

416.00, Critical Incident - Temporary Altered Duty

2nd Universal Review Period: 10/1/20 – 10/30/20

Refer:

- DIR 210.21, Leaves from Service
- DIR 240.00, Employee Assistance Program
- DIR 410.00, Injuries/Occupational Illness/Disability/LOS
- DIR 1010.00, Use of Force
- DIR 1010.10, Deadly Force and In-Custody Death Reporting and Investigation Procedures

Definitions:

- **Critical Incident:** An atypically traumatic event that may cause physical, emotional, and/or psychological injury or harm.
- **Critical Incident Stress Debriefing:** A process that is designed to lessen the impact and prevent or limit the development of post-traumatic stress in people exposed to critical incidents. It is a professionally conducted debriefing that helps members cope with and recover from an incident's aftereffects. It enables participants to process their thoughts and feelings surrounding a critical incident in a controlled, safe environment.
- **Involved Member:** An involved member is a Bureau member who applies deadly force or directs another to use deadly physical force, or a member who has used physical force against, or a member who assumes control, care or custody of, a subject who dies in police custody.
- **Witness Member:** A witness member is a Bureau member who observes or has firsthand knowledge of the events surrounding an in-custody death or the use of deadly physical force by another member, and other than observing the incident, did not use deadly physical force. Additionally, a member who observes or has firsthand knowledge of the events surrounding a member's direction to another to use deadly force.

Policy:

1. This policy establishes the procedures for managing and providing resources to Bureau members who experience or witness critical incidents.
2. The Bureau is committed to supporting members who are involved in or witness a deadly force incident. Members directly involved in the use of deadly force (or force resulting in serious injury, as determined by the Chief of Police) will be placed on administrative leave and/or provided a structured, temporary altered assignment to facilitate the member returning to their regular duty.
3. The Bureau recognizes that critical incidents are extremely complex and can have a significant and an enduring impact on the involved and witness Bureau members, the organization, the family and friends of those involved, and the community as a whole. The Bureau shall endeavor to work with community partners to develop a trauma-informed response that addresses community concerns and promotes healing and understanding.

Procedure:

1. Altered Duty for Involved Members:

- 1.1. Involved members in a use of deadly force or in-custody death event will be placed on administrative leave immediately following an event. This work status will stay in place until one week after the end of the Grand Jury deliberations and the completion of Internal Affairs (IA) interviews. During their time off, the involved member will attend at least one session with a licensed mental health professional. This procedure recognizes the difficulty in processing such an event by a member until after the completion of the Grand Jury deliberations.
- 1.2. Members who need more time off can work with the Employee Assistance Program (EAP) Coordinator and may use vacation or sick leave, if applicable.
- 1.3. If a member feels unable to return to work, they may file a claim under the Fire and Police Disability and Retirement System.
- 1.4. The involved member's Lieutenant will be responsible for keeping the member informed of the details of their temporary assignment, as well as their return to work information. This procedure recognizes the value in the member receiving official communication in a timely, accurate, and regular manner.
- 1.5. Involved members will return to work at the conclusion of the administrative leave and after the Critical Incident Stress Debriefing or after working with the EAP Coordinator.
- 1.6. The involved member's return to work will be structured in a manner designed to continue to facilitate the member smoothly returning to their full duty assignment.

2. Return to Work for Involved Members.

- 2.1. The first week of the structured return to duty assignment will include being paired with another member for a minimum of the first week. This procedure recognizes the benefit of being back with the involved member's usual peers as well as being able to step back into the demands of the job in a progressive manner.
- 2.2. The first day will be administrative in nature and will include such things as obtaining back the involved member's weapon and equipment, visiting the range if desired, and visiting the scene of occurrence if desired.
- 2.3. If the involved member is in an operational assignment, the rest of the week will involve working in a two-person unit that is not assigned to a specific patrol district and taking non-priority calls. The intent is to limit the involved member's district responsibilities for the first week and to allow them to take calls in a self-initiated and controlled manner.
- 2.4. If the involved member is in a non-operational assignment, a similar stair step approach assignment will be structured.

- 2.5. At the end of the first week, the involved member, the Employee Assistance Program (EAP) Coordinator, and the member's supervisor will make a determination if the member is ready for a complete return to unrestricted duty or decide if there would be additional benefit by continuing to pair the involved member with a partner.
3. Witness Member.
 - 3.1. The Bureau may place members who witness (as defined within this Directive) the use of deadly force on administrative leave and/or in a temporary altered duty assignment following such an incident. Furthermore, the Bureau may also refer the member to the EAP Coordinator and assign a Traumatic Incident Committee or Peer Support Team member.
 - 3.2. These decisions, as well as the return to work process, will be determined on a case-by-case basis by the Assistant Chief of the witness member in consultation with the EAP Coordinator, the witness member, and their assigned Traumatic Incident Committee or Peer Support Team member.
 - 3.3. This procedure recognizes that witnessing such an event, though not being directly involved in the use of deadly force, can still have a significant impact on members.
 4. Members involved in all other types of critical incidents may be placed on administrative leave with the approval of the Chief or their designee.
 5. EAP Coordinator.
 - 5.1. The EAP Coordinator provides support and assistance to members involved in a critical incident by partnering them with peer-support groups; referring them to licensed mental health providers; conducting follow-ups; advocating on their behalf to command staff for additional time off, if necessary; and coordinating their return to work.
 - 5.2. Following the use of deadly force or in-custody death, the EAP Coordinator will:
 - 5.2.1. Ensure that all involved members are assigned a Traumatic Incident Committee team member as soon as practical.
 - 5.2.2. Refer members to licensed mental health providers and ensure the involved member(s) is both scheduled for and attends a session prior to returning to work. The EAP Coordinator will work with the involved member to schedule mental health sessions within two weeks of the incident, and again at three, six, and twelve months following the incident.
 - 5.3. The EAP Coordinator is responsible for scheduling the Critical Incident Stress Debriefing following any critical incident.
 - 5.3.1. Critical Incident Stress Debriefings for use of deadly force or in-custody death events will occur as soon as practical following the conclusion of any criminal proceedings (e.g., Grand Jury) and upon the completion of IA interviews. This

procedure recognizes the value in conducting this debriefing as soon as is procedurally possible.

5.3.2. Critical Incident Stress Debriefings for all other critical incidents shall occur within a week of the event or as soon as practical.

6. Exceptional Circumstances.

6.1. In exceptional circumstances, the Chief of Police or their designee, reserves the ability to have a member remain on administrative leave beyond the time periods outlined in this directive.

6.2. The Chief of Police, also reserves the ability to assign a member to a non-call taking assignment.

6.3. Factors that will be considered in making such determinations include, but are not limited to:

6.3.1. Member concerns,

6.3.2. Threats to members and family members,

6.3.3. Media coverage,

6.3.4. Community concerns,

6.3.5. Grand Jury returning a true bill for a criminal indictment, and/or

6.3.6. There is an objective basis for the Chief of Police to believe that the member may be terminated from employment.

Provide feedback [here](#).

416.00, Critical Incident - Temporary Altered Duty

Refer:

- DIR 210.21, Leaves from Service
- DIR 240.00, Employee Assistance Program
- DIR 410.00, Injuries/Occupational Illness/Disability/LOS
- DIR 1010.00, Use of Force
- DIR 1010.10, Deadly Force and In-Custody Death Reporting and Investigation Procedures

Definitions:

- Critical Incident: An atypically traumatic event that may cause physical, emotional, and/or psychological injury or harm.
- Critical Incident Stress Debriefing: A process that is designed to lessen the impact and prevent or limit the development of post-traumatic stress in people exposed to critical incidents. It is a professionally conducted debriefing that helps members cope with and recover from an incident's aftereffects. It enables participants to process their thoughts and feelings surrounding a critical incident in a controlled, safe environment.
- Involved Member: An involved member is a Bureau member who applies deadly force or directs another to use deadly physical force, or a member who has used physical force against, or a member who assumes control, care or custody of, a subject who dies in police custody.
- Witness Member: A witness member is a Bureau member who observes or has firsthand knowledge of the events surrounding an in-custody death or the use of deadly physical force by another member, and other than observing the incident, did not use deadly physical force. Additionally, a member who observes or has firsthand knowledge of the events surrounding a member's direction to another to use deadly force.

Policy:

1. The This policy establishes the procedures for managing and providing resources to Bureau recognizes that members who experience or witness critical incidents are extremely complex and can have significant impact on the involved and witness members, the organization, and the community.
2. The Bureau is committed to supporting members who are involved in or witness a deadly force incident. Members directly involved in the use of deadly force (or force resulting in serious injury, as determined by the Chief of Police) will be placed on administrative leave and/or provided a structured, temporary altered assignment to facilitate the member returning to their regular duty.
3. The Bureau recognizes that critical incidents are extremely complex and can have a significant and an enduring impact on the involved and witness Bureau members, the organization, the family and friends of those involved, and the community as a whole. The

Bureau shall endeavor to work with community partners to develop a trauma-informed response that addresses community concerns and promotes healing and understanding.

Procedure:

1. Altered Duty for Involved Members:

- 1.1. Involved members in a use of deadly force or in-custody death event will be placed on administrative leave immediately following an event. This work status will stay in place until ~~the involved member attends a session with a licensed mental health professional. If this session occurs prior to~~ one week after the end of the Grand Jury deliberations and the completion of Internal Affairs (IA) interviews. During their time off, the involved member will ~~not return to work until one week after Grand Jury deliberations. attend at least one session with a licensed mental health professional.~~ This procedure recognizes the difficulty in processing such an event by a member until after the completion of the Grand Jury deliberations.
- 1.2. Members who need more time off ~~work~~can work with the Employee Assistance Program (EAP) Coordinator and may use vacation or sick leave, if applicable.
- 1.3. If a member feels unable to return to work, they may file a claim under the Fire and Police Disability and Retirement System.
- 1.4. The involved member's Lieutenant will be responsible for keeping the member informed of the details of their temporary assignment~~., as well as their return to work information.~~ This procedure recognizes the value in the member receiving official communication in a timely, accurate, and regular manner.
- 1.5. Involved members will return to work at the conclusion of the administrative leave and after the Critical Incident Stress Debriefing~~-~~or after working with the EAP Coordinator.
- 1.6. The involved member's return to work will be structured in a manner designed to continue to facilitate the member smoothly returning to their full duty assignment.

2. Return to Work for Involved Members:

- 2.1. The first week of the structured return to duty assignment will include being paired with another member for a minimum of the first week. This procedure recognizes the benefit of being back with the involved member's usual peers as well as being able to step back into the demands of the job in a progressive manner.
- 2.2. The first day will be administrative in nature and will include such things as obtaining back the involved member's weapon and equipment, visiting the range if desired, and visiting the scene of occurrence if desired.
- 2.3. If the involved member is in an operational assignment, the rest of the week will involve working in a two~~-~~person "beat" ear unit that is not assigned to a specific patrol district and taking non-priority calls. The intent is ~~for~~to limit the involved ~~member to~~

~~not have member's~~ district responsibilities for the first week and to allow them to take calls in a self-initiated and controlled manner.

- 2.4. If the involved member is in a non-operational assignment, a similar stair step approach assignment will be structured.
 - 2.5. At the end of the first week, the involved member, the Employee Assistance Program (EAP) Coordinator, and the member's supervisor will make a determination if the member is ready for a complete return to unrestricted duty or decide if there would be additional benefit by continuing to ~~be paired~~ pair the involved member with a partner.
3. Witness Member:
 - 3.1. ~~Members that~~ The Bureau may place members who witness (as defined within this Directive) the use of deadly force ~~may be placed~~ on administrative leave and/or ~~placed~~ in a temporary altered duty assignment following such an incident. ~~This~~ Furthermore, ~~the Bureau~~ may also ~~be referred~~ refer the member to the EAP Coordinator and ~~assigned~~ assign a Traumatic Incident Committee or Peer Support Team member.
 - 3.2. These decisions, as well as the return to work process, will be determined on a case-~~by~~ -case basis by the Assistant Chief of the witness member in consultation with the EAP Coordinator, the witness member, and their assigned Traumatic Incident Committee or Peer Support Team member.
 - 3.3. This procedure recognizes that witnessing such an event, though not being directly involved in the use of deadly force, can still have a significant impact on members.
 4. Members involved in all other types of critical incidents may be placed on administrative leave with the approval of the Chief or their designee.
 5. EAP Coordinator:
 - 5.1. The EAP Coordinator provides support and assistance to members involved in a critical incident by partnering them with peer-support groups; referring them to licensed mental health providers; conducting follow-ups; advocating on their behalf to command staff for additional time off, if necessary; and coordinating their return to work.
 - 5.2. Following the use of deadly force or in-custody death, the EAP Coordinator will:
 - 5.2.1. Ensure that all involved members are assigned a Traumatic Incident Committee team member as soon as practical.
 - 5.2.2. Refer members to licensed mental health providers and ensure the involved member(s) is both scheduled for and attends a session prior to returning to work. The EAP Coordinator will ~~also~~ work with the involved member to schedule members' mental health sessions within two weeks of the incident, and again at three, six, and twelve months following the incident.

- 5.3. The EAP Coordinator is responsible for scheduling the Critical Incident Stress Debriefing following any critical incident.
 - 5.3.1. Critical Incident Stress Debriefings for use of deadly force or in-custody death events will occur as soon as practical following the conclusion of any criminal proceedings (e.g., Grand Jury-) and upon the completion of IA interviews. This procedure recognizes the value in conducting this debriefing as soon as is procedurally possible.
 - 5.3.2. Critical Incident Stress Debriefings for all other critical incidents shall occur within a week of the event or as soon as practical.
6. Exceptional Circumstances:
 - 6.1. In exceptional circumstances, the Chief of Police or their designee, reserves the ability to have a member remain on administrative leave beyond the time periods outlined in this directive.
 - 6.2. The Chief of Police, also reserves the ability to assign a member to a non-call taking assignment.
 - 6.3. Factors that will be considered in making such determinations include, but are not limited to:
 - 6.3.1. Member concerns,
 - 6.3.2. Threats to members and family members,
 - 6.3.3. Media coverage,
 - 6.3.4. Community concerns,
 - 6.3.5. Grand Jury returning a true bill for a criminal indictment, and/or
 - 6.3.6. There is an objective basis for the Chief of Police to believe that the member may be terminated from employment.

History:

- ~~Originating Directive Date: 04/29/13~~
- ~~Last Revision Signed: 04/15/19~~
 - ~~Effective Date: 05/15/19~~
- ~~Next Review Date: 05/15/20~~

Chief's Signature:

#1

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Monday, May 18, 2020 10:53:47 AM
Last Modified: Monday, May 18, 2020 11:04:22 AM
Time Spent: 00:10:35

Page 1

Q1

Please provide feedback for this directive

416.00, Critical Incident - Temporary Altered Duty

It seems involved member, witness members are placed on admin leave and a temporary assignment until a mental health counselor can be met with. BUT if that MH meeting happens PRIOR to a grand jury deliberations, the member/witness member must wait to return to work.

My only thought on this (and I say this not having any information on what altered work looks like) is to not have involved member/witness member alienated or alone at home or left with no temporary work or Mental Health activity during at any time during the administrative leave. They should not be punished for performing their job (whether guilty of wrong doing or not), and should be supported at the highest level with mental health sessions if altered work cannot be performed due to the trauma. Main goal is to not have those that were involved in the incident told to go home and not be part of society or their unit. doing so would be a detriment to their mental health well being.

Q2

Respondent skipped this question

Contact Information (optional)

#2

COMPLETE

Collector: Web Link 1 (Web Link)
Started: Thursday, May 28, 2020 3:00:19 PM
Last Modified: Thursday, May 28, 2020 3:00:48 PM
Time Spent: 00:00:29

Page 1

Q1

Please provide feedback for this directive

COMMENTS ON CRITICAL INCIDENT ALTERED DUTY DIRECTIVE MAY 2020

To Chief Resch, Capt. Parman, Lieutenant Morgan, PPB Policy Analysts, Compliance Officer/Community Liaison Team, Community Oversight Advisory Board staff, US Dept. of Justice, Citizen Review Committee and the Portland Police Bureau:

Below are Portland Copwatch's comments on the Critical Incident Altered Duty Directive posted for review in May . This Directive was previously posted in February 2019, and Portland Copwatch (PCW) sent in comments then about clarifying the policy, all of which were not incorporated, while in one case, the Bureau did the opposite of what we suggested.

We would still like to see the policies include letters to identify section headings (Definitions, Policy, Procedure) so that there are not multiple sections with the same numbers, and to enumerate the Definitions. Our comments below refer to the Procedure Section unless otherwise noted.

DIRECTIVE 416.00 CRITICAL INCIDENT ALTERED DUTY

The main issue we have raised repeatedly about this Directive is the poor explanation for what constitutes a "Critical Incident."

--The Definitions section says a Critical Incident is "an atypically traumatic event that may cause physical, emotional and/or psychological injury or harm." It does not indicate whether that refers to harm done to a community member or the involved/witness officers. We noted that a community member harmed in such an incident might be a crime victim, suspect, or recipient of police violence.

--Policy Section 1 used to indicate that a Critical Incident was one "such as those involving the use of deadly force (or force resulting in serious injury." However, contrary to PCW's suggestion, the Bureau went ahead with its proposal to cut that clause from the Directive.

--Policy Section 2 refers to officers who are involved in or witness deadly force, with the involved officers being placed on leave, leading to the need for this Directive (also repeated in Procedure Section 1.1). The Policy adds that the Chief will determine whether officers involved in force resulting in serious injury will also be placed on leave. Witness officers, per Section 3.1, may be placed on leave as well.

We repeat here that the Bureau needs to let the community know what Critical or "Traumatic" Incidents are since they can trigger alerts in the Employee Information System (EIS). In our analysis of the Compliance Officer/Community Liaison (COCL)'s October 2018 report (as noted previously), we found: "While only 19% of cops using too much force get interventions, a whopping 73% of those with traumatic incidents get such counseling." It is notable that the details on what kinds of EIS triggers led to supervisory interventions were not included in the COCL's Q1 2020 report released in April.

The lack of a clear definition for "critical incident," we noted, could negatively affect officers, since they can be placed on Administrative Leave by discretion of the Chief. Procedure Section 4 states that for other types of critical incidents, the Chief (or designee) "may" also put officers on unrequested leaves of absence. Our group is still supportive of taking such officers off the force, but a clear definition will limit legal challenges.

We continue to question whether Section 2.2 should include consideration about the psychological effect of an officer revisiting the scene of a shooting on their first day back on duty "if desired," since the Bureau emphasizes counseling officers for stress. Such a visit is likely to provoke such stress. The PPB has defended the existing language because following through on such a visit is optional, but PCW would like to see more attention paid to the downside of doing so. If the reason for such a visit is to participate in an

416.00 Directive Feedback

investigatory walk-through, the Directive should mention that.

Policy Section 1 and Procedure Section 6.4 invoke the concept of the impact of deadly force incidents on the community. PCW asks once again for the Bureau to add the impact on the community, family, friends and coworkers to the policy and to the officers' counseling.

CONCLUSION

PCW appreciates the Bureau continuing to ask for community comments on its policies. However, as we have said before, "the common-sense ideas we are putting forward which would lead to a more trustworthy and community-minded police force should not be brushed aside." We continue to encourage the PPB to make a presentation to the Portland Committee on Community Engaged Policing (PCCEP) about key policies being reviewed, allowing for a public discussion rather than the one that happens with the Directives review team behind closed doors. Regarding the PCCEP, we repeat here that they, and other advisory bodies looking at police issues, do not meet often enough to respond to the 15-day deadlines for the "First Universal Review" and are unlikely to be able to meet and approve comments even in the 30-day "Second Universal Review" periods. We urge the Bureau to extend the review deadlines.

Thank you for your time

Q2

Contact Information (optional)

Name

Email Address
