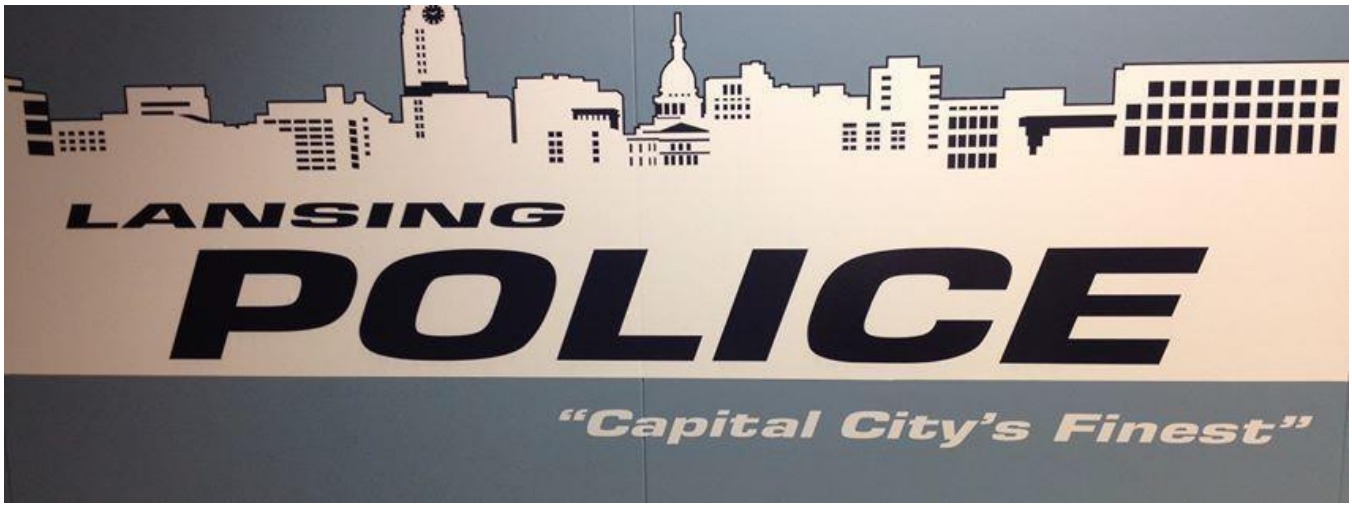
Public Release:
Lansing Police Department
Critical Incident Guidelines

2020



MISISION STATEMENT

- TO MAINTAIN ORDER;
- PRESERVE PUBLIC SAFETY;
- FOSTER A BETTER QUALITY OF LIFE; MAKING OUR CITY A BETTER PLACE TO LIVE, WORK AND VISIT.

FORWARD

Sworn Officers of the Lansing Police Department (LPD) have taken an oath to protect and serve the city's residents, workers and visitors. It is the policy and commitment of the Lansing Police Department that our officers hold the sanctity of human life, dignity and liberty in the highest regard. Application of deadly force is employed in the most extreme of circumstances and must be objectively reasonable.

Management of officer-involved critical incidents present the difficult issues of balancing citizen rights, maintaining investigation integrity, ensuring the public's right to know and the media's ability to report the news, and providing the prosecutor the ability to objectively review and decide on case facts.

The LPD is committed to a transparent philosophy and will reveal case facts and processes at the soonest appropriate time that protects the investigative process and adheres to requirements of law.

Because the department is restricted in releasing facts before the investigation is concluded, there is a risk that information will come from sources that may provide inaccurate accounts, speculative theories, and misinformation.

It is important to understand each incident has the potential for social, civil, administrative and criminal consequences. Incident investigators and agency managers need to uphold the legal rights, obligations and authority of the agencies and individuals involved. They must specifically recognize and reconcile police officers' constitutional due process rights and obligations resulting from the employer/employee relationship to ensure fairness for all. Involved officers also need the supportive services, including peer support and counseling following the incident. The critical incident protocol for the public was developed so that citizens and the media have a better understanding of how officer-involved critical incidents are handled by the police department.

This protocol will both educate and reinforce to our citizens that such cases are thoroughly and fairly investigated.

Chief Daryl Green
Lansing Police Department

Definitions:

Critical Incident-
Any situation, whether on or off duty, involving police employees where death or serious bodily harm has occurred or events that cause them to experience unusually strong emotional reaction which have the potential to interfere with their ability to function either at the scene or later.

Examples of a critical incident may include but are not limited to:

- **Officer involved shooting resulting in death/injury/or discharge ofweapon at an individual;**
- **Serious traffic crashes involving police vehicles;**
- **Serious injury or death to persons in police custody.**

Involved employee-
Any LPD employee (sworn or non-sworn) directly involved in a critical incident defined above.

Criminal Investigation-
Criminal Investigation of a criminal incident involves the study of facts and all relevant evidence used to identify, locate and prove the guilt or innocence of an accused criminal. The criminal investigation is separate and takes precedence over internal and civil investigations.

All Lansing Police critical incidents are generally investigated by an independent law enforcement agency. Once the investigation is completed it is turned over the applicable county prosecuting attorney for their independent review.

Force-
Physical and communicative control tactics and weapons an officer uses to influence the actions of a subject or to protect the subject from injuring himself or others.

Resistance-
A subject's failure to comply with an officer's attempt to establish control. Resistance can range from verbal non-compliance to deadly force assault.

Reasonable Force-
Force, objectively sensible for the situation and consistent with what other fair and sensible officers would do in light of similar circumstances.

Deadly Force-
Force which creates a substantial likelihood of causing death or serious bodily harm.

When Deadly Force is used

Lansing Police Officers respond to thousands of 9-1-1 calls annually and respond to real or anticipated resistance approximately 400 times a year. Unfortunately, while fulfilling their duty to serve and protect, officers sometimes find themselves engaged in dangerous situations resulting in the application of deadly force. Deadly force response occurs in less than .01% of incidents.

When deadly force is used, involved personnel are removed from regular duties while the circumstances of the shooting and officers' actions undergo a thorough and objective review. Officer involved critical incidents are independently investigated by an outside agency and once the investigation is complete, the county Prosecuting Attorney's Office will conduct their independent review of the investigation. LPD is committed to assessing lessons learned from the outside agency investigation, Prosecuting Attorney's opinion and implementing "best practices" for policies and training.

AUTHORIZATION FOR THE USE OF FORCE

Officers are authorized to use reasonable force through control techniques and equipment for resolution of incidents as follows:

A. To stop potentially dangerous or unlawful behavior;

B. To protect the officer or another from injury or death;

C. To prevent subjects from injuring themselves;

D. In the process of affecting a lawful arrest when a subject offers resistance;

E. To control an arrested person who is refusing to comply with arrest, search, booking, custody or lawful directives of the officer;

F. To prevent escape from custody.

USE OF FORCE CONSIDERATIONS

A. Officers may attempt to gain control by means of verbal directives or commands. When these actions are not effective officers may escalate force.

B. Officers will assess the incident to determine a reasonable response for the resistance encounter in light of the totality of the circumstance. Factors to consider include but are not limited to:
   1. Severity of the crime;
   2. Whether the subject is actively resisting arrest or attempting to evade by flight;
   3. whether the subject poses an immediate threat to the safety of the officer(s) or others;
   4. Relative size and strength;
   5. Multiple subjects/officers;
   6. The subjects access or perceived access to weapons;
   7. Subject under the influence of alcohol or drugs;
   8. Exceptional abilities and skills (e.g. martial arts, stance);
   9. Injury to, or exhaustion of the officer;
   10. Proximity and reaction time;
   11. Special knowledge about subject;
   12. Grounded position or
   13. An Officer's training and experience

C. Actions taken in response to resistance will not be punitive or retaliatory in nature or intent.

D. Any officer that observes an excessive use of force by another officer will intervene in a reasonable manner, and attempt to de-escalate the amount of force used.

E. It is the responsibility of every officer that observes an excessive use of force to report the incident to a supervisor as soon as possible.

USE OF DEADLY FORCE- (600-7)

A. Where reasonable, officers will identify themselves and provide a warning before deadly force is applied.

B. The use of deadly force applies to the following situations:
   A. To protect the officer or another from what is reasonably believed to be an imminent threat of death or serious physical injury.
   B. To prevent the escape of a subject who is fleeing from a violent felony crime, and the officer has probable cause to believe that the subject poses a threat of death or serious physical injury to the officers or others.

C. Officers will not use a firearm to disable a moving vehicle.

D. Warning shots are prohibited.

Lansing Police Department Critical Incident Protocol-

Whenever a LPD officer is involved in a critical incident, the department has a number of policies and procedures in place to guide the handling of the incident, the investigative process and the review of the incident. These policies and procedures are comprehensive and protect all parties involved to ensure an impartial review is done.

- **Police Employee Involved Critical Incident- 600-39**
- **Outside Investigation- 300-24**
- **Administrative Duty/Leave- 300-11**
- **Response to Resistance- 600-7**
- **Less Than Lethal- 600-60**
- **Board of Police Commissioners Complaint Review Committee- 200-6**
- **Internal Board of Review- 200-8**

The Lansing Police Department's procedure for a critical incident investigation is as follows:

- Immediate first aid will be provided for injured parties.
- A command officer is notified and will respond to the scene if not already present.
- The on-scene LPD command officer will ensure the crime scene is secure and contact the Chief or designee.
- Identify witnesses to be interviewed.
- Involved officers are transported to the police department or medical facility and is assigned a member from the Trauma Team to wait with them until investigators arrive.
- Evidence may be collected from the officers (i.e. firearms, clothing, pictures, video, etc.)
- The crime scene will be systematically processed by the investigators and all relevant evidence collected will be examined.
- The County Prosecutor's Office will monitor the investigative process employed by the investigating agency.
- Reports documenting all actions taken will be presented to the applicable prosecutor's office by the investigating agency for their review.
- The Chief or designee will make a number of contacts to ensure the proper resources are in place to conduct a proper investigation.
- The leadership team of the City will be briefed as to the incident and the status of the parties involved.
- A LPD Detective may be assigned as part of the outside law enforcement team and act as a liaison officer for the outside agency.

Post Incident Protocols-

- All critical incidents will be independently investigated by an outside agency.
- All LPD employees directly involved will be placed on paid Administrative Leave for a minimum of 72 hours so their state of well-being can be monitored before they are cleared for duty.
- Based upon the involvement of the officer, they will remain on Administrative Leave or Administrative Duty until the completion of the investigation and prosecutor review.
- Prior to any involved employee return to duty, a mandatory debriefing by a health care professional to determine their fitness for duty.
- The Chief or designee will determine based on the facts that are known about the case and the status of the investigation when to release additional information to the public. This would include the release of the names of the parties involved and other details related to the incident. In most cases, unless there are credible threats against the officer(s) involved, names will be released after a minimum of 72 hours.
- Once the independent investigation is completed by the outside agency, it will be forwarded to the county Prosecuting Attorney's Office for review.
- After the prosecutor review is completed, the Lansing Police Department Internal Affairs investigators will conduct an internal review of the incident to ensure the involved officers acted within LPD's policies and procedures.
- Internal Board of Review will be convened by the Chief of Police. The purpose of the Internal Board of Review is to review current policies and procedures, equipment, training and tactics to ensure that best practices are in place. The report of this board will be presented to the Chief of Police and Board of Police Commissioners along with the board's recommendations for future changes (if any).

Why LPD Posts Officer Involved Critical Incidents

This information is shared to make transparent the police department's protocols and processes following an officer involved critical incident. LPD believes that your trust and confidence in the Lansing Police Department (LPD) will increase as you understand what officers encounter and how officers are trained for these encounters. LPD is continuously reviewing and improving our training practices in an effort to minimize deadly encounters and maximize safety for all.

LPD Critical Incident Expectations Flow Chart

Officer(s) involved in critical incident

Outside agency conduct an independent investigation

Officer(s) placed on Administrative Leave for a minimum of 72 hours

Officer(s) will return to full duty or remain on Administrative Leave/Duty until Outside Investigation and/or Internal Affairs investigation is completed.

Identification of injured or deceased subject(s) will be released to media generally within 24-48 hours after positive ID and notification of next of kin.

Identification of involved officer(s) will be released once the Chief of Police has deemed the release will not impede the investigation and there are no credible threats against the officer(s).

Outside agency forwards criminal investigation to County Prosecuting Attorney.

Prosecutor renders and announces findings.

LPD Internal Affairs investigation is completed and reviewed by the Chief of Police

LPD Internal Review Board is convened to review the Critical Incident for adherence to policy and identifying important factors that are reported to the Chief of Police.

What Citizens can expect during a Critical Incident involving members of the LPD-

Question: What constitutes LPD's use of deadly force?

Answer:

1. Where reasonable, officers will identify themselves and provide a warning before deadly force is applied.

2. The use of deadly force applies to the following situations:

    A. To protect the officer or another from what is reasonably believed to be an imminent threat of death or serious physical injury.

    B. To prevent the escape of a subject who is fleeing from a violent felony crime, and the officer has probable cause to believe that the subject poses a threat of death or serious physical injury to the officers or others.

3. Officers will not use a firearm to disable a moving vehicle.

4. Warning shots are prohibited.

Question: How can the public be confident that investigations into an officer involved critical incident are fair and comprehensive?

Answer: The Lansing Police Department protocol ensures that an outside agency conducts an independent investigation. Following the independent investigation the county prosecutor will review the case to determine if the officer(s) acted within the guidelines of the law.

Question: Why does an investigation into an officer involved critical incident take so long?

Answer: It is understandable that members of the media and the public want expedient findings. That said, most reasonable people also want the agencies conducting the investigation to be thorough, accurate, and fair. Not only does it take time to interview (and sometimes re-interview) all the parties involved, as well as all the witnesses; it also takes time to gather evidence, have evidence professionally processed at the Crime Lab and to evaluate all the information relevant to the case. It is not uncommon sometimes for investigations of this kind to take several months or longer.

Question: Why wait to interview an officer in a shooting or other type of critical incident?

Answer: Usually, right after a critical incident, those officers directly involved provide the scene supervisor and/or investigating agency with a brief statement. In this brief statement, the officer tells his/her supervisor:

- A synopsis of what just happened.
- Who is hurt and where are they now.
- Are there any outstanding suspects and where they have went as well as description.
- What direction did the officer fire his/her weapon.
- Where the officer thinks evidence may be and where the crime scene may be.

This statement allows investigators time for fact-finding to occur so that the investigating agency has a basic understanding of what happened and why. Investigators are able to glean enough information to begin their investigation. This interview does not indicate that any conclusion or findings have been reached. It provides the needed time for the involved officers to be interviewed (which usually involves their union representative or attorney being present; as a right entitled to them by law). Finally, it provides the opportunity for the officers' due process rights to be protected, and receive any supportive services they need, including peer support and counseling, following the incident.

Question: What happens to the officer(s) involved in a critical incident that results in injuries or death?

Answer: It is standard protocol for LPD officer(s) directly involved in a critical incident to be placed on paid Administrative Leave. All LPD employees directly involved will be placed on paid Administrative Leave for a minimum of 72 hours to monitor their psychological and physiological state of well-being. Based upon the involvement of the officer, they will remain on Administrative Leave or Administrative Duty until the completion of the independent investigation and prosecutor review. Prior to any involved employee returning to work, a mandatory debriefing by an health care professional will be performed to determine their return to duty.

Question: What is the Lansing Police Departments policy on use of force?

Answer: Our policy is actually a Response to Resistance Policy (See 600.07)

Question: When will the deceased subject or suspect name be released?

Answer: This timeframe may vary from less than 24 hours to a week. Before the name can be released, positive identification needs to be confirmed and next of kin needs to be notified. As soon as those tasks are completed, the name will be released.

Question: When will the officer(s) name be released?

Answer: It is the general policy of the Lansing Police Department that the identity of the officer(s) involved in a critical incident will be released once the Chief of Police has determined the release of the information will not subject the officer(s) to undue threat or harm and not impede the investigation. In most instances the identities of the officer(s) will not be released for a minimum of 72 hours.

Question: According to news reports and social media, different people claim to have seen different things related to the critical incident. How can their version of what happened be so different from what the Police Department has reported?

Answer: During any critical incident, most people see or perceive things differently. Sometimes their account of an incident is based on their location, their vantage point, their level of attention, *"implicit bias" (applies to everyone, not just cops)* and even their feelings about the parties involved. One of the advantages of video-evidence is that it can help clarify what actually happened. We must keep in mind that a video recording is only a two dimensional perspective of a three dimensional event captured within the confines of the lens. The job of an investigator is to gather available evidence, assess the credibility of the witnesses, and present the facts to the prosecuting entity. Some people use media interviews or social media to voice their opinions about what happened even if they were not a direct witness to the event. This can cause confusion, rumors and lead to predisposition based on grossly inaccurate statements. Rarely is it appropriate for the police department to respond to these opinions or allegations.

Question: Why can't officers simply "shoot to injure" someone as opposed to using their firearm in a manner that may result in a suspect's death?

Answer: Officers in most situations are faced with a rapidly occurring set of circumstances that force them to make very difficult, often split-second, decisions. When an officer believes his or her life, or someone else's life is in danger, the officer has to decide what kind of force is most appropriate to stop the threat. Although the department provides its officers with-tools and training to address resistant or dangerous individuals, there is no "one size fits all" approach to stopping a deadly threat. Extremity or "warning" shots may be common on TV or in the movies, but in real life, they are highly discouraged—if not outright prohibited—by most police departments. The actual precision of anyone firing a gun under highly stressful circumstances, often in poor lighting, at a distance, or while the parties involved are moving, is almost impossible to assure. Officers are taught to shoot using current best practices that will "stop the threat." Once someone attacks, police are trained to stop the threat, to protect themselves and members of the public. It's not uncommon for the police to shoot multiple times to stop a threat.

Question: Where can I get more information or stay informed about what's going on relative the Lansing Police Department or specifically a critical incident?

Answer: LPD uses its website and social media tools (Facebook and Twitter) to provide information to the community that is as accurate and timely as possible. We also welcome your feedback through community forums and neighborhood meetings. Additionally, LPD offers an ongoing 12-week Citizen Police Academy that is free to any citizen who either lives, works or owns a business in the city.

LPD values our relationship with the community and we seek to maintain our commitment to transparency, police legitimacy and professional policing.

Questions: Does LPD keep records of critical incidents involving Lansing Police Officers?

Answer: Yes we have historical data going back to 1990 for all LPD critical incidents.

Lansing Police Department

Officer Involved Shootings 1990-Present

#	Date	Location	Status	Injury
1	5/23/1990	1342 N. Walnut	Justifiable	Fatal
2	8/31/2990	800 E. Kalamazoo	Justifiable	Fatal
3	7/8/1991	3600 S. MLK	Justifiable	Non-Fatal
4	7/28/1991	1246 Allen	Justifiable	Non-Fatal
5	11/4/1991	112 E. Main	Justifiable	Fatal
6	6/23/1992	100 W. Michigan	Justifiable	Non-Fatal
7	7/18/1995	6200. S. Pennsylvania	Accidental Discharge	Non-Fatal
8	1/27/1996	Kingsley/MLK	Justifiable	No Contact
9	9/11/1996	Barnes/ S. Washington	Justifiable	Non-Fatal
10	4/27/1996	5334 S. MLK	Justifiable	Non-Fatal
11	9/22/1996	5334 S. MLK	Justifiable	No Contact
12	10/23/1996	10660 Edgar, Mason	Justifiable	Fatal
13	7/22/1997	900 W. Edgewood	Accidental Discharge	No Contact
14	1/23/1999	3225 Alfred	Justifiable	Fatal
15	2/16/2000	5510 S. Pennsylvania	Accidental Discharge	No Contact
16	8/7/2000	1621 E. Michigan	Justifiable	No Contact
17	7/27/2001	3003 Greenbelt	Justifiable	Non-Fatal
18	8/9/2003	Waverly/Jolly	Justifiable	Non-Fatal
19	4/29/2004	800 W. Edgewood	Justifiable	Fatal
20	10/17/2004	6524 W. Saginaw	Justifiable	Non-Fatal
21	12/4/2007	910 American	Justifiable	Fatal
22	2/18/2008	1116 Lenore	Justifiable	Non-Fatal
23	3/14/2011	3215 S. MLK	Justifiable	Fatal
24	9/13/2011	1214 S. Holmes	Justifiable	Fatal
25	12/24/2015	5938 Selfridge	Justifiable	Fatal
26	3/31/2018	Dunlap/S. MLK	Justifiable	Non-Fatal
27	06/1/2020	934 N. Walnut	Open Investigation	Non-Fatal / Fatal

Total Shootings= 27 Total Fatalities= 11

Lansing Police Department

In-Custody Deaths 1990-Present

#	Date	Cause	Location
1	2/2/1996	Positional asphyxia	Lock-Up
2	4/30/2011	Asthma	Hospital
3	8/24/2013	Suicide	Lock-Up
4	4/27/2015	Multiple Drug Overdose	Lock-Up
5	4/11/2020	Open Investigation	Lock-Up

Total Fatalities= 4

Officer Involved Vehicular Fatalities 1990-Present

#	Date	Location	Disposition
1	12/13/1999	Jolly and Christiansen	Officer not at fault
2	3/29/2008	MLK and Loa	Officer not at fault

Total Fatalities= 2