



Homeland Security Investigations

Critical Incident Readiness and Response Handbook

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U.S. Immigration
and Customs
Enforcement

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Foreword

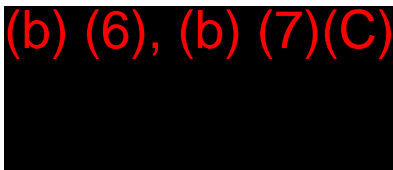
The Homeland Security Investigations (HSI) Critical Incident Readiness and Response Handbook is an important source of national policies, procedures, responsibilities, guidelines, and controls for HSI personnel when responding to critical incidents. This Handbook contains instructions and guidance to ensure uniformity and operational consistency across all HSI Headquarters and field offices. Oversight for this Handbook resides with the Assistant Director, Domestic Operations.

This Handbook is the originating and establishing HSI document on critical incident readiness and response.

The Critical Incident Readiness and Response Handbook is an internal policy of HSI. It is not intended, does not, and may not be relied upon to create any right or benefit, substantive or procedural, enforceable by law by any party in any administrative, civil, or criminal matter. Nor are any limitations hereby placed on otherwise lawful enforcement prerogatives of Immigration and Customs Enforcement (ICE). This Handbook is For Official Use Only (FOUO) – Law Enforcement Sensitive (LES). It is to be controlled, stored, handled, transmitted, distributed, and disposed of in accordance with Department of Homeland Security (DHS) policy relating to FOUO/LES information and the ICE Directive on Safeguarding Law Enforcement Sensitive Information. This Handbook shall not be distributed beyond ICE personnel without prior authorization of the originator. If disclosure of this Handbook or any portion of it is demanded in any judicial or administrative proceeding, the HSI Information Disclosure Unit, as well as the Office of the Principal Legal Advisor (OPLA), and, when appropriate, the U.S. Attorney’s Office, are to be consulted so that appropriate measures can be taken to invoke privileges against disclosure. This Handbook contains information which may be exempt from disclosure to the public under the Freedom of Information Act, Title 5, United States Code, Section 552(b), and protected from disclosure pursuant to the law enforcement privilege. Any further requests for disclosure of this Handbook or information contained herein should be referred to the HSI Information Disclosure Unit.

All suggested changes or updates to this Handbook should be submitted to Domestic Operations.

(b) (6), (b) (7)(C)



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02/06/2026

Date

**CRITICAL INCIDENT
READINESS AND RESPONSE HANDBOOK**

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CRITICAL INCIDENT READINESS AND RESPONSE HANDBOOK

Chapter 1. PURPOSE AND SCOPE

The Homeland Security Investigations (HSI) Critical Incident Readiness and Response Handbook supports and expands on HSI's protocols and procedures for critical incidents, specific to a Special Agent (SA)-involved shooting (AIS). This Handbook applies to all HSI personnel and is specifically intended for HSI law enforcement personnel who are Authorized Officers as defined by U.S. Immigration and Customs Enforcement (ICE) policy.¹

Chapter 2. INTRODUCTION

HSI recognizes the profound significance of critical incidents, including those involving the use of force, up to and including deadly force, in the performance of official duties. HSI is committed to ensuring that both HSI leadership and the HSI workforce are thoroughly trained and educated on the necessary preparations to address critical incidents whenever they may occur. This Handbook implements existing policies (*see* below and Chapter 4) and incorporates best practices and lessons learned from past critical incidents, particularly AIS incidents that occurred in HSI field offices.

Chapter 3. DEFINITIONS

The following definitions are provided for the purposes of this Handbook. They align to ICE Directive 1044.2, Response to and Evaluation of Critical Incidents Involving ICE Employees, Non-Employee Status Individuals, and Officers Acting Pursuant to ICE Authority, dated March 3, 2023, or as updated, as well as ICE Directive 19009.3, Firearms and Use of Force, dated May 26, 2023, or as updated, and its accompanying ICE Firearms and Use of Force Handbook.

3.1 Agent-Involved Shooting

An AIS is an authorized intentional or unintentional discharge of a firearm by law enforcement personnel that results in the physical injury or death of a person.

3.2 Attendant

An "attendant" refers to an HSI employee who is assigned by a supervisor to remain with the employee involved in an AIS. If possible, this should be a certified Peer Support Member (PSM)

¹ Any references to "Authorized Officers" in this Handbook should be understood to include all HSI law enforcement personnel. This includes HSI Special Agents, Technical Enforcement Officers, Tactical Communications Officers, Seized Property Specialists, ICE Tactical Officers (Shadow Wolves), and cross-designated Task Force Officers (TFOs) acting pursuant to HSI authority.

who is trained in normalizing physiological and cognitive reactions to trauma and can provide resources for promoting psychological first aid. While peer support should be offered to all employees involved in a critical incident, employees cannot be required to accept the services as per ICE Directive 1037.1, Peer Support Program, dated February 22, 2013, or as updated.

3.3 Authorized Officer

As defined in the [ICE Firearms and Use of Force Handbook](#), effective August 2, 2021, an “authorized officer” is an ICE employee who is authorized to carry an ICE-issued firearm(s) and/or approved, personally-owned weapon(s) (POW) pursuant to Title 19, United States Code (U.S.C.), Section 1589a, 8 U.S.C. § 1357, Title 8, Code of Federal Regulations (C.F.R.) Part 287, and/or other statutory authority as delegated to ICE employees by the Director of ICE. Authorized Officers are also permitted to carry intermediate force weapons.

3.4 Critical Incident

A “critical incident” is an event in which HSI employees, or other individuals required to report, are directly involved in actions that result in the death of an individual(s), the use of deadly force, the use of force resulting in serious bodily injury, or the disappearance of an individual. Such individuals required to report include HSI employees, other individuals working for HSI in a non-employee status (e.g., contractors and detailees), cross-designated Task Force Officers (TFOs), or any other individuals acting pursuant to HSI authority as part of an authorized task force, who are involved in a critical incident in the line of their authorized task force or designated duties. For the purposes of this Handbook, the critical incident definition and guidance provided are limited to events concerning domestic operations offices.

3.5 Employee Assistance Program

The Employee Assistance Program (EAP) is a confidential counseling program that offers assessment, short-term counseling, and referral services to employees for a wide range of problems that could interfere with work performance.

3.6 Escort

An “escort” refers to an Authorized Officer assigned by a supervisor to remain with the suspect involved in an AIS.

3.7 Firearms and Use of Force Incident Review Committee

The Firearms and Use of Force Incident Review Committee (FUFIRC) is an Office of Firearms and Tactical Programs (OFTP)-led committee responsible for reviewing critical incidents involving firearms, use of force events, and enforcement-related officer safety issues. The FUFIRC is comprised of the Assistant Director (AD) of OFTP, who serves as Committee Chair; the Executive Associate Directors (EADs) of HSI and Enforcement and Removal Operations (ERO); the Associate Director of the Office of Professional Responsibility (OPR); and the Principal Legal Advisor (PLA).

3.8 ICE Tactical Emergency Medical Services Providers

ICE Tactical Emergency Medical Services (TEMS) Providers are ICE armed law enforcement personnel who are certified by the National Registry of Emergency Medical Technicians at the Emergency Medical Technician level or higher, with additional training as required by the ICE TEMS National Program Manager (NPM) and the ICE TEMS Medical Director. ICE TEMS Providers must be credentialed by the Department of Homeland Security (DHS) and the ICE TEMS Program and must remain active in the ICE TEMS Program.

3.9 Incident Commander

The “incident commander” is an ICE second-line supervisor or higher responsible for command and control of the scene of a critical incident, to include coordinating efforts with the investigative agency (defined in Section 3.10 below), the ICE Peer Support Program (PSP), OPR, and ICE leadership.

3.10 Investigative Agency

The “investigative agency” is the federal, state, county, local, or tribal jurisdictional investigative entity that will conduct the criminal investigation pursuant to an AIS.²

3.11 Official Act

An “official act” is an act performed by an HSI employee within the scope of his or her employment.

3.12 On Duty

The term “on duty” refers to any period of time during which HSI Authorized Officers meet the criteria for “Carriage of ICE Firearms” as defined in [Section B](#) of Chapter 2, Firearms (dated September 24, 2025, or as updated), of the ICE Firearms and Use of Force Handbook, and/or:

- A. Are working during their normally assigned shift to include Law Enforcement Availability Pay hours and both scheduled and unscheduled overtime;

² Per Section 2 of ICE Directive 1044.2, Response to and Evaluation of Critical Incidents Involving ICE Employees, Non-Employee Status Individuals, and Officers Acting Pursuant to ICE Authority, dated March 3, 2023, or as updated, it is ICE policy to conduct a thorough fact-finding review of all critical incidents, and OPR will have the right of first refusal on conducting an internal investigation and fact-finding review of the critical incident. The ICE Director, ICE Deputy Director, or the OPR Associate Director may direct an OPR fact-finding review of any incident at their discretion. While the ICE OPR maintains the right of first refusal during an AIS, it is recognized that OPR may not be sufficiently resourced to participate in the immediate response. In such instances, established HSI Memorandums of Understanding (MOUs) with a federal, state, local, or tribal law enforcement agency (LEA) will dictate the investigative response posture. This does not eliminate the requirement for HSI offices to ensure coordination post incident with OPR, so that OPR can maintain all the relevant information to support an administrative investigation or fact-finding inquiry. In accordance with ICE Directive 17012.2, Reporting and Investigating Threats and Assaults Against ICE Employees and Facilities, dated January 29, 2020, or as updated, HSI may investigate threats and assaults of HSI employees, but should direct threats and assaults investigations with an aggravating factor, such as the use of a deadly weapon by the subject, to the appropriate investigative agency as per established MOUs.

- B. Identify themselves as law enforcement officers (LEOs) in the presence of a civilian; and/or
- C. Use any law enforcement tools, including, but not limited to, firearms, badges, or handcuffs, in the presence of a civilian.

3.14 Peer Support Members

PSMs are members of a team of ICE employees who are trained and certified to offer emotional support, guidance, and service referrals in a confidential setting. Conversations between PSMs and law enforcement personnel are confidential, protected by Public Law 117–60, Confidentiality Opportunities for Peer Support Counseling Act (or the COPS Counseling Act), dated November 18, 2021, and may not be disclosed during any official proceedings except in rare cases which include the imminent threat of suicide, harm to a child or elder, criminal activity, or serious misconduct. PSMs are obligated to define their level of protection and keep all communications within the parameters of their respective legal privilege, which frees the Authorized Officer to talk about the event with assurance of confidentiality.³

3.15 Peer Support Program

The PSP is the national program providing oversight, training, and guidance to PSMs. The PSP meets all minimum member selection and training criteria and all clinical and legal oversight requirements to qualify for confidentiality and privilege protections offered by all federal and state laws regulating law enforcement PSPs.

3.16 Responsible Official

For an HSI field office, the Responsible Official is typically the Special Agent in Charge (SAC). However, in special circumstances, this may include other officials designated in writing by the ICE Director, as well as HSI Headquarters (HQ) officials.

3.17 Subject

A “subject” is any person who uses deadly force against HSI personnel or any other person, regardless of the method of such force (gun, knife, baton, vehicle, etc.), while HSI law enforcement is performing an official act while on duty, or any person who discharged a firearm at an Authorized Officer.

³ For additional PSP references, see [ICE Directive 1037.1, Peer Support Program](#), dated February 22, 2013, or as updated, and [DHS MD 254-03](#), Traumatic Incident Management Program, dated May 31, 2007, or as updated.

3.18 Supervisor⁴

A “supervisor” refers to the on-scene supervisor of the HSI personnel involved in an AIS. The supervisor may also serve as the incident commander until that role is assumed by the appropriate Resident Agent in charge (RAC) or Assistant Special Agent in Charge (ASAC).

3.19 Traumatic Incident Response Team

Traumatic Incident Response Team (TIRT) refers to a team composed of certified PSMs who were not involved in the critical incident and may include a licensed mental health professional and a chaplain. A TIRT responds to all critical and traumatic incidents. The TIRT may be composed of local PSMs or PSMs from outside the region who travel to the affected office to provide support. The ICE Employee Resilience Unit (ERU) maintains clinical oversight of a TIRT and funds all travel required for a TIRT deployment. The HSI National PSP Manager in Domestic Operations will coordinate all TIRT deployments and will be the liaison between field PSMs, field leadership, and ERU for the purposes of a TIRT deployment.

Chapter 4. AUTHORITIES/REFERENCES

- A. Public Law 117-60, Confidentiality Opportunities for Peer Support Counseling Act (or the COPS Counseling Act), dated November 18, 2021.
- B. DHS Management Directive (MD) 254-02, Employee Assistance Program, dated May 31, 2007, or as updated.
- C. DHS MD 254-03, Traumatic Incident Management Program, dated May 31, 2007, or as updated.
- D. DHS Directive 256-07, Suicide Prevention, Intervention, and Postvention, dated October 19, 2020, or as updated.
- E. DHS Directive 256-09, Peer Support Programs, dated June 29, 2022, or as updated.
- F. DHS Instruction 256-09-001, Implementation of Peer Support Programs, dated June 29, 2022, or as updated.
- G. ICE Directive 1037.1, Peer Support Program, dated February 22, 2013, or as updated.
- H. ICE Directive 1044.2, Response to and Evaluation of Critical Incidents Involving ICE Employees, Non-Employee Status Individuals, and Officers Acting Pursuant to ICE Authority, dated March 3, 2023, or as updated.

⁴ Ranking HSI Supervisory Law Enforcement Officer (LEO). The highest-ranking supervisory LEO who is on the scene when or shortly after the incident has occurred. For incidents in which multiple supervisory LEOs of the same rank are present (e.g., a Special Agent in Charge (SAC) and a Field Office Director), the ranking LEOs will each be responsible for fulfilling the responsibilities and should coordinate with one another.

- I. ICE Directive 10091.1, Administration of Naloxone by Non-Health Care Providers, dated March 4, 2019, or as updated.
- J. ICE Directive 19009.3, Firearms and Use of Force, dated May 26, 2023, or as updated, and accompanying ICE Firearms and Use of Force Handbook.
- K. ICE Directive 17012.2, Reporting and Investigating Threats and Assaults Against ICE Employees and Facilities, dated January 29, 2020, or as updated.
- L. ICE Policy 14011.1, Reporting Guidelines for Significant Incident Reports (SIRs) and Significant Prospective Enforcement Activity Reports (SPEARs), dated August 16, 2010.
- M. HSI Traumatic Event Guide, dated July 24, 2019, or as updated.
- N. HSI Surviving Family Member Preparedness Guide.
- O. OPR Memorandum, OPR Investigations Critical Incident Response, dated September 20, 2024, or as updated.

Chapter 5. RESPONSIBILITIES.

5.1 Executive Associate Director of Homeland Security Investigations

The EAD of HSI has the overall responsibility for overseeing the policy, procedures, and protocols provided in this Handbook.

5.2 Assistant Directors, Homeland Security Investigations

The HSI Assistant Directors (ADs) are responsible for ensuring compliance with the provisions of this Handbook within their respective Divisions.

5.3 Assistant Director, Domestic Operations

The AD of Domestic Operations is responsible for overseeing the compliance of the provisions of this Handbook by the HSI field offices.

5.4 Special Agents in Charge

SACs are responsible for ensuring compliance with the provisions of this Handbook within their respective areas of responsibility.

5.5 Special Agents

SAs are responsible for complying with the provisions of this Handbook.

5.6 Office of Professional Responsibility

OPR is responsible for coordinating with the SAC and/or ranking ICE LEO on-scene to determine responsibility for critical incident command and has the right of first refusal on conducting an internal investigation and a fact-finding review of the critical incident involving the authorized law enforcement personnel and the AIS. The SAC will coordinate the ICE response with the primary outside investigative agency, unless OPR determines it appropriate or necessary to assume critical incident command.

5.7 Firearms and Use of Force Incident Review Committee

FUFIRC is responsible for reviewing critical incidents involving firearms, use of force events, and enforcement-related officer safety issues. FUFIRC is comprised of the AD of OFTP, who serves as Committee Chair; the EADs of HSI and ERO; the Associate Director of OPR; and the PLA.

Chapter 6. CRITICAL INCIDENT READINESS

6.1 Pre-Incident Preparations

6.1.1 Individual Preparedness for a Critical Incident

HSI encourages personnel to organize their personal affairs for the unlikely possibility that they experience a critical incident during their career. To assist with this, HSI prepared a *Surviving Family Member Preparedness Guide*, accessible [here](#).

6.1.2 HSI Commitments to Employee Preparedness for a Critical Incident

HSI field offices must ensure that employees are prepared for critical incidents by maintaining current and accurate employee information, providing employees and their family members training or information regarding appropriate preparedness, making certain forms available to employees, and periodically reminding employees to update their information. HSI field offices will:

- A. Maintain emergency contact information for every employee, including residential address, telephone number(s), and email address for the employees' emergency contact. Such information must be updated at least annually and is subject to privacy requirements.
- B. Make available and encourage employees to complete and periodically update the *HSI Surviving Family Member Preparedness Guide*.

- C. Share with employees the opportunities or benefits that are available to them through benevolent associations (e.g., Association of Customs and HSI Agents, HSI Association, Drug Enforcement Administration's Survivor's Benefit Fund for prior TFOs; scholarship opportunities provided to the children of fallen officers through local organizations (100 Clubs or similar), etc.)
- D. Remind employees annually to update beneficiaries on documents described above.

Field offices are encouraged to establish a family orientation program for new employees which educates employees' family members on the HSI mission, culture, work environment, pressures of the job, mobility agreement, pay, moving, time off, benefits and beneficiaries, health care, life insurance, retirement, the Thrift Savings Plan, PSP, EAP, and the role of the family liaison as an individual who is assigned to explain resources available to employees and their family members.

6.2 Training

In accordance and in addition to the standards set forth in the ICE Firearms and Use of Force Handbook, HSI field offices will provide the following types of training to personnel, according to the timeframes specified:

- A. Core and Enhanced Use of Force Training: HSI field offices must provide a minimum of 16 hours per quarter in use of force training. This minimum time requirement is separate from firearms and defensive tactics training. Certified Special Response Team (SRT) personnel will provide use of force training for offices that have an active SRT. Tactics Instructors will provide use of force training for offices that do not have an active SRT. ICE TEMS Providers, or other individuals designated by the ICE TEMS Program, will provide the medical training components associated with each of the below topics. Training will emphasize the following:
 - 1) Fundamental entry/room clearing tactics and technique.
 - 2) Active shooter response.
 - 3) (b) (7)(E)
 - 4) Downed agent extraction.
 - 5) Basic emergency medical procedures associated with each of the above topics.
 - 6) Enhanced emergency medical training.
- B. CPR and AED Training: As resources allow, HSI will establish and maintain a national training contract to ensure that all HSI armed law enforcement personnel remain trained and certified in both Cardio-Pulmonary Resuscitation (CPR) and the Automatic External

Defibrillator (AED). The CPR and AED training and certification will be at the “Basic Life Support (BLS)” level and be accredited by the American Heart Association (AHA), the American Red Cross (ARC), or the American Health and Safety Institute (ASHI).

- C. Emergency Medical Training: As resources allow, HSI field offices should provide the following emergency medical training every quarter. These requirements are separate from all other medical training provided by the office. ICE TEMS Providers, or other individuals designated by the ICE TEMS Program, will provide the emergency medical training.
- 1) ICE Individual First Aid Kit (IFAK) training course for all armed LEOs. This course must be completed in-person with both didactic and psychomotor components.
 - 2) ICE Naloxone training course for all employees who have volunteered and qualified for participation in the ICE Naloxone program per ICE Directive 10091.1, Administration of Naloxone by Non-Health Care Providers, dated March 4, 2019, or as updated.⁵
- D. Critical Incident Management Training: HSI field offices must designate a manager (ASAC or higher) to oversee critical incident training for the office. Such training will be conducted at least annually and is mandatory for all first- and second-line supervisors. Training should include a tabletop exercise to simulate critical incident scenarios, enhance decision-making skills, and reinforce key concepts.
- E. Critical Incident Reference Material: HSI field offices will ensure that all supervisors, SRT team leaders, and assistant team leaders have updated critical incident reference cards and other reference material readily available to them at all times when on duty.

6.3 Investigative Agency Coordination

HSI field offices should engage with local law enforcement agencies (LEAs) to learn how they investigate officer-involved shootings. SACs are encouraged to draft a memorandum of understanding (MOU) with an LEA with statewide/territory-wide jurisdiction, or with a federal agency (*see* Appendix B). When deciding on the agency with which to enter into an MOU, SACs should understand the legal protocols for handling investigations of lethal force exerted by law enforcement in each state or territory. For example, the Attorneys General in some states will automatically refer all use of lethal force investigations to a grand jury. State LEAs are not subject to certain protections provided by the Freedom of Information Act (FOIA) and could release the identities of personnel involved in an AIS. Meanwhile, SACs should also consider

⁵ Naloxone may only be administered by ICE personnel who successfully complete required training on the use and deployment of naloxone and have Cardiopulmonary Resuscitation (CPR)/Automated External Defibrillator (AED) certification in accordance with standardized procedures, DHS, and ICE policy. Participation in naloxone training is voluntary for ICE employees authorized by their respective office leadership based on mission requirements.

ramifications of entering into an MOU with the Federal Bureau of Investigation (FBI).^{6,7} Outside of an MOU directly with the FBI, another option is an AIS investigative protocol as issued by the responsible U.S. Attorney who designates the federal investigative agency (usually the FBI) and participating federal investigative agencies (HSI and others).

Prior to executing the MOU, SACs must coordinate with the Office of the Principal Legal Advisor (OPLA) and OPR for review on the terms of the agreement.

6.4 Legal Representation Process for Critical Incidents

An HSI employee involved in a critical incident may be entitled to have the U.S. Government provide an attorney at government expense to represent him or her.⁸

Critical Incident representation is also known as “Interim Legal Representation for Federal Law Enforcement Officials.” The Department of Justice (DOJ) has procedures in place for providing temporary “Critical Incident Representation” by private counsel at DOJ’s expense to federal LEOs in the immediate aftermath of a shooting or other use of force involving serious bodily injury. This representation may be provided for a limited time, generally one week, when a state or local investigating authority wants to interview the HSI employee due to the possibility of bringing criminal charges.

If an HSI employee is involved in a critical incident, the employee, or his or her supervisor if the employee is not capable of doing so, should immediately contact the OPLA District Court Litigation Division (DCLD) duty attorney at (b) (7)(E) DCLD is the only division within OPLA that handles individual capacity representation requests.

If the HSI employee’s supervisor contacts DCLD, he or she should only provide enough information for the DCLD duty attorney to understand that a critical incident has occurred and confirm that he or she has access to contact information for the HSI employee involved. DCLD cannot act on a request until the actual HSI employee involved makes the request. Once a request is made, DCLD will facilitate the critical incident representation request, whereupon DOJ will make an initial determination of scope of employment as well as any other pertinent issues based on the facts presented. If DOJ allows critical incident representation, it does not guarantee that the HSI employee will receive further representation if an individual lawsuit is filed.

⁶ As a general practice all assaults on, kidnapping of, and murders of federal officers will be investigated exclusively by the FBI, with exceptions. See United States Attorney’s Office Criminal Resource Manual 1563, “The FBI does not, at the request of the Treasury Department, investigate assaults on, kidnapping of, or murders of any Treasury Department personnel. This includes Secret Service, Bureau of Alcohol, Tobacco and Firearms (BATF), Internal Revenue Service (IRS), and Customs. However, if the Bureau believes that its absence from a case is materially affecting the interests of justice, it is to call this to the attention of the Attorney General.”

⁷ In the context of an AIS, an FBI investigation would be predicated on the assault of a federal officer (18 U.S.C. § 1114) or the murder of a federal officer (18 U.S.C. § 1111). In the event that a suspect assaulted an employee and subsequently died from an AIS, the FBI would not have a living suspect against whom to bring criminal charges and thus no logical conclusion to the investigation.

⁸ 28 C.F.R. § 50.15.

If an individual capacity lawsuit is filed against an HSI employee, to facilitate the representation request process, the HSI employee must contact the DCLD duty attorney at (b) (7)(E) (b) (7)(E). The HSI employee is required to submit:

- 1) A written request to DOJ requesting representation;
- 2) A signed and dated Form DOJ-399, Acknowledgement of Conditions of Department Representation; and
- 3) Documents that may have been served on the HSI employee.

The DCLD Associate Legal Advisor (ALA) assigned will assist the employee in completing and submitting this written request to DOJ. If DOJ approves the HSI employee's request for representation, DOJ may either assign a DOJ attorney or approve private counsel at DOJ's expense. Communications between the HSI employee and the DCLD ALA made during the representation request process are treated as protected by the attorney-client privilege. This privilege carries on to the DOJ attorney assigned to review a request for representation. For an HSI employee to receive personal representation at the government's expense, it must reasonably appear that, at the time of the incident, the employee was acting within the scope of his or her employment, and that representation is in the best interests of the United States.

HSI employees who are involved in a critical incident, or who are sued individually, may at any time seek and retain private counsel at their own expense, provided by certain benevolent associations (e.g., the Federal Law Enforcement Officers Association), or provided through the employee's professional liability insurance. The employee's legal counsel is permitted to be present during any questioning with the exception of a compelled administrative interview conducted by OPR.

Per the ICE Firearms and Use of Force Handbook, if an Authorized Officer uses deadly force, either on or off duty, which results in death or serious bodily injury to a person, the Authorized Officer, following a verbal report of the incident as required, must be immediately placed on paid administrative leave for three consecutive workdays. This period of absence is not for disciplinary purposes and is required by policy. While HSI employees are not impeded from providing a statement, if HSI employees are advised by their legal representative to not provide a statement or if the HSI employees themselves choose to invoke any right afforded to them, the HSI employees should affirmatively state that they are exercising their right to remain silent. It is OPR policy that the OPR Critical Incident Review Team (CIRT) may explain the critical incident review process to the affected employee if the employee requests it, but will not engage the employee on any details related to the incident for the duration of the three consecutive workdays of administrative leave to which the employee is entitled.⁹ This does not apply to HSI employees contacting DCLD about the critical incident representation request process or an individual whose assigned duty and/or professional obligation is to address the well-being and recovery of the employee and with whom such conversations are considered privileged by federal and state law. Ordinarily, HSI employees who witnessed the incident are not afforded the

⁹ OPR Memorandum, OPR Investigations Critical Incident Response, dated September 20, 2024, or as updated.

three-day “cooling off” period, and may be required to answer questions posed by OPR, law enforcement investigating the incident, or management at any time following the incident, urgent medical care notwithstanding.¹⁰ HSI employees who witnessed the critical incident are also not afforded Critical Incident representation, but may obtain individual capacity representation if personally sued due to the critical incident.

Chapter 7. INCIDENT SCENE PROCEDURES

7.1 Authorized Officers on Scene

When officer safety permits, unless injured, the officer or any officer on scene will¹¹:

- A. Contact Emergency Medical Services (EMS) to respond to the scene, if necessary. Immediately notify the state, county, local, or tribal LEA in whose jurisdiction the incident took place.
- B. Render first aid to injured parties as needed.
- C. Immediately notify the supervisor, if not on scene, of the AIS, including the location of the incident, location and description of the suspect(s), and number of injured parties.
- D. After supervisory notification and EMS request and when officer safety permits, the officer will take the following steps to ensure that the scene is preserved pending the arrival of the investigative agency and OPR.
 - 1) Officer’s Firearm:
 - a) Handguns should be secured in the holster and not removed until directed to do so by a supervisor or a member of the investigative agency. If an officer is transported to the hospital with a loaded weapon due to injuries, the attending official or supervisor should ensure that the firearm and duty belt are safely removed and secured prior to medical treatment, whenever possible and without compromising the officer’s medical care. The attendant should document the condition and placement of the firearm and duty belt, which may include photographing the officer from the neck down, in accordance

¹⁰ Conversations between PSMs and impacted personnel are confidential, protected by Public Law 117-60, Confidentiality Opportunities for Peer Support Counseling Act; DHS MD 254-03, Traumatic Incident Management Program, dated May 31, 2007, or as updated; and ICE Directive 1037.1, Peer Support Program, dated February 22, 2013, or as updated, and may not be disclosed during any official proceedings except in rare cases which include the imminent threat of suicide, harm to a child or elder, criminal activity, or serious misconduct.

¹¹ These notifications are not required in the order as written. Notifications will be made based on the individual situation and a totality of the circumstances. In some instances, due to the number of officers involved, all notifications and first aid will be accomplished simultaneously. Nothing in this Handbook shall preclude an officer from taking reasonable actions to provide/ensure officer and/or public safety.

with agency policy. All actions should be coordinated with medical personnel to ensure safety and evidence preservation.

- b) Rifles and/or shotguns will be placed on “safe” and isolated in a secure location and not moved until directed by a supervisor or a member of the investigative agency.
- c) In the event of injury to the authorized officer where a firearm ended up on the ground or other location, the firearm should remain in place unless officer safety warrants securing the firearm.
- d) Law enforcement personnel will not unload or reload the firearm.
- e) Law enforcement personnel will not alter or manipulate the firearm.
- f) If for any reason law enforcement personnel on scene must move, alter, or manipulate the firearms, they should take photographs of the original state, and must immediately notify the supervisor, the investigative agency, and OPR.

B. Subject’s Firearm:

- 1) Law enforcement personnel will not touch or move the firearm possessed by a subject unless officer safety warrants securing said firearm or EMS personnel require moving the firearm to access the subject.
- 2) No law enforcement personnel will alter or manipulate the firearm.
- 3) If the firearm must be moved, law enforcement personnel will wear gloves.
- 4) If for any reason law enforcement personnel on scene must move, alter, or manipulate the firearm, they should take photographs of the original state, and must immediately notify the supervisor, the investigative agency, and OPR.

C. Scene:

- 1) Officers or other law enforcement personnel on scene will secure the perimeter of the scene with crime scene tape once the scene is safe and secured.
- 2) The officer, other officers, or other law enforcement personnel will not allow entry into the scene by any unauthorized personnel.
- 3) If for any reason the law enforcement personnel on scene must move, alter, or manipulate any evidence (shell casings, vehicles, or anything of evidentiary value), they should take photographs of the original state, and must immediately notify the supervisor, the investigative agency, and OPR.

- 4) The officer or witnesses may be requested to provide a “Public Safety Statement” to the investigative agency. With the approval of the on-site supervisor, a statement should contain the following:
 - a) Type of force used.
 - b) Direction and approximate number of shots fired by the involved officer(s) and suspects(s).
 - c) Location of injured persons.
 - d) Description of the outstanding suspect and his or her direction of travel, time elapsed since the suspect was last seen, and any suspect weapon(s).
 - e) Description and location of any known victims or witnesses.
 - f) Description and location of any known evidence.
 - g) Other information as necessary to ensure officer and public safety and assist in the apprehension of the outstanding suspects.

D. Attire:

- 1) Officers will remain dressed in the attire they were wearing at the time of the incident unless removal is required for medical attention.
- 2) If the incident took place during a planned enforcement operation, all law enforcement personnel will keep all law enforcement markings, raid jackets, body armor, and badges on unless their removal is required for medical treatment.
- 3) If for any reason the law enforcement personnel on scene must remove, alter, or manipulate their attire, they should take photographs of the original state (insulating the officer’s privacy with photographs from neck and below), and must immediately notify the supervisor, the investigative agency, and OPR. If the officer is transported to a medical facility, the attendant or any law enforcement officer accompanying the officer shall attempt to photograph the officer in their original attire, provided such attempts do not interfere with any life-saving or medical treatment efforts. If photographs cannot be taken, the attendant or accompanying LEO shall document the time the attire was removed and make contemporaneous notes detailing the officer’s attire, including any police markings, the location of the firearm, and the names of any EMS or medical personnel who removed the clothing (as potential witnesses).

7.2 Supervisor and Incident Commander

The on-scene supervisor will assume incident commander responsibilities until relieved by a higher-ranking supervisor.

7.2.1 Incident Commander Response

Upon arrival and throughout the incident, the incident commander shall ensure that the following actions and procedures are executed in addition to all activities outlined in Section 7.1, “Authorized Officers on Scene”:

- A. Ensure sufficient resources to address threats and prevent/minimize loss of life.
- B. Ensure that the injured receive medical attention; ensure that EMS are en route to the casualty collection point.
- C. Ensure accountability of all personnel.
- D. Ensure that the Authorized Officer(s) directly involved in the incident is removed from the scene and taken to the nearest medical facility. Additionally, establish a primary point of contact (POC) for each facility or location where HSI employee(s) and/or subject(s) are taken. The primary POC at each location is responsible for securing the area as a secondary scene and maintaining a log documenting the name and time of all individuals associated with the AIS who arrive, as well as the date and time of all significant events at the location (e.g., visitors such as Peer Support or family, actions such as medical procedures, removal of clothing or firearm, photographs taken, investigative actions such as ammunition counts, etc.). The primary POC is the only individual authorized to grant access to visitors. Ideally, this POC should be a supervisor who was not directly involved in the AIS.
- E. Ensure that employee(s) involved are aware of the protections afforded under the 5th Amendment of the U.S. Constitution.
- F. Assign an attendant for the employee(s) directly involved in the AIS. This should be an officer who did not participate in or witness the AIS who will remain with the officer involved in the AIS until relieved by the incident commander or a member of the investigative agency. Inform the attendant that the facts of the AIS will not be discussed with the officer. The attendant must inform the officer that any statement made regarding the AIS may become evidence.
- G. Assign escorts to remain with the subject(s) until relieved by the incident commander or a member of the investigative agency. Inform the escort that the facts of the incident will not be discussed with the subject, and that if the subject insists on making any spontaneous statements regarding the incident, those statements must be documented. If the initial escort was directly involved in the AIS or rendered initial aid, this individual should be relieved as soon as practical and returned to the scene.

In cases where the escort rendered aid to the subject, appropriate precautions should be taken to limit the escort's exposure to blood borne pathogens.

- H. Advise the local jurisdiction/request investigative team.
- I. Secure the scene and preserve the evidence.
- J. Conduct notifications and set up incident management structure:¹²
 - 1) Immediate notifications:
 - a) Notify the appropriate RAC/ASAC of the incident, including the location of the incident, the location and description of the suspect(s), and the number of the injured parties¹³;
 - b) In incidents involving property damage, bodily injury, or death, immediately notify the state, county, local, or tribal LEA in whose jurisdiction the incident took place;
 - c) Upon the investigative agency's arrival, ensure close coordination and adherence to investigative agency protocols, if applicable;
 - d) Notify OPR; and
 - e) Contact the ICE Joint Intelligence Operations Center (JIOC) and ensure that notifications are made through the HSI Domestic Operations chain of command
 - 2) Other priority notifications:
 - a) Contact the Peer Support Facilitator or Coordinator for TIRT deployment;
 - b) Notify Domestic Operations; and
 - c) Notify the Public Affairs Officer (PAO) and advise the PAO who is the lead agency responsible for the shooting investigation (e.g., the FBI or state, local, or tribal LEA). The PAO will draft a statement for approval by local and HQ leadership, which includes the Responsible Official, the Office of Public Affairs (OPA), and OPR.

¹² Notifications are not required in the order as written. Notifications will be made based on the individual situation and a totality of the circumstances. In some instances, if the supervisor is not on scene, notifications will have been made by the officers involved.

¹³ The requirement for another ICE employee to make a similar notification does not relieve a supervisor or ranking LEO on the scene from making the same notification. Following these notifications, the supervisor must also notify his or her chain of command of the facts and circumstances of the critical incident.

7.2.2 Preserving the Scene

The incident commander reports to the SAC and is the designated POC for the investigative agency (or designates the POC). Upon completion of notifications and after requesting EMS, and when officer safety permits, the incident commander will take the following steps to ensure that the scene is preserved pending the arrival of the investigative agency and OPR:

- A. Ensure that the incident commander is caring for employees and managing the incident.
- B. Oversee the establishment of a Command Post (CP).
 - 1) The CP should be near the scene but not at the scene.
 - 2) The CP should be separate from the state/local CP.
 - 3) The CP serves as a reporting location for responding officers. The PAO, Evidence Response Team, PSM, and all others should respond to the CP.
- C. Scene Management – The incident commander will ensure that all officers and subjects have received medical treatment, if injured, by the EMS personnel on scene, and that all officers who participated in or witnessed the incident have a rapid physical and mental assessment conducted by the EMS personnel on scene.
 - 1) The incident commander will:
 - a) Instruct available officers to secure the perimeter of the scene with crime tape.
 - b) Instruct available officers to prevent entry onto the scene by any unauthorized personnel.
 - c) Direct all officers who participated in or witnessed the incident to not discuss the incident with any person (including other involved officers, witnesses, or the media) other than the incident commander, attorney, a medical or psychological professional, PSM acting in a peer support capacity, or members of the investigative agency.
 - d) Instruct all officers that, if for any reason the officer or any other officers on scene had to move, alter, or manipulate any evidence (shell casings, vehicles, or anything of evidentiary value), officers should take photographs of the original state, and subsequently immediately notify the incident commander, the investigative agency, and OPR.
 - e) Request a “Public Safety Statement” from all law enforcement personnel who participated in or witnessed the incident, which will contain the following:

- i. Type of force used;
 - ii. Direction and approximate number of shots fired by the involved officer(s) and suspects(s);
 - iii. Location of injured persons;
 - iv. Description of outstanding suspect(s) and his or her direction of travel, time elapsed since the suspect was last seen, and any suspect weapon(s);
 - v. Description and location of any known victims or witnesses;
 - vi. Description and location of any known evidence; and
 - vii. Other information as necessary to ensure officer and public safety and assist in the apprehension of the outstanding suspect(s).
- 2) Ensure that HSI employees directly involved in a critical incident are removed from the scene as soon as practicable and taken to the nearest neutral, off-scene law enforcement facility or medical facility to receive medical attention if necessary. This action must be coordinated with state, local, tribal, or other federal agency authorities, as appropriate, and the injured employee should be accompanied by another ICE employee.
 - a) All HSI employees directly involved in the incident must be separated and refrain from discussing their observations or the incident itself with each other, the Attendant (unless the Attendant is a PSM), or any other individuals. This is to prevent witness perspectives from being tainted. Any statements made to the Attendant (if not a PSM) must be documented.
 - b) All involved employees are to be relieved of any assignments (such as Attendant, escort, etc.) as soon as applicable and directed to the neutral or designated location as determined by the investigating agency. Involved employees are not to engage in subsequent investigatory actions unless necessary for the preservation of life or the immediate apprehension of a fleeing subject. All additional investigatory actions will be conducted by non-involved HSI law enforcement personnel.
- 3) Ensure that the Authorized Officer's firearm, the subject's firearm, and law enforcement personnel attire follow the procedures provided in Section 7.1.

- 4) Upon the investigative agency's arrival, assist the investigative agency in the surrender of all firearms¹⁴ and other weapons used in the AIS and will do the following required actions:
 - a) Contact the Firearms Coordinator (FCO) for a replacement firearm.
 - b) Inform all officers who participated in or witnessed the AIS that, upon arrival of the investigative agency, they will be asked to take part in an interview. All officers will be reminded that they are afforded the same protections as any citizen under the U.S. Constitution.
 - c) If any officer who participated or witnessed the AIS declines to be interviewed on scene by a member of the investigative agency, the incident commander will ensure that the officer schedules a time and date, in coordination with OPR, for an interview after consultation with an attorney, if so retained.
 - d) Ensure that the officer is given the opportunity to contact OPLA for emergency DOJ representation.
 - e) Ensure that the officer is offered EAP services and the appropriate local Peer Support Facilitator or Coordinator has been notified for TIRT deployment. If there is no local Peer Support Facilitator or Coordinator, the supervisor will contact the HSI Peer Support NPM. A local TIRT will be dispatched to the location of those involved in the incident. To protect the Authorized Officer, TIRT members are required to clearly define their role, including confidentiality and privilege attached to the TIRT member and any limits of conversations.¹⁵
 - f) Ensure that all officers involved are instructed to preserve all pertinent records and documentation related to the incident.
 - g) Assist the investigative agency and OPR in identifying all possible witnesses, if requested.
 - h) Assist the investigative agency and OPR with any other matters, if requested.
 - i) Coordinate and prioritize with the investigative agency and OPR regarding any officers who were on scene who did not discharge a firearm or use deadly force, and who need to be used for SRT operations or warrant service due to continuing events associated with the critical incident.

¹⁴ Includes ICE-authorized Personally Owned Weapons (POWs). A POW involved in an AIS is treated no differently from an agency-issued firearm and the employee has no right to refuse surrendering the weapon to the investigating LEA based on personal ownership of the weapon.

¹⁵ See [ICE Directive 1037.1, Peer Support Program](#), dated February 22, 2013, or as updated, and Public Law 117-60—NOV. 18, 2021, [Confidentiality Opportunities for Peer Support Counseling Act](#).

7.3 Attendant

Upon assignment, the attendant will:

- A. Separate the AIS-involved Authorized Officer from the scene and insulate the officer from continued exposure to the scene.
- B. Ensure the well-being of the AIS-involved officer and provide moral support.
- C. Ensure that the AIS-involved officer is evaluated for medical treatment and treated for shock.
- D. Remain with the AIS-involved officer at all times until relieved by a supervisor.
- E. Terminate any discussion regarding the facts of the AIS if the officer attempts to make statements (unless required for rendering medical aid or privileged discussions with PSM(s)).
- F. Ensure that no third parties, including witnesses to the AIS, attempt to discuss the facts of the AIS-involved officer with the subject.
- G. Remind the AIS-involved officer that any statement made regarding the AIS to anyone without recognized privilege may become evidence.
- H. Maintain a comprehensive log of all actions, observations, and interactions involving the AIS-involved officer or witnesses.

7.4 Escort

Upon assignment, the escort will:

- A. Ensure that the subject is appropriately restrained.
- B. Ensure that the subject is evaluated for medical treatment.
- C. Remain with the subject at all times until relieved by a supervisor.
- D. Document and report spontaneous statements about the AIS to a supervisor or the investigative agency.
- E. Ensure that no third parties, including witnesses to the AIS, attempt to discuss the facts of the AIS with the subject.

- F. Maintain a detailed log documenting all activities while with the subject and report discussion regarding the facts of the AIS to the supervisor or a member of the investigative agency.

7.5 Peer Support

PSM(s) will be assigned to act in a TIRT role and will be dispatched to the location of those involved in the incident. This may be at the scene of the incident, the hospital, or wherever the impacted personnel are currently located. Upon contact, TIRT members will clearly define their role, including confidentiality and privilege attached to the TIRT member and any limits of conversations. Conversations between TIRT members and impacted personnel are confidential, protected by Public Law 117-60, Confidentiality Opportunities for Peer Support Counseling Act; DHS MD 254-03, Traumatic Incident Management Program, dated May 31, 2007, or as updated; and ICE Directive 1037.1, Peer Support Program, dated February 22, 2013, or as updated, and may not be disclosed during any official proceedings except in rare cases which include the imminent threat of suicide, harm to a child or elder, criminal activity, or serious misconduct.

TIRT members are assigned to administer Psychological First Aid (diffuse the incident), and this aid should be offered to all employees involved in the incident, though employees cannot be required to accept the services. Once allowed, TIRT members will allow impacted personnel to ventilate immediate emotions and share immediate reactions and will suggest immediate coping methods. TIRT members should share their contact information with impacted personnel as well as explain employee resources available to them, including the EAP and clinical support. As each critical incident is different, each TIRT deployment is unique, and the level of response and duration will vary but will include a Critical Incident Stress Debriefing. (*See Chapter 9, Mental Health and Wellness for Critical or Traumatic Incidents.*)

7.6 Investigative Agency

Established HSI MOUs and/or protocols with a federal, state, local, or tribal LEA will dictate the investigative response posture. This does not eliminate the requirement for HSI offices to ensure coordination post incident with OPR so that OPR can maintain all the relevant information to support an administrative investigation or fact-finding inquiry. In accordance with ICE Directive 17012.2, Reporting and Investigating Threats and Assaults Against ICE Employees and Facilities, dated January 29, 2020, or as updated, HSI may investigate threats and assaults of HSI employees but should direct threats and assaults investigations with an aggravating factor, such as the use of a deadly weapon by the subject, to the appropriate investigative agency as per established MOUs.

Chapter 8. POST-INCIDENT PROCEDURES AND ACTIONS

8.1 OPR Engagement

It is the role of OPR to remain in contact with the federal, state, local, or tribal investigative agency that is conducting the use of force investigation. To ensure investigative independence

and transparency among all involved agencies, OPR should serve as the liaison for the exchange of records, documents, and evidence. OPR is the lead in aiding the agency in obtaining HSI-owned information or property needed for its review of the critical incident. OPR will also assist in arranging interviews or walk-throughs with involved HSI personnel, as long as the personnel are willing to participate.

8.2 Coordination with HSI Management Officials

OPR will apprise HSI management of any issues which may affect the HSI operational posture. To the extent that it is permissible, OPR will update HSI with developments in the use of force investigation. OPR may also coordinate interviews and the transfer of HSI-owned property to the investigating agency if needed to conduct its investigation.

8.3 State and Local Investigative Agency Use of Force Determinations

The actions of the investigating agency may differ from agency to agency, including, but not restricted to, conducting interviews of affected civilians and HSI employees, collecting and reviewing evidence, conducting a ballistic examination of the involved firearm(s) and expended bullet(s) and casing(s), obtaining medical or forensic medical examination reports, doing walk-throughs at the location of the critical incident, and doing ballistic reconstructions of the location and events involving the use of force.

The investigative agency may close the investigation administratively, may present findings for a prosecutor's office review who may generate a clearance letter based on a review of the investigative agency's investigative findings, or may present findings to the prosecutor's office for a grand jury review resulting in a true or no bill finding.

OPR will monitor the investigative agency's findings to the extent that the investigating agency or prosecutor's office will allow. OPR will work directly with the investigative agency or prosecutor's office to resolve outstanding issues of interest to ICE leadership as they develop.

8.4 HQ Use of Force Reporting

Timelines and Information:

- A. When an Authorized Officer uses deadly force, either on-duty or off-duty, which results in a person's death or serious bodily injury, the Authorized Officer, following a verbal report of the incident as required in the ICE Firearms and Use of Force Handbook, must be immediately placed on paid administrative leave for three consecutive workdays. This period of absence is not for disciplinary purposes. The Office of Human Capital, Employee and Labor Relations, and OPLA must be consulted regarding any extensions of administrative leave.
- B. The supervisor is responsible for completing a SIR through the Significant Event Notification (SEN) system and a Use of Force, Assaults and Discharges (UFAD) report within 48 hours of the incident.

- C. Written reports regarding the incident must be completed and sent to OPR, OFTP, and the EAD of HSI through the chain of command within 48 hours of the incident. The SIR narrative is considered a written report, but it can also be submitted in memorandum format. OFTP automatically receives the SIR and UFAD reports upon completion; however, the SIR or other written report should also be submitted to OPR directly.
- D. The supervisor must provide supplemental written reports, separate from the UFAD report, as additional information is obtained.
- E. If the discharge of an ICE firearm by an Authorized Officer results in personal injury or property damage, the FCO must immediately send the firearm and ammunition to OFTP for examination unless the firearm is required for an ongoing federal, state, local, or tribal law enforcement investigation or legal action.
- F. Before sending the firearm to OFTP, the FCO must ensure that the firearm and magazine(s) are unloaded and that neither have been cleaned nor altered since the incident. At no time may an ICE firearm be disassembled except by an authorized Equipment Specialist Ordnance.
- G. The Responsible Official must issue, as soon as practicable, a replacement firearm to an Authorized Officer who relinquished his or her ICE firearm but who nevertheless retains the authority to carry a firearm.
- H. The Authorized Officer must demonstrate proficiency with the replacement firearm no later than 14 days following the issuance of the replacement firearm even if the Authorized Officer has already qualified for that quarter.

8.5 Joint Intelligence Operations Center

Upon receipt of information from the field office that a critical incident has occurred, the JIOC will:

- A. Notify ICE leadership of the critical incident in accordance with ICE Policy 14011.1, Reporting Guidelines for Significant Incident Reports (SIRs) and Significant Prospective Enforcement Activity Reports (SPEARs), dated August 16, 2010, or as updated; and
- B. Notify DHS in accordance with DHS Instruction 034-06-001, Revision 01, Department Reporting Requirements Instruction, dated March 28, 2017, or as updated.

8.6 Firearms and Use of Force Incident Review Committee

The FUFIRC reviews critical incidents, including, but not limited to, the use of deadly force, to determine adherence to ICE policy and to assess whether changes to tactics, training, policy, or other procedures related to the incident are appropriate. If the committee determines that additional review is warranted, the case will be referred to OPR for further consideration.

OPR is responsible for presenting cases, including the use of deadly force, to the FUFIRC. OPR will provide an in-person presentation (or a virtual presentation, if an in-person presentation is not possible) to the panel. OPR will orally and visually present the findings of the investigation into the use of force. This information will include a brief synopsis of the underlying HSI investigative case (if any), the enforcement action that was executed (if any), backgrounds on the involved individuals to include the involved HSI employee(s), a step-by-step accounting of the events that led up to the use of force, the subsequent actions taken by personnel at the scene, identification of responding agencies, medical or autopsy reports, and overall findings by the investigating agencies and prosecutor's office (if applicable).

8.7 Administrative Investigations

If the matter is declined by the DHS Office of Inspector General, OPR will collect and review all external agency findings relating to the use of force and consolidate those findings with information obtained from ICE sources, such as SIRs, operation plans, emails, memorandums, etc. OPR will consolidate all available information into a critical incident report, to provide a comprehensive document that may be provided to ICE senior leadership to develop a better understanding of the purpose for the actions and conditions leading up to the critical incident. The critical incident report will help inform potential next steps for ICE senior leadership by documenting the events that played out and led to the critical incident, identifying the agencies that responded and the actions taken by them, consolidating the findings of any subsequent investigations and including the medical diagnoses and prognoses of all affected individuals.

If, during the review of the information collected, an allegation of misconduct is discovered, or if, at the onset of the critical incident response or at any time subsequent to this, a specific allegation of misconduct is made by any party, OPR will have sole authority to conduct an administrative investigation into such allegations of misconduct. This authority may be delegated to HSI as a management inquiry; however, it is not typical to refer critical incidents involving a deployment of deadly use of force, regardless of outcome, as a management inquiry.

The administrative investigation into alleged misconduct will culminate in a "Redbook" report, which will contain the findings of the administrative investigation. The Redbook report will either be "Referred to Management" if the allegation is substantiated, for consideration of corrective action by the agency; "Not Referred to Management" if the allegation is unsubstantiated or unfounded which will be followed by a clearance letter from OPR to the subject employee; or "Management Notification Only" if, during the course of the investigation, it was discovered that policy, or lack of policy, was a contributing factor to the outcome and no employee misconduct was discovered, which will be followed by communications between OPR

and the appropriate SAC or the Deputy SAC to discuss any identified policy deficiencies or implementation of best practices.

At the conclusion of the investigation, OPR will ensure that the findings of the investigation are referred to DOJ for its review if the findings have not already been provided by another investigative agency.

8.8 Protective Measures

Threats and assaults against HSI employees and their family members that are a result of an employee's official duties, actions, or employment with ICE must be reported as a SIR through the SEN system. HSI employees must report such threats or assaults directed against them or their families or other affected individuals to their supervisor(s) and, if applicable, local law enforcement by calling 911. Upon notification, supervisors must immediately report and document threats or assaults as described in ICE Directive 17012.2, Reporting and Investigating Threats and Assaults Against ICE Employees and Facilities, dated January 29, 2020, or as updated.

Senior HSI leaders, in consultation with the relevant SAC or Attaché, will make an administrative determination as to what protective measures, if any, including the relocation of family members, are necessary and that can be funded, on a case-by-case basis. OPLA consultation may be necessary to determine the legality of expenditures of appropriated funds. Funding relating to any protective measures for affected HSI employees and, if applicable, their families, will be the responsibility of HSI.

In cases that require the relocation of family members,¹⁶ it must be determined that the threat or assault against the family members is 1) the result of the HSI employee's employment with ICE; and 2) there is a reasonably sufficient nexus to the execution of ICE's mission. If it is unclear whether these two criteria have been met, OPLA must be consulted and provide written legal guidance to help make the determination that the expenditure is necessary and proper.

HSI will coordinate with the Office of the Chief Financial Officer (OCFO) to ensure that funding sources are appropriate and internal controls are in place to obtain the proper funding codes. HSI will have 24 hours to coordinate with OCFO in cases which necessitate an exigent expenditure to effectuate protective measures before OCFO is able to provide guidance.

8.9 Officer's Role in Post Shooting Investigation

Employees will be responsible for preserving all documentation in their possession, as this information may be necessary if requested by management or potentially for use in a subsequent proceeding or pursuant to a legal request. It is therefore recommended that officers generate only that information which is necessary for reporting purposes related to the HSI investigative case or a request by management for information relating to the enforcement action or other action

¹⁶ ICE Travel Handbook, Chapter XI, Threatened Law Enforcement/Investigative Employees.

which led to the critical incident. It should be noted that emails and text messages between employees may be discoverable in a legal proceeding.

Officers may be asked to provide documentation, statements, or cooperation in after-action events such as walk-throughs, by the local, state, tribal, or federal agency investigating the use of force. In these cases, officers must notify their chain of command of the request; the chain of command will then determine if it should consult with OPLA. However, until such time that the investigating entity determines that there is no criminal violation, involved employees may seek DOJ representation through OPLA DCLD, or may obtain private counsel at their own expense or through their insurance carrier, if applicable, prior to providing any documentation, information, or statements to the outside investigating agency. Affected employees should contact OPLA DCLD as soon as possible following the incident if they seek DOJ representation.

All employees must cooperate with an OPR administrative investigation. If OPR is conducting a criminal investigation, OPR will not compel the subject(s) of such investigation to provide information or statements until the conclusion of the criminal investigation.

8.10 After-Action Review of Operation and Tactical Appropriateness of the Use of Force

Each critical incident is unique as it relates to the events that led to the use of force, the options that were available at the time, and the outcome. HSI offices should use the findings for each critical incident to identify approaches to mitigate or eliminate the potential for loss of life or serious injury while acting on-duty or off-duty. Field offices are encouraged to conduct after-action reviews and discussions to determine what best practices should be implemented moving forward.

Chapter 9. MENTAL HEALTH AND WELLNESS FOR CRITICAL OR TRAUMATIC INCIDENTS

A critical or traumatic incident is any event that produces an atypical, intense reaction. The event is likely to be unexpected and involve an element of loss. HSI created the [Traumatic Event Guide](#), a comprehensive plan that provides a framework of sensitive timeframes and important actions to implement when these extreme and emotional situations occur. Additionally, the PSP and the EAP are components of the official traumatic incident management program for ICE. PSMs are trained to recognize the signs of adverse reactions to stressful events that have the potential to reduce an employee's level of functioning. They are qualified to respond in a manner that can facilitate healthy assimilation and recovery.

Authorized critical incident responses consist of two distinct activities: Psychological First Aid (PFA) and a Critical Incident Stress Debriefing (CISD):

- A. PFA is conducted by properly trained and certified and officially deployed PSMs and takes place as soon as possible following the event. When feasible, it should be done on-scene and is best conducted one-on-one. It usually lasts under an hour. PSMs allow impacted personnel to express immediate emotions and share immediate

reactions, and they suggest immediate coping methods. PFA does not interfere with, or take precedence over, operations or investigations. These sessions are subject to the confidentiality provisions of the Program. The information exchanged in a defusing is never discussed nor documented by the PSM other than for reasons related to obtaining mental health advice from the EAP or the Clinical Advisor. While PFA will be offered to all employees involved in a critical incident, employees cannot be required to accept the services.

- B. CISD is a psychological and educational process. The CISD will not be conducted before 24 hours after the incident, but as soon as possible thereafter.¹⁷ CISD is always led by a licensed mental health professional and with the assistance of peer support personnel as deemed appropriate by the clinician. It is a confidential, non-evaluative discussion of the involvement in the incident and the resulting thoughts and feelings. The confidentiality provisions of DHS MD 254-03, Traumatic Incident Management Program, dated May 31, 2007, or as updated, apply to the CISD process. It also provides education and discussion regarding stress and coping. A CISD is generally privileged as a patient-client relationship.¹⁸ Program Facilitators, or any supervisor of an affected employee, will offer, explain, and arrange for a CISD for employees directly and indirectly involved in such incidents. While employees may be assigned by their supervisors to attend a CISD, they cannot be required to actively participate.

Critical or traumatic incident responses are typically categorized as either a local-level or a national-level event. When a local response is appropriate, Program Facilitators may direct PFA, request and coordinate a formal CISD, or both. While conducting PFA or helping with PFA, PSMs must adhere to ICE Directive 1037.1, Peer Support Program, dated February 22, 2013, or as updated, and the standards and practices established in training.

Chapter 10. PUBLIC AFFAIRS AND MEDIA RELATIONS

All contact with the media (including, but not limited to, print, television, radio, social media, or other media) will be handled by the Responsible Official who will coordinate all media inquiries with OPA. All HSI personnel will refrain from speaking to the media and defer all questions to the on-scene investigative entity and the ICE PAO.

Employees are not authorized to participate in interviews or make statements to the media relative to the critical incident without the prior approval of the Field Responsible Official and OPA. In addition, the names of employees involved in the critical incident will not be released to the media without the prior approval of the Responsible Official and OPA and only after the emergency contacts and family members of the employees have been notified.

¹⁷ In accordance with [ICE Directive 1037.1, Peer Support Program](#), dated February 22, 2013, or as updated, each individual circumstance will vary and the decision to conduct a CISD should be up to the Peer Support TIRT leader in consultation with the Clinician.

¹⁸ May not be disclosed during any official proceedings except in rare cases which include the imminent threat of suicide, harm to a child or elder, criminal activity, or serious misconduct.

If the critical incident involves a HQ employee and not personnel assigned to a Field Office, the HQ Responsible Official and OPA will coordinate and approve all contact with the media as described in this section. Media inquiries about ICE activities, operations, or policies should be referred to ICE OPA at (202) 732-4242 or email ICEMedia@ice.dhs.gov.

10.1 Press Statements

Where the critical incident necessitates PAO engagement, the PAO will draft and clear a statement to confirm HSI presence, the HSI investigative program area, and that a critical incident or use of force incident occurred.

The statement will be brief and will NOT include any identifying details such as names, ages, etc.

Sample statement - *“On January 5, 2026, HSI special agents discharged their firearms striking two suspects while executing a federal felony arrest warrant connected to human smuggling in Any Town, Any State. The [Lead Investigative Agency] is the lead agency investigating the incident. In accordance with agency protocol, ICE’s Office of Professional Responsibility is reviewing the incident. The agency will not comment further while this review remains ongoing.”*

The PAO will coordinate with the investigative agency that a short statement will be issued attributable to the ICE PAO. Social media posts approved by the SAC will be made by PAO after the statement is issued. HSI personnel should not tag themselves to any social media messages or re-tweet on any platforms.

10.2 Disclosure Considerations

FOIA, 5 U.S.C. § 552, provides law enforcement withholding exemptions to protect from disclosure certain federal records. These exemptions include withholding the disclosure of information which would interfere with ongoing investigations (5 U.S.C. § 552(b)(7)(A)); withholding information is the result of the balancing test where the privacy interest outweighs the public interest (5 U.S.C. § 552(b)(6)); and withholding information from disclosure that has been “compiled for law enforcement purposes” if a release of the records or information “could reasonably be expected to constitute an unwarranted invasion of personal privacy” (5 U.S.C. § 552(b)(7)(C)).

If the investigative agency maintains the personnel information related to the critical incident (officer names, etc.), there is no existing federal statute that insulates the officer’s information from disclosure absent a protective order provided by a court.

HSI supervisory personnel will advise those involved in the critical incident that there may be no legal basis to withhold or redact personal information when the information is maintained by a non-federal investigative agency, or when that information is owned/maintained by an external

agency (for example, a state or local law enforcement entity). Additionally, many states have statutes requiring state and local investigating and prosecuting authorities to release the identifying information of all individuals involved in an AIS within a specified amount of time. Law enforcement officers should familiarize themselves with these requirements.

Critical Incident Reference Guide

Homeland Security Investigations | Critical Incident Reference Guide

Stage 1 - Immediate

Immediate Actions

- Neutralize threat(s)
- Immediate communications to team/ other law enforcement
- Request EMS/render first aid/ evacuate casualties
- Accountability of personnel
- Notify supervisor

Medical

- Render medical care to all who appear to need it
- Call 911 or transport casualties to hospital
- Establish casualty collection point away from scene
- Keep route to casualty collection point open
- Assign attendant to transport agent involved to hospital

Scene Security

- Establish perimeter
- Secure discarded weapons (leave in place if safe to do so)
- Control access and create entry/exit log
- Preserve evidence in place and post agent
- Document any disturbed evidence
- Assign escorts to remain with suspects in custody
- Secure neighbors/bystanders and identify witnesses

Stage 2 - Secondary

Employee Welfare

- Assign attendant to look out for agent's best interest
- Remove from immediate scene (make available for photos later)
- Advise 3 business days before need to answer questions
- Place on administrative leave for 3 business days
- Remind of Constitutional rights/ invoke 5th Amendment rights
- Contact OPLA for emergency legal representation
- Advise of EAP and Peer Support
- Assign family liaison officer

Weapons

- Agency Weapon Involved:
 - Supervisor may turn over to investigating agency in as-is condition (get chain of custody/6051)
 - Remove handgun prior to EMS transport/hospital
 - Replace agent's weapon ASAP (qual. >14 days)
 - Handgun: safe and in holster
 - Rifle: safe and secured
 - Document magazine changes, etc.
 - POWs treated same as agency weapons
- Suspect Weapon
 - Unless for safety, do not move
 - Assign agent to post
 - Document any disturbances

Command Post Operations

- Near but not at immediate scene
- Keep scene clear/manage traffic congestion
- Designate staging area for responding personnel
- Designate scribe to document activity
- Request additional resources
- Summon Peer Support Personnel

Stage 3 - Tertiary

Coordinate with Investigating Agency

- Call 911/request investigative team
- Crime scene log until investigative team arrives
- Preserve evidence for investigative team (post agents)
- Assist with perimeter and crowd control
- Identify potential witnesses and obtain contact information
- Walk Through:
 - Designate someone other than agent involved to provide information
 - Identify specific locations of events
 - Secure evidence until relieved

Reporting

- Immediate and continuous verbal to chain of command
- Verbal to OPR at 1-833-4ICEOPR (833-442-3677) or local office
- Verbal to JIOC (202) 732-5200
- Verbal to Domestic Operations
- SIR/UFAD within 24 hours
- Written to OPR within 5 days
- Written to EAD/OFTP within 10 days

Notification

- Reference agent's critical incident data form
- Verify employee's status
- Notify next of kin (in person)
- General message to employees

Stage 4 - Resolution

Public Affairs

- Be mindful of media presence
- Media statement with investigating agency

Homeland Security Investigations | Critical Incident Reference Guide

Roles and Responsibilities

Party Involved

- Neutralize threat(s)
- Immediate communications to team/other law enforcement
- Request EMS/render first aid/evacuate casualties
- Accountability of personnel
- Notify supervisor

First to Respond

- Contain the threat
- Communicate with team/other law enforcement/911 to address threat
- Give First Aid/request EMS
- Establish casualty collection point and advise EMS of location
- Keep route to casualty collection point open
- Control crime scene and preserve evidence
- Report and provide updates to a supervisor

Supervisor

- Ensure sufficient resources to address threat and prevent/minimize loss of life
- Ensure injured receive medical attention/ensure EMS en route to casualty collection point
- Ensure accountability of all personnel
- Ensure that employee directly involved in the incident is removed from the scene and taken to the nearest medical facility
- Remind agent involved of Constitutional rights/5th Amendment protections
- Assign attendant for agent directly involved
- Assign escorts to suspects
- Advise local jurisdiction/request investigative team
- Secure scene and preserve evidence
- Incident commander until relieved



RAC/ASAC

- Establish command post
- Ensure personnel remain in attire at time of incident (photos)
- Identify appropriate personnel to recount events to investigative team in walk through
- Inform agents involved that they may be interviewed by the investigative team
- Contact OPLA and request emergency DOJ representation
- Ensure all agents are offered EAP and PSP
- Notifications and reporting:
 - JIOC: (b) (7)(E)
 - SIR/UFAD (24 hours)
 - OPR: (b) (7)(E)
 - OPR (5 days)
 - Domestic Ops
 - EAD/OFTP (10 days)

DSAC/SAC

- Family notification
- Issue brief statement to all employees
- Remind employees to respect those involved and communications discipline
- Coordinate media statement with investigating agency
- Encourage employees to contact their families
- Instruct personnel to preserve all pertinent records and documentation related to the incident
- Ensure all reporting is completed
- Summon PSP to command post
- Assign family liaison officer
- Request EAP office visit

(b) (7)(E) This QR code will take you to the online HSINet version of this quick reference guide*

*If you are having issues accessing on mobile, go to "UEM Client" app  click on , and select "QR code" to scan.

Template

Memorandum of Understanding
Between HSI and
[Federal/State/Local/Tribal
Law Enforcement Agency]

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Request for Emergency DOJ Representation Template

(b) (7) (E)

ACRONYMS

AD	Assistant Director
AED	Automatic External Defibrillator
AHA	American Heart Association
AIS	Agent-Involved Shooting
ALA	Associate Legal Advisor
ARC	American Red Cross
ASAC	Assistant Special Agent in Charge
ASHI	American Health and Safety Institute
BATF	Bureau of Alcohol, Tobacco and Firearms
BLS	Basic Life Support
C.F.R.	Code of Federal Regulations
CIRT	Critical Incident Review Team
CISD	Critical Incident Stress Debriefing
COPS	Confidentiality Opportunities for Peer Support
CP	Command Post
CPR	Cardio-Pulmonary Resuscitation
DCLD	District Court Litigation Division
DHS	Department of Homeland Security
DOJ	Department of Justice
EAD	Executive Associate Director
EAP	Employee Assistance Program
EMS	Emergency Medical Services
ERO	Enforcement and Removal Operations
ERU	Employee Resilience Unit
FBI	Federal Bureau of Investigation
FCO	Firearms Coordinator
FOIA	Freedom of Information Act
FUFIRC	Firearms and Use of Force Incident Review Committee
HQ	Headquarters
HSI	Homeland Security Investigations
ICE	U.S. Immigration and Customs Enforcement
IFAK	Individual First Aid Kit
IRS	Internal Revenue Service
JIOC	Joint Intelligence Operations Center
LEA	Law Enforcement Agency
LEO	Law Enforcement Officer
LES	Law Enforcement Sensitive
MD	Management Directive
MOU	Memorandum of Understanding
NPM	National Program Manager
OCFO	Office of the Chief Financial Officer
OFTP	Office of Firearms and Tactical Programs

OPA	Office of Public Affairs
OPLA	Office of the Principal Legal Advisor
OPR	Office of Professional Responsibility
PAO	Public Affairs Officer
PFA	Psychological First Aid
PLA	Principal Legal Advisor
POC	Point of Contact
POW	Personally-Owned Weapon
PSM	Peer Support Member
PSP	Peer Support Program
RAC	Resident Agent in Charge
SA	Special Agent
SAC	Special Agent in Charge
SEN	Significant Event Notification
SIR	Significant Incident Report
SPEAR	Significant Prospective Enforcement Activity Report
SRT	Special Response Team
TEMS	Tactical Emergency Medical Services
TFO	Task Force Officer
TIRT	Traumatic Incident Response Team
UFAD	Use of Force, Assaults and Discharges
U.S.C.	United States Code