included in either the PBP Form #3.0 "Investigative Report," or a supplemental report.
- 3.3.11 Investigators shall immediately respond and assume command of all police critical incident investigations as defined in Section 2.1.
- 3.4 The Duty or Zone Commander shall notify the Major Crimes Commander and the Chief of Police.
- 3.4.1 The Duty, Watch, or Zone Commander shall immediately respond to the scene of the critical incident.
- 3.4.2 The Major Crimes Commander shall immediately respond to the scene of the critical incident.
- 3.5 The Shift Supervisor will remain in charge of the critical incident until relieved by the Duty/Watch Commander, Zone Commander or Major Crimes Commander. All personnel on scene of equal or lesser rank will report to the Major Crimes Commander or their designee. The Major Crimes Commander or their designee will serve as the liaison if the ACPD or another agency is designated to investigate the incident.
- 3.6 Uniform personnel at the scene of critical incidents may be used at the discretion of the Major Crimes Commander in order to facilitate the investigation.
- 3.7 Major Crimes Commander shall summon any investigative assistance needed at the scene of a critical incident (i.e., VCU Detectives, Computer Crimes to secure electronic MVR/BWC/City Camera recordings, etc.).
- 3.8 The Shift Supervisor shall ensure that notification of the family of an injured or deceased officer(s) is made in person and in compliance with General Order #27-01, "Notification of Next of Kin of Death or Injury to On-Duty Member."
- 3.9 In the event there is an injured prisoner, the Zone where the hospital is located shall supply the necessary officer(s) to guard the prisoner, regardless of whether the Pittsburgh Bureau of Police, Allegheny County Police or other independent agency investigates the case.
- 3.9.1 While in the custody of the Pittsburgh Bureau of Police at a hospital, the prisoner will not be allowed visitors unless authorized by the Major Crimes Commander or Zone Commander.

#### **4.0 NOTIFICATIONS FOR CRITICAL INCIDENTS**

- 4.1 In any critical incident as defined by this policy, the Major Crimes Commander shall ensure the following agencies are notified of a critical incident. Requests shall be made as follows:
- 4.1.1 The Allegheny County Police Department (ACPD).
- 4.1.2 Violent Crime Unit (VCU) - If the above agency declines to investigate, then VCU will be the primary investigator. The Allegheny County District Attorney's Office investigators or a member of the Allegheny County District Attorney Homicide Unit will be notified.
- 4.2 The Major Crimes Commander shall notify the Pittsburgh Members Assistance Program (PMAP) Coordinator about the critical incident.
- 4.2.1 Inform personnel at the scene that the PMAP personnel will be reporting to Headquarters, Allegheny County Headquarters or other investigative location.
- 4.2.2 Provide any necessary information to PMAP personnel about the critical incident which will allow them to accurately compile a list of all personnel affected by such incident.
- 4.2.3 PMAP personnel shall not offer legal advice to any the Involved officer(s) nor direct any part of the criminal investigation.
- 4.2.4 PMAP shall designate different personnel for Involved and Witness officers.
- 4.2.5 Officers will be afforded the opportunity to meet individually with PMAP personnel upon arrival at Allegheny County Headquarters or other investigative location.
- 4.3 The Major Crimes Commander will notify the Academy – The Firearms Section or appropriate personnel and will request that a replacement firearm be provided for the involved officer if shots were fired during the incident.

- 4.4 The Major Crimes Commander will notify a FOP Executive Board Member of the Critical Incident after making notice to the Investigative Agencies as set forth in Section 4.1.
- 4.5 The Chief of Police or his/her designee will notify the FBI Field Office in writing of the incident on the next business day.
- 4.6 The Major Crimes Commander will ensure that a supplemental report is completed documenting all notifications made concerning the critical incident. This will include name, date, and time of person contacted.

## **5.0 THE INVOLVED OFFICER(S)**

- 5.1 If an officer(s) is injured, he/she shall be transported immediately to a hospital and shall be accompanied by at least one other officer. The accompanying officer shall remain with the injured officer and take control of the injured officer's weapon and other personal property as needed until relieved by a supervisor.
- 5.2 Officers who were present at the scene at the time of the critical incident, whether the involved officer(s) or the witness officer(s), shall be relieved of their duties at the scene as promptly as possible. The involved officer(s) shall be relieved first and should be sequestered somewhere in the immediate area of the scene. The witness officer(s) should also be sequestered at the scene. The involved officer(s) and witness officer(s) will remain on scene until the arrival of investigators unless in need of medical attention or otherwise directed to proceed to Headquarters or testing as per Section 9.0.
- 5.3 The involved officer(s) shall be directed by the Shift Supervisor to provide an on-scene Public Safety statement. The initial responding supervisor shall immediately ask a series of questions (refer to supervisor's directive) to establish the level of danger that may still exist and to assist investigators with gathering relevant evidence.
- 5.4 The Shift Supervisor who obtains the Public Safety statement shall promptly transmit that information to the investigators and shall report to the appropriate investigative location for an interview.

*Note: The evidence collected as a result of the Public Safety statement may be vital for establishing that the officer(s) was properly exercising lawful authority as defined in Pennsylvania statutes.*

### **Supervisors Directive for the Public Safety Statement**

"Officer [name],

- 1) Are you, or anyone else injured?
- 2) Are there any outstanding suspects? If yes...
  - a) What is their description?
  - b) What is their direction and means of flight?
  - c) What type of weapon do they have?
- 3) Did you fire your weapon? If yes...
  - a) Approximately, where were you located when you fired?
  - b) In what direction did you fire?
  - c) How many shots do you think you fired?
- 4) Did the suspect fire? If yes...
  - a) Approximately, where were they located when they fired?

## **6.0 CRIMINAL INVESTIGATION**

- 6.1 A criminal investigation will be conducted by the Investigators.
- 6.1.1 The investigators will respond to immediately conduct the criminal investigation. The PBP will secure the crime scene(s) by establishing a perimeter and keeping a log of all persons entering and leaving the scene until the scene is processed or otherwise relieved from this responsibility. No evidence shall be collected, moved or altered except where required by safety concerns or the exigency of the circumstances with regard to preservation of evidence.
- 6.1.2 To the extent possible, any firearm, weapon or object involved in the critical incident should remain in place and undisturbed prior to the scene being processed. If the firearm, weapon or object is still in possession of the officer involved in the critical incident, that officer shall surrender the firearm, weapon and/or object, along with his or her

duty belt (if necessary) to a PBP supervisor who shall secure same for later inspection without altering the condition thereof.

- 6.1.3 The PBP shall limit the viewing of Mobile Video Recordings (MVRs) and Body Worn Camera (BWC) recordings by any officer at the scene unless there is a public safety need to identify or search for suspect(s) and/or involved vehicles that may have left the scene. (*Refer to General Order #69-03, "Body Worn Camera Recording and Digital Evidence Storage Systems"*).
- 6.1.4 The PBP shall immediately surrender control of the scene to Investigators upon their arrival. The investigators will conduct the investigation; collect evidence; interview witnesses, victims, suspects, and PBP Officers; consult with the District Attorney's Office as to the filing of any criminal charges; and render any other assistance that may be requested.
- 6.1.5 If the ACPD investigates, The Allegheny County Medical Examiner's (ACME) Forensic Unit will be used exclusively to process the scene(s), including photography and evidence collection, utilizing their own officers, investigators, and crime scene analysts. The County will maintain custody of all recovered evidence until the District Attorney makes a final decision regarding the incident.
- 6.1.5.1 If an outside agency investigates, they will use their respective crime scene units. Otherwise, the PBP Crime Unit will be used for cases that the VCU investigates.
- 6.1.6 All interviews will be conducted at the investigators' recorded interview rooms or other facilities as it may designate.
- 6.1.7 All involved and witness officers will be escorted to the investigators' facilities for a preliminary interview and evidence collection. FOP Counsel may be present for the preliminary interview and any subsequent criminal interviews. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a FOP Representative or FOP Counsel collectively or in groups prior to being interviewed.
- 6.1.8 If an involved officer declines to provide a statement during the initial interview, investigators will schedule, and the officer shall attend an interview to be scheduled not sooner than 48 hours following the critical incident. Exceptions may occur where a compelling need exists for a timelier interview. Only the Chief, or his/her designee, may make this decision. The reasons for such decision shall be communicated to the officer(s) and their FOP representatives in the rare occasion this occurs.
- Note: The 48-hour delayed interview applies only to the officer(s) directly involved in the critical incident, unless otherwise directed by the Chief of Police.*
- 6.1.9 Involved officers will be afforded the opportunity to review any available BWC, MVR, or other audio or video in the presence of legal counsel and Investigators prior to giving a statement.
- 6.1.10 All other PBP officers and supervisors who witnessed the critical incident will be required to be interviewed by the investigators, including a statement at the scene and at their facility. Garrity rights will not be given, nor will there be any waiting period prior to providing a statement. Witness officers may have counsel present during their interview; however, witness officers may not be represented by the same legal counsel as involved officers.
- 6.1.11 In order to ensure that the post incident drug and alcohol examinations are conducted in a timely manner, a shift supervisor will arrange for such testing and coordinate with the Investigators.
- 6.1.12 The ACPD will make arrangements to receive members of the PMAP in order to provide timely support to members.
- 6.1.13 All weapons used will be turned over to the Investigators and/or the appropriate crime/forensic unit. Arrangements will be made with the PBP Academy- Firearms Section to provide a replacement weapon (as necessary). Involved officers who are relieved of their weapons will be issued a replacement weapon as quickly as possible and assigned an uninvolved officer to remain with them until they are transported to a secure location.
- 6.1.14 The Major Crimes Commander or their designee will serve as a liaison to the Investigators from other agencies. The liaison will be responsible for providing requested materials to the Investigators such as reports, MVR and BWC

recordings; coordinating the scheduling of interviews of PBP officers and providing any updates from the Investigators to the Chief of Police.

6.1.15 The PBP will replace any uniform items and/or equipment retained by the investigators as evidence.

6.1.16 The involved officer(s) will be encouraged, and given the opportunity, to notify their families as soon as possible.

*Note: Every effort shall be made to remove the involved officer(s) from the crime scene as soon as possible. All involved officers will remain separated from one another throughout this process. Weapons exchanges shall be done at the investigating agency's facility. An uninvolved supervisor shall escort and/or transport the involved officer(s) to give a urine analysis (if applicable) and then to the investigating agency's facility. This supervisor may be asked to document the timeline while performing this function by criminal investigators.*

## **7.0 BODY-WORN CAMERA FOOTAGE**

7.1 Following the Public Safety Statement, a shift supervisor shall, when reasonable to do so, direct all Involved and Witness officers to cease recording and then physically collect the Body-worn Camera system(s) of said officers. These cameras will be turned over to the Major Crimes Commander or their designee.

7.1.1 The Major Crimes Commander shall ensure all BWC footage is uploaded as soon as possible.

7.2 Following the upload of footage into Evidence.com, the BWC units may be returned to the Involved and Witness officers unless they have additional evidentiary value as determined by investigators.

7.2.1 Members should not be returned to duty until they have had either their BWC units returned, or a replacement unit issued.

## **8.0 ADMINISTRATIVE LEAVE**

8.1 Prior to being released from Duty, the Chief or his/her designee may require the involved officer(s) to provide a Garrity Statement and/ or complete required reports at Pittsburgh Police Headquarters.

8.2 The involved officer(s) will be placed on administrative assignment for a period of time to be determined by the Chief of Police or his/her designee. Such relief from duty, in and of itself, shall not be considered a suspension or disciplinary action taken against the officer, but rather an administrative course of action relieving the officer from further performance of field duties while permitting the department time to conduct an objective investigation into the matter.

8.2.1 While on administrative leave due to a critical incident, the involved officer(s) are not permitted to work secondary employment details.

8.2.2 If required, the involved officer(s) shall attend court hearings that cannot be postponed.

8.3 The involved officer(s) must be seen by the City-contracted psychologist as soon after the incident as possible. The PMAP Peer Coordinator will assist the involved officer(s) with scheduling the appointment.

8.3.1 All communications between the officer(s) and the psychologist are confidential and protected.

8.3.2 The psychologist will provide a written release and notify the Office of the Chief of Police when the officer(s) is ready to return to duty, as well as any applicable restriction. This release relates only to an officer's return to duty and does not determine an officer's availability to participate in any investigative interview.

8.3.3 The officer(s) may select a psychologist or psychiatrist of their choice under the guidelines of the medical coverage provided by the City of Pittsburgh or Employee Assistance Program for continued counseling.

8.4 After being cleared by the psychologist, the involved officer(s) can be scheduled to return to work at their original duty location or another duty location if circumstances jeopardize the ability of the officer to safely perform the duties of their position at their original duty location.

## **9.0 DRUG & ALCOHOL TESTING (Refer to General Order #17-10, "Drug and Alcohol Policy")**

9.1 If an officer operating a police vehicle were involved in an on-duty vehicular accident which is reportable under the Motor Vehicle Code, or the vehicle accident is non-reportable at the time of occurrence, but the officer(s) reports an injury as a

result of the accident any time after the tour of duty in which the accident occurred, the officer operating the vehicle shall be tested as soon as possible.

- 9.2 If the involved officer(s) discharged a firearm (including a less lethal firearm), as defined in General Order #17-10, "Drug and Alcohol Policy", the involved officer(s) shall be tested as soon as possible.
- 9.3 If there is reasonable suspicion to believe that the officer(s) directly involved in a critical incident may be under the influence of drugs and/or alcohol at the time of the incident, the supervisor will follow all procedures set forth in General Order #17-10, "Drug and Alcohol Policy" of the Pittsburgh Bureau of Police Manual of Procedural Orders.
- 9.4 The results of any drug or alcohol testing of the officer(s) involved will be forwarded to the Mercy Occunet representative, who shall then notify the Chief of Police of the results. The Chief may share the results with the CIRB, OMI, and VCU if necessary.

#### **10.0 MEDIA RELEASE**

- 10.1 All news releases pertaining to a critical incident involving a Pittsburgh police officer will originate from the Office of the Chief of Police or his/her designee.
- 10.2 Under no circumstances will the names of the officer(s) be made public until authorized by the Chief of Police.
- 10.3 Regarding a critical incident, all media inquiries shall be referred to the PIO or Chief of Police.

#### **11.0 UNION REPRESENTATION**

- 11.1 The FOP representatives shall not be involved in any aspect of the criminal investigation in order to avoid any claim of a conflict of interest (for instance, taking possession of the officer's weapon).
- 11.2 FOP Representatives may be present at the staging area of the incident scene but may not access the crime scene.
- 11.3 In addition to FOP counsel, two FOP Representative may be present at the Investigators Facility. FOP representatives shall not meet with involved or witness officers in groups; however, any individual request for union representation will be accommodated.
- 11.4 If a Garrity Interview is conducted as part of an administrative investigation by the PBP, either a FOP Representative and/or FOP Counsel may be present.

#### **12.0 CRITICAL INCIDENT REVIEW BOARD**

- 12.1 Following the occurrence of a critical incident, the Chief of Police shall convene a Critical Incident Review Board as set forth in General Order #12-11, "Critical Incident Review Board" of the Pittsburgh Bureau of Police Manual of Procedural Orders.

Approved By:

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Scott Schubert  
Chief of Police