

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>	EFFECTIVE DATE 09/20/2021	NUMBER 06.04.136
	SUBJECT CRITICAL INCIDENT REPORTING - FIELD OPERATIONS ADMINISTRATION (FOA)	
SUPERSEDES 06.04.136 (06/01/2018)		AUTHORITY MCL 791.203 - MCL 791.206, MCL 791.208
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**POLICY STATEMENT:**

Critical incidents shall be promptly reported to ensure the Department’s chain of command is informed and prepared to respond to the inquiries of the Executive Office, Legislators, family members and the media. Critical incidents are reviewed to ensure that staff responded as outlined in policy and procedure.

**POLICY:**

DEFINITIONS

- A. CRITICAL INCIDENT: An event that is likely to attract widespread adverse public attention and/or create potentially serious issues for the Department, as determined by the Field Operations Administration (FOA) Deputy Director. Such events shall be reported as soon as they come to the attention of staff by the most expeditious means available at the time (in-person, telephone, e-mail, etc.).
- B. MEDICAL TREATMENT: Treatment administered by a physician or registered professional. This does not include minor first-aid treatment, even if provided by a physician or registered professional.
- C. SERIOUS PHYSICAL INJURY: Injury to any part of the body that requires hospital admission, surgery, or emergency room treatment (e.g., lifesaving stabilization, serious fractures, stab wounds, blunt force trauma leading to internal or head injury).
- D. SEXUAL ASSAULT: Sexual penetration of, or sexual contact with, another person or intentional non-consensual touching of another person’s genital area, buttocks or breasts.

GENERAL INFORMATION

- E. For purposes of this policy, "employee" refers to Department employees, including contractual employees, unless otherwise specified.
- F. Critical incidents shall not be completed on discharged offenders.
- G. A Prison Rape Elimination Act (PREA) investigation packet shall be completed for all reported and/or alleged sexual assaults in accordance with PD 03.03.140 “Sexual Abuse and Sexual Harassment of Prisoners - Prison Rape Elimination Act (PREA).

CRITICAL INCIDENTS

- H. The following critical incidents shall be reported immediately by telephone and reported in writing on a FOA Critical Incident Notification form (CFJ-144) as set forth in this policy:
  1. The death of a FOA employee while on duty.
  2. The death of an offender or visitor in a field office.
  3. The death of an offender housed in a Department contracted residential facility, contracted commercial placement, or custody setting (e.g., jail etc.) unless the death was expected due to a terminal illness. These incidents shall also be reported pursuant to PD 04.06.110 “Deaths

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and Disposition of the Remains” when applicable. Any death of a foreign national must be reported in writing to the Office of Legal Affairs Administrator within 24 hours of death.

4. The death of any person as a result of the actions of an offender or FOA employee.
5. Serious physical injury of an offender or visitor in a FOA field office, or an offender housed in a Department contracted reentry facility, contracted commercial placement, or custody setting (e.g., jail, etc.).
6. Any work-related assault of an employee.
7. Drawing/discharge of a firearm, electronic control device (ECD), or chemical agent in the employee’s performance of their duties, except as required during training, qualification or practice. The drawing of a firearm, ECD, or chemical agent does not apply to Absconder Recovery Unit (ARU) staff in this instance.
8. Loss or theft of a Department-issued firearm, ECD, specialty impact device or chemical agent at any time.
9. An offender absconds from a Residential Sex Offender Program (RSOP).
10. Any alleged sexual assault of an offender under the Department’s jurisdiction who is housed in a Department contracted residential facility, contracted commercial placement, or custody setting (e.g., jail, etc.).
11. Arrest of a Department employee for any felony, or a misdemeanor for which the employee is subject to immediate suspension or, if found guilty, may be subject to dismissal in accordance with PD 02.03.100 “Employee Discipline.” This also applies to contractual employees working in a facility who are known to have been arrested for similar conduct.
12. Any alleged sexual contact between a Department employee and an offender.
13. Use of force that may be in violation of PD 04.05.110 “Use of Force.”
14. An unusual event not identified above that may attract adverse attention to the Department as determined by the Assistant Deputy Director (ADD) or designee.

#### CRITICAL INCIDENT REPORTING REQUIREMENTS

- I. Each employee who is a participant in or witness to a critical incident shall immediately verbally report the incident through the chain of command and complete a FOA Critical Incident Participant Report form (CFJ-565) or Critical Incident Participant Report (CAJ-571) as appropriate. The completed report shall be submitted through the chain of command (FOA and/or CFA where applicable) where the incident occurred within 24 hours.
- J. A FOA Critical Incident Notification (CFJ-144) shall be provided through the chain of command to the FOA Deputy Director as appropriate. The FOA Deputy Director shall in turn notify the Director.
- K. Any job-related fatality of an employee must be reported to the Central Office Human Resource office and a FOA Critical Incident Notification (CFJ-144) must be completed within eight hours of notification in accordance with the Department’s Occupational, Safety and Health Manual.
- L. For all cases in which a FOA Critical Incident Notification (CFJ-144) has been submitted, a Critical Incident Notification Case Review (CFJ-237) shall be completed by the Supervisor within one business day of notification of the critical incident.

#### RELEASE OF CRITICAL INCIDENT INFORMATION

- M. Requests for critical incident information under the Freedom of Information Act (FOIA) shall be handled

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in accordance with PD 01.06.110 "Freedom of Information Act - Access to Department Public Records."

#### POST-INCIDENT REVIEW

- N. The Director shall determine the need to convene a Post Incident Review Committee. The Deputy Director will act as the chairperson and shall designate the members of the Post Incident Review Committee that shall include the Administrator of the Office of Legal Affairs.
- O. When a post-incident review is conducted, the review shall include:
  - 1. A copy of the FOA Critical Incident Notification (CFJ-144).
  - 2. A detailed description of the sequence of events. The description shall include the date, time and location of all events and be accompanied by photographs and/or diagrams when available or appropriate. This section shall provide the names and titles of all participants and witnesses including employees, visitors, and offenders.
  - 3. A detailed critique of the incident and how employees responded to the incident along with supporting documentation. Any changes in practice or procedure that were implemented or are planned to be implemented to correct a problem also shall be reported.
  - 4. All administrative rules, Director's Office Memoranda (DOM), policy directives, operating procedures, training, and work statements applicable to the event shall be listed, accompanied by an explanation of compliance or non-compliance. This review also shall include an evaluation of training needs and any recommendations for change in policy directives, work statements or operating procedures.
  - 5. A plan of action, identifying deficiencies, if any, and providing a method of resolution. The plan shall identify the staff responsible for the correction and the time frames for the completion of the recommended changes.
- P. The appropriate Administrator shall submit the post-incident report through the chain of command to the FOA Deputy Director as soon as possible after the incident.
- Q. The post-incident report shall be reviewed by the FOA Deputy Director or designee, to ensure it is complete, to evaluate staff response, and to determine if there are any violations of policy or procedure. The report shall then be forwarded to the Director for review.

#### DOCUMENTATION

- R. All documents, forms and videotapes related to critical incidents shall be retained as required by the Department's Record Retention and Disposal Schedule or, if not addressed in the schedule, for a minimum of six years from creation.

#### OPERATING PROCEDURES

- S. If necessary, to implement requirements set forth in this policy directive, the FOA Deputy Director shall ensure that procedures are developed or updated.

#### AUDIT ELEMENTS

- T. A Primary Audit Elements List has been developed and is available on the Department's Document Access System (DAS) to assist with self-audit of this policy, pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

APPROVED: HEW 08/02/2021