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**GENERAL**  
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## CHAPTER 1

### GENERAL

1. POLICY. The Department should conduct in-depth investigations of all critical incidents through the use of a Critical Incident Investigation Team (CIIT). Threshold incidents are those incidents which have a high probability of resulting in the Department or the State of California being named as a defendant in a civil lawsuit. Threshold incidents are defined in Highway Patrol Manual (HPM) 100.86, Risk Management Manual. The ultimate decision to activate a CIIT lies with the CIIT's respective Division commander.

a. Any Category A threshold incident involving a California Highway Patrol (CHP) employee (on-duty or off-duty), occurring within any jurisdiction, including out-of-state incidents, will be investigated by the CIIT with geographical responsibility. A CIIT designated by the Office of the Commissioner shall investigate out-of-state incidents in conjunction with the local law enforcement agency with primary jurisdiction over the criminal investigation of the incident.

b. Any other incident of unusual significance which involves the intentional or accidental discharge of a firearm or other use of deadly force by a member of the Department directed toward a person(s) or an occupied vehicle(s), whether or not an individual(s) or vehicle(s) is struck. Use of the CIIT to investigate these incidents is subject to the prior approval of the team's respective Division commander.

c. Category B incidents: any discharge of the departmental firearm which results in no injury.

d. The Risk Management Administrator (RMA) will consult with the Division Chief and the Office of Risk Management (ORM) to determine the appropriate response and investigation documentation. The role of the RMA is defined in HPM 100.86. The RMA is to provide oversight, to include planning, organizing, and directing departmental resources to impact risk events. Division RMAs shall be assigned at the rank of Assistant Chief. The RMA may designate a captain or lieutenant to assist with on-scene responsibilities.

e. Divisions shall establish Standard Operating Procedures (SOP) defining the roles of the Multidisciplinary Accident Investigation Team (MAIT) and its utilization in a CIIT investigation. Refer to Highway Patrol Manual (HPM) 110.1, MAIT Operations Manual.

(1) Multidisciplinary Accident Investigation Teams should be utilized for Category A incidents, including the following:

(a) A fatal or severe injury collision involving an on-duty CHP or California Department of Transportation (Caltrans) employee, including subcontractors working on a Caltrans work project.

(b) A fatal or severe accident involving departmental aircraft or when specifically requested by the Office of Air Operations.

(2) Multidisciplinary Accident Investigation Teams may be used to assist in other CIIT-related investigations as deemed appropriate by the Division commander.

(3) Multidisciplinary Accident Investigation Teams may be used for Category B incidents at the discretion of the Division commander. It is recommended that appropriate Division or Area personnel are utilized for diagramming a scene at Category B incidents.

f. The Department has entered into interagency agreement(s) with other state agencies to provide CIIT services, on an as-needed basis. When requested, the appropriate Division CIIT will respond to an agency-involved critical incident and provide the following:

(1) Incident command responsibilities.

(2) In-depth investigation of the incident in accordance with this manual.

(3) The preparation of an administrative report.

NOTE: All interagency agreements will be coordinated through Field Support Section.

## 2. GENERAL.

a. Critical Incident Investigation Teams consist of investigators with specialized skills and training in officer-involved shootings and critical incident investigations. The purpose of these teams is to provide the Department with a standard, comprehensive, and neutral investigative response to applicable critical incidents.

b. Geographical Responsibility. There are eight established teams, one based in each field Division. Specific areas of geographical responsibility are as follows:

(1) Northern Division. All Areas within Northern Division.

- (2) Valley Division. All Areas within Valley Division, including Protective Services Division and headquarters.
- (3) Golden Gate Division. All Areas within Golden Gate Division.
- (4) Central Division. All Areas within Central Division.
- (5) Southern Division. All Areas within Southern Division.
- (6) Border Division. All Areas within Border Division.
- (7) Coastal Division. All Areas within Coastal Division.
- (8) Inland Division. All Areas within Inland Division.

### 3. TEAM COMPOSITION.

a. A minimum team complement is composed of a CIIT coordinator, a team leader, a lead investigator, and investigators/officers as needed. The responsibilities of the team members are as follows:

- (1) Critical Incident Investigation Team Coordinator. The position of CIIT coordinator should be assigned to a captain within the Division, who will assume the assignment in addition to their other duties. Coordinators will serve primarily as a resource for Area commanders and the team leader.
- (2) Team Leader. The team leader shall be a lieutenant and will be subordinate to the Division CIIT coordinator.
  - (a) Each team leader may select alternates from within the team's area of geographical responsibility to assume the duties of team leader in the absence of the assigned team leader.
  - (b) The team leader may provide critical incident investigation training for officers at the request of Area commanders and may assist the Division public information officer (PIO) with presentations as appropriate.
- (3) Lead Investigator. The lead investigator shall be a sergeant assigned to the Division with investigative responsibility of the incident.
- (4) Investigator/Officer. At a minimum, a team should be staffed by two investigators/officers. Each team leader will select associate investigators from within the team's area of geographical responsibility.

(5) Associate Investigator. An associate CIIT investigator possesses the training necessary to perform the duties of an investigator/officer assigned to the geographical area, but is not assigned as a CIIT member. The associate will assume the duties of investigator in the absence of the primary investigator/officer or when the associate possesses necessary skills or expertise important to an investigation.

b. Area or Division personnel responsibilities for CIIT investigations are as follows:

(1) The Area's investigating officer initially assigned to the incident may continue the investigation as a member of the team until conclusion.

(2) The Area's investigating officer's supervisor may also become a member of the team and provide liaison and support between the team and Area.

(3) When necessary, the team will be supplemented by other Area or Division personnel.

(4) Areas shall not form their own CIIT. Area officers and supervisors who possess specialized knowledge and expertise should be used to assist CIIT investigators when appropriate.

4. CRITERIA FOR REQUESTING THE CRITICAL INCIDENT INVESTIGATION TEAM. The Division commander or designated alternate has the primary responsibility for determining when the CIIT shall be called. Each Division commander shall establish an SOP for CIIT utilization consistent with policy established in this manual.

5. PROCEDURES FOR REQUESTING USE OF THE CRITICAL INCIDENT INVESTIGATION TEAM.

a. Active Scene Request. The Area investigating officer or on-duty supervisor will make an initial assessment to determine the necessity for CIIT assistance. The request for CIIT assistance should be initiated through the on-duty supervisor to the Area commander or designated alternate. The Area commander shall notify the appropriate Division commander or designated alternate. With the Division commander's or designee's approval, the appropriate CIIT coordinator or designated alternate will contact the team leader and request the team respond to the incident scene. It is recommended that the CIIT respond to all Category A and Category B incidents.

b. Nonactive Scene Request. If the need for CIIT assistance is identified during an investigation or after an investigation has been completed, the procedure described in paragraph 5.a. above may be used.

c. Allied Agency Request for Critical Incident Investigation Team Assistance. All requests for CIIT assistance from allied agencies or district attorneys (DA) must be directed to the commander of the CHP Area having geographical responsibility for the general area in which the incident occurred. The Area commander shall notify the Division commander after determining the following:

(1) Local Area personnel do not have the expertise to provide the assistance requested.

(2) The request meets one of the criteria for requesting CIIT assistance as described in paragraph 1.c. of this chapter.

NOTE: If the request cannot be handled by Area personnel and meets the criteria for requesting CIIT assistance, the Division commander or designated alternate has the discretion to refer the requesting agency to the appropriate CIIT coordinator.

d. Critical Incident Investigation Team Contact Information.

(1) Critical Incident Investigation Team Division coordinators may be reached during normal business hours through their respective Division office.

(2) After normal business hours, the CIIT coordinator or designated alternate may be reached through the communications center located in geographical proximity to the affected Division.

(3) As part of the initial personnel call out that occurs subsequent to an officer-involved shooting or other critical incident, the Commissioner's office will notify the California Association of Highway Patrolmen.

## 6. PROCEDURES WHILE AWAITING THE CRITICAL INCIDENT INVESTIGATION TEAM.

a. First Responder Responsibilities. Upon arrival at the scene, the first responder shall assume the following responsibilities:

(1) Assume incident command responsibilities until relieved by a supervisor.

(2) Stabilize the scene.

- (a) Ensure all shooting or other defensive action has stopped.
- (b) Ensure suspects are disarmed and in-custody.
- (c) Request the necessary medical assistance (first aid, paramedics, and/or ambulance) and ensure medical treatment for all parties.
- (d) Resolve any other threats to employee safety.
- (e) Secure firearms or other weapons used at the scene by involved employees and/or suspects.

1 The securing of firearms or other weapons includes assigning uniformed personnel to guard the weapon(s) to ensure the location and the action of the weapon is not disturbed.

2 When the hazards at the scene or, in cases involving firearms, the potential for the weapon to discharge, exceed the evidentiary value, the weapon should be photographed to document its location and the position of its action before rendering the weapon safe. Photographs shall only be taken when the scene is stable and all potential threats are resolved.

NOTE: An officer's weapon shall not be taken before a replacement weapon can be provided. Normally, the CIIT investigator will remove and/or visually inspect an involved officer's weapon.

- (3) Crime broadcast (if applicable).
  - (a) Gather necessary information to facilitate immediate follow-up and apprehension of outstanding suspects.
  - (b) Broadcast an All Points Bulletin for outstanding suspects and/or vehicles.
- (4) Request additional personnel (if needed).
  - (a) Request a supervisor respond to the scene.
  - (b) Coordinate apprehension/arrest of any outstanding suspects.
- (5) Secure the scene.
  - (a) Establish a command post (outside of crime scene area).

(b) Establish a large perimeter around the crime scene.

1 Utilize crime scene tape, rope, patrol cars, or vehicles to establish the perimeter.

2 Since physical evidence is critical to the reconstruction of the incident, the crime scene perimeter should encompass as large an area as possible. Initially perimeters are often set too small.

NOTE: It is easier to reduce the size of a perimeter than to expand it.

3 Assign an officer to keep a log of on-scene activities using the CHP 328, On-Scene Checklist/Discharge of Firearm Incident, form.

4 Keep all personnel, including those from law enforcement and related agencies who have not been assigned duties, out of the crime scene.

5 Keep media members out of the crime scene. (Leiserson v. San Diego.)

6 Provide crowd control.

(6) Protect the evidence.

(a) Do not move anything.

(b) Assign an officer to photograph and video (if possible) those items, persons, or subject matter that may not be available when the primary investigator arrives. When in doubt, take a photograph. **Keep in mind all photographs are discoverable.**

(7) Care for involved employee(s).

(a) Assign an officer to accompany each involved employee.

(b) Accompany injured employees involved in the incident to the hospital.

(c) Uninjured employees involved in the incident should be taken to a safe and secure location. Involved employees should not be placed in the rear seat of any vehicle.

(d) Do not allow the involved employees to provide any comments to the press.

(e) Ensure the involved employees are not subjected to any interviews or interrogations at the scene except to provide necessary information to assist in locating suspects, witnesses, or to determine the initial focus of the investigation. (Refer to Chapter 3, Report Format and Composition, paragraph 5.e., of this manual.)

(8) Ensure the following steps are accomplished subsequent to the securing of the scene.

(a) Identify and record the names, addresses, telephone numbers, and exact locations of everyone present at the time of the incident.

(b) Record the names, identification numbers, and agency/Area of assignment of all officers present.

(c) Record the license numbers of all vehicles within close proximity of the incident for possible investigative leads.

b. Supervisor Responsibilities. Upon learning of a qualifying critical incident, the supervisor shall:

(1) Immediately notify the following:

(a) The affected commander or their alternate. When members from more than one command are involved, all affected commanders shall be notified.

(b) The law enforcement agency with the primary investigative responsibility to conduct the criminal investigation.

(2) Respond to the scene and assume incident command responsibilities.

(3) Coordinate resources with the primary investigating agency as appropriate.

(4) Request the appropriate CIIT in accordance with the Division and Area SOP, if applicable.

(5) Ensure all first responder's responsibilities have been completed.

(6) Provide for the safety of employees, victims, suspects, and witnesses at the scene of the incident. Confirm that all weapons involved in the incident have been secured, regardless of whether the weapon was fired or utilized. An

officer's sidearm should be secured in its holster until a replacement weapon is available.

(7) Ensure sufficient information is obtained from the involved officer(s) and/or witness(es) to disseminate proper public safety information. (Refer to Chapter 3, paragraph 5.e.(2), of this manual.)

(8) Provide for the integrity of the scene and physical evidence by establishing a scene perimeter that is as large as practical. The perimeter should be established safely beyond any piece of evidence. (Refer to paragraph 6.a.[5][b].)

(a) Ensure an officer has been assigned to track and record the information indicated on the CHP 328.

(b) Evaluate and adjust the crime scene perimeter to ensure the safety, security, and confidentiality of the entire crime scene.

(9) Remove the involved employee(s) from the scene as soon as possible.

(a) Confer with a departmental CIIT investigator and the investigating agency before removing the involved employee(s) from the scene.

(b) Take the involved employee(s) to the Area office or other comfortable location affording privacy.

(c) In the case of a shooting incident, do not take the officer's sidearm unless a replacement is available. Normally, the officer's sidearm will be taken, inspected, and replaced by the CIIT investigator.

(d) Do not isolate the involved employee(s).

(e) Do not separate the employees when two or more are involved until it is necessary (e.g., to obtain statements in an interview with the investigating agency or CIIT members).

(f) Do not allow allied agency personnel to interview or interrogate departmental employees involved in the incident until the primary investigator or CIIT can be consulted.

(g) Do not allow the involved employee(s) to talk to other personnel about the incident, except for a representative of their choice or a Peer Support Program volunteer.

(h) After it has been determined that evidence will not be compromised or destroyed, ensure the involved employee(s) has access to restrooms, telephone, food, drink, etc.

(i) Ensure an officer is assigned to accompany each involved employee at all times. The assigned officer is encouraged to talk to the involved employee, but not about the incident.

(10) Assign a PIO.

(a) **Ensure the media is kept outside of the crime scene area.** (Leiserson v. San Diego.) If possible, designate a specific media area away from the command post for the press to meet with the designated spokesperson.

(b) Statements to the press should be made by one person, preferably the commander or a representative from the agency with investigative authority. Prior to providing a statement, the allied agency having jurisdiction and the DA should be consulted.

(11) Ensure departmental investigators assist allied agencies investigating the incident.

(12) Terminate scene activities.

(13) If applicable, retain body armor if impacted. (Refer to HPM 73.5, Uniform/Grooming and Equipment Standards, Chapter 4, Soft Body Armor.)

7. OPERATIONAL RESPONSIBILITY. While the team is conducting or assisting in an investigation, team members will be functionally responsible to the appropriate Area commander.

8. CRITICAL INCIDENT INVESTIGATION TEAM NOTIFICATION AND REPORT REQUIREMENTS. Pursuant to General Order 100.80, Notification and Report of Emergencies and Unusual Occurrences, timely notification to the appropriate Assistant Commissioner and Emergency Notification and Tactical Alert Center are required. Messages should include the following information:

- a. Date, time, and location of the incident.
- b. Date and time of the CIIT response.
- c. The CHP Area requesting CIIT.

d. Brief summary of the pertinent details of the incident.

9. MEDIA RELATIONS.

a. Media relations specific to a critical incident should be coordinated through the RMA. The RMA may designate a spokesperson to manage media relations. The RMA shall ensure any information released to the public concerning the critical incident is done in a manner consistent with departmental policy.

10. RELEASING INFORMATION. It is incumbent upon all departmental employees to use discretion when releasing information regarding a critical incident.

a. In the event another agency is conducting a criminal investigation concerning the use of force by an employee, internal reports from this Department shall **not** be released without the concurrence of the Office of Legal Affairs (OLA), ORM, and the agency conducting the criminal investigation.

b. Information concerning a critical incident should be released only after coordination with the designated RMA, the DA's office, and involved allied agencies.

(1) All California Public Records Act requests for release of information involving a critical incident should be referred to ORM. All other requests for release of information involving a critical incident, including discovery of peace officer's personnel records pursuant to Section 1045 of the Evidence Code, commonly referred to as Pitchess Motion(s), should be coordinated with OLA.

(2) For officer safety reasons, when discussing critical incidents with the media, information regarding whether or not the officer was wearing soft body armor shall **not** be provided.

c. Pursuant to Section 6254(f) of the Government Code and Section 841.5 of the California Penal Code, information regarding a criminal investigation can be withheld from the media if it can be proven the release of the information may:

(1) Jeopardize the integrity and successful completion of the investigation, or

(2) Endanger the safety of involved employees, suspects, witnesses, and/or their family members.

NOTE: The names of involved employees (if a specific articulable safety concern exists), the physical evidence, and medical information are examples of the types of information which can be withheld from the media.

11. CRITICAL INCIDENT INVESTIGATION TEAM DEBRIEFING. The Division commander will provide a briefing to the appropriate Assistant Commissioner in a timely manner.