



National Police Federation

On Duty Member-Involved Shooting / Serious Incident Checklist

NOTE: We are working on a 1-800 type of call centre for emergency calls and dispatch rotation. In the meantime, please answer your phone 24/7 or have forwarding info for an alternate Director if you're unavailable.

TIP: Keep a thumb drive with this Checklist and MIS documents handy on your keys or in your vehicle so you can provide the information immediately to the Members at the detachment upon your arrival.

1. **Person who contacted you** (name, email, phone #):

2. **Incident information** (type, date, time, location, file number):

(Example: MIS – Fatal, 2020-01-01, 2300hrs, Fort McMurray, 2020-1234)

3. **Members injured or killed?** (names, current location (*hospital/scene/detachment*)):

4. **Need to send other NPF Directors to different locations? If so, where?**

5. **Involved Subject and/or Witness Members** (HRMIS/Reg #'s, phone #, personal email, length of service):

6. **Other Non-Subject, Non-Witness Members** working at the time of the incident (HRMIS/Reg #'s, phone #, personal email, length of service):

7. **Contact the Detachment and advise the Commander or Supervisor:**

- that you are en route, and your ETA;

- to separate all involved Members;
- to advise Members not to discuss the incident or details with each other or anyone else, except supervisors or duly authorized investigators and ***only if*** required to do so under the responsibility to report or a lawful compulsion (OM 54.3);
- to contact Peer-to-Peer and have them attend, if possible;
- that involved Members should be given an opportunity to contact their families to advise them of their status.

8. Brief one (1) of the NPF Executive by phone or email:

Notify them of the incident, location, status of Members, and whether you require additional resources to assist. Provide regular updates to that point of contact.

9. Contact the Involved Members as soon as practicable to:

- **Advise them whether or not you can attend;** and if you will be attending or are en route, advise your ETA.
- **Advise them not to discuss the incident** with anyone except supervisors or duly authorized investigators, and ***only if*** required to do so under the responsibility to report or a lawful compulsion (OM54.3).
- **Advise them not to engage on social media platforms.**
- **Ask if they have contacted their family members.**
Often, subject members and witness members will have been told not to contact anyone. Provide them an opportunity to call their families to let them know they are ok. Advise them not to discuss the incident with their family.
- **Tell them *not* to describe the incident or their actions to you.**
Remind them that you are still a Police Officer and must disclose any information regarding statutory offences. You are only covered by a solicitor-client type of privilege as it relates to the *Code of Conduct*.
- **Facilitate Access to Legal Counsel:**
Advise them to make their notes prior to contacting counsel (WOOD v. SHAEFFER)
Ask them if they have a lawyer they would like to call.
If they do not have a lawyer, advise them you can provide them with an NPF-approved lawyer to assist. Provide them the name and number of a lawyer, in their area if possible.
Advise them to refrain from providing a statement until they have spoken with a lawyer.
- **Inform them about applying for Legal Assistance at Public Expense (LAPE):**
Provide them with an application for LAPE. Once they have completed it, submit the application as per the direction of your Division. Some go through their Line Officer who forward it to Civil Litigation and others go directly to Civil Litigation, all for the review and review and approval by the EMRO.
- **Inform them that the investigation may be conducted by:**
 - the provincial investigative body, as appointed by the province's designated authority (such as ASIRT in KDIV, the IIU in DDIV, the IIO in EDIV, etc.);
 - a police service, as appointed by the province's designated authority;
 - a provincial investigative body, as requested by the RCMP;
 - a police service, as requested by the RCMP; or
 - as a last resort, an RCMP investigator.
- **Explain that, in most cases, these investigations are lengthy and may take over a year to conclude.**
- **Advise them that the on-scene supervisor or the lead investigator will designate them as either:**

- **a Subject Member** - Member whose duties or other actions directly or indirectly contributed to a death or serious injury of a person, or whose conduct is the subject of an investigation; or
 - **a Witness Member** - Member involved directly or indirectly in a police incident under investigation and who may have relevant information but who is not a Subject Member.
- **Subject Members cannot be compelled to provide involuntary statements or their police notes.**
Subject Members have a right to silence.
Subject Members should resist the urge to defend their actions, and should not provide further details or any voluntary statement prior to obtaining legal advice.
A Subject Member will be required to provide a Preliminary Report (see below), which is not a statement.
 - **Witness Members will be required to provide:**
 - a Preliminary Report (see below);
 - their police notes;
 - before going off-duty, a Detailed Report, which is a comprehensive written police report that describes the Member's actions taken during the incident, their rationale for these actions and any observations made during the course of their duty; and
 - soon after the incident, a statement.
 - **Advise Involved Members to wait at least 72 hours before providing a statement.**
The NPF recommends that Members wait at least 72 hours after the incident before providing a statement. Given studies on statement recollection, more recollections may come back to them over the following days. Advise Members to keep a notebook to document any recollections as they come, as the recollections may be valuable for their statement.
 - **Advise Involved Members of their Responsibility to Report (OM 54.3):**
 - No right to consult counsel prior to providing a Preliminary Report or writing their police notes.
 - Subject and Witness Members have a legal, moral and professional obligation to provide a prompt written or verbal report describing a police incident.
 - Involved Members must provide a **Preliminary Report**: a basic verbal or written account of the information required to form an immediate police response for the purposes of safeguarding the public, securing evidence, and preventing the continuation of offences, including:
 - status, description, and location of the subject and witness officers involved;
 - injuries requiring medical attention;
 - potential dangers;
 - scene location parameters (where does it start and end);
 - identification and location of evidence to be protected;
 - nature of the event;
 - behaviour(s) of the subject(s) involved;
 - identification or intervention tools used; and
 - if a firearm was discharged, the direction of fire.
 - **Inform them that the on-scene supervisor will complete:**
 - the SBOR;
 - the Member Involved Shooting Incident Summary Form 5094 as per (OM 4.8)
 - **Advise Involved Members that their kit may be seized** including their firearm(s), ammunition, gun belts and any other tools/uniform the investigator may require. Ensure that Subject Members remove their notebooks from their SBA or kit prior to it being seized.
The seizure of equipment typically has nothing to do with trust, competence, or concerns with the Member's actions or mental wellness. Rather, this is part of the investigation and is common practice. The detachment may be able to provide a replacement sidearm for the Member in the meantime to show support and to assist the Member in feeling safe.

- **Explain the critical incident re-integration process** – if available in your Division, contact your Training Branch for details.
- **Advise them to complete a Hazardous Occurrence Form - Lab1070 for existing or potential physical or mental injuries.**
- **Explain that all Involved Members must meet with an HSO/Force Psychologist**
Subject Members and, in many cases, Witness Members, will be stood down and placed on ODS by the HSO/Force Psychologist for a period of time. The length of ODS varies, but in most cases, a Member can expect to be ODS for at least 2 weeks. The time off is mandatory and is typically in the Member's best interest. Encourage Members to engage support services like P2P, EAP etc., and ensure they play a role in their overall wellness.
- **Provide information and website links for Veterans Affairs** https://www.veterans.gc.ca/eng/e_services
- **Ensure the Members have a support person or network available to the them.**
Provide the Member's contact information to Peer-to-Peer so they may follow up with the Member.
- **Provide the Members with your business card / contact information.**
- **Try your best to get the Members out of the detachment and home as soon as possible.**
This can sometimes be difficult. The sooner we get them the information they require, and they fulfill their obligations etc., the easier this will be. Ensure they advise their Commander and the Lead Investigator that they are leaving and where/how they can be contacted.
- **Send all involved Members a follow-up message** to their personal email with all relevant documents and information you provided to them on scene. They may forget.
- **Follow up with the Involved Members the day after the incident.**
Answer any questions.
Ensure the required forms have been completed and submitted.
- **Follow up with the Involved Members and/or others as and when required.**
There may be more tasks assigned to you in files where we have lost one or more Members. As the NPF Directors are included in the Fallen Members Guide, you may be working closely with the Designated Family Liaison Officer (DFLO) and the Corps Sergeant Major (CSM).