

DEFENDER OF THE BLUE

Attorneys for Law Enforcement

MCOLIS In-Service Training Course

The Critical Window: Best Practices Immediately Following a Critical Incident

Instructor: Marc E. Curtis, Critical Incident Attorney

Course Description

This course prepares law enforcement officers, supervisors, and command staff to respond effectively in the critical minutes and hours immediately following a critical incident, such as an officer-involved shooting, use-of-force event, or in-custody death. Drawing on real body-worn camera footage and over a decade of experience defending officers during administrative and criminal investigations, the instruction walks participants through the practical, legal, and procedural steps that protect both the involved member and the integrity of the investigation. The course emphasizes that a critical incident review is not a presumption of wrongdoing — officers are witnesses and involved members, not criminal suspects — and that following sound procedure in the immediate aftermath is one of the most important safeguards an officer and their agency have.

Goals and Objectives

Upon completion of this course, participants will be able to:

- Identify the immediate responsibilities of an involved member following a critical incident, including securing the scene, ensuring medical care, and notifying dispatch and a supervisor.
- Explain why involved members should stop recording (body-worn camera) and refrain from cellphone use or discussing the incident with witnesses or companion officers prior to consulting counsel.
- Describe the on-duty supervisor's responsibilities for scene management, including removing the officer from the scene, preserving BWC and in-car video evidence, securing weapons and vehicles, and assigning a companion officer.
- Recognize why investigators and supervisors should not ask an involved officer "what happened" prior to the officer consulting with an attorney.
- Understand the officer's right to contact an attorney immediately following a critical incident and the role that attorney plays throughout the process.
- Identify key investigation considerations, including the right to review video footage before providing a statement and the distinction between compelled administrative statements and voluntary criminal statements.
- Understand the role of the attorney in guiding the officer through interviews, psychological debriefings, and union communication.

Class Outline

I. Introduction and Instructor Background

- Instructor introduction and experience defending law enforcement officers
- Course framework: "It's not about who did it, but why they did it" — officers are not criminal suspects

II. Involved Member Responsibilities

- Making appropriate arrests and securing the scene
- Ensuring emergency medical care for injured individuals
- Contacting dispatch and notifying a supervisor
- Shutting off the body-worn camera at the appropriate time
- Providing limited public safety information only (injuries, suspect at large, arrests/charges, direction of shots fired)
- Avoiding discussion of the incident with witnesses or companion officers
- Getting off the cellphone and using a scripted safety notification

III. On-Duty Supervisor Responsibilities

- Removing the officer from the scene
- Assigning an escort for injured individuals to the hospital
- Preserving in-car and BWC footage; securing vehicles and keys
- Deactivating in-car and BWC systems only after the scene is secured
- Securing fired weapons (holstered; rifles secured in supervisor's vehicle)
- Transporting the involved officer to a secure location with a designated (ideally self-selected) companion officer
- Refraining from asking the officer what happened

IV. Contacting Counsel

- The importance of calling an attorney immediately following a critical incident
- What to expect in the initial attorney contact

V. Investigation Considerations

- The officer's right to review in-car and BWC footage before a written statement or interview
- Written statements and investigative interviews
- Compelled administrative statements vs. voluntary criminal statements

VI. The Attorney's Role Going Forward

- Rights and responsibilities in the investigation
- Preparation for required interviews
- Coordination of psychological debriefings
- Keeping the officer's union informed

VII. Questions and Closing

- Open discussion and contact information for follow-up

Performance Outcomes

By the end of this course, participants will demonstrate the ability to:

- Correctly sequence the immediate actions required of an involved member at the scene of a critical incident (securing the scene, medical care, notification of dispatch/supervisor).
- Articulate the public safety information that may be shared on scene versus the substantive incident details that should not be discussed prior to legal consultation.
- Apply supervisor-level scene management procedures, including evidence preservation, weapon security, and officer removal from the scene.

- Explain the rationale for contacting an attorney immediately and the protections that consulting counsel provides the officer.
- Distinguish between voluntary criminal statements and compelled administrative statements, and identify the officer's right to review video evidence before providing either.
- Apply these best practices to realistic critical incident scenarios presented through body-worn camera footage.

Instructor Biography

Marc E. Curtis is a critical incident attorney with Defender of the Blue, Attorneys for Law Enforcement. A U.S. Army veteran who served as a Military Police K9 handler with a deployment to Iraq, Curtis is an alumnus of Michigan State University and Western Michigan University Cooley Law School. He previously served as a Senior Assistant Prosecutor for Muskegon County and works as a Force Science Analyst. Curtis has been defending law enforcement officers since 2012 and has represented over 275 law enforcement officers during administrative and criminal investigations. He is available 24/7 to law enforcement clients.

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