

	<b>ELGIN POLICE DEPARTMENT</b> 151 Douglas Avenue Elgin, Illinois 60120	
<b>Effective Date:</b> 12/29/16	<b>STANDARD OPERATING PROCEDURE</b>	<b>Revised Date:</b> 05/29/18
<b>Chief of Police:</b> 	<b>Deadly Force/Firearms Discharge , 1.5</b>	
<b>Cross Reference:</b> SOP 1.3 Response to Resistance SOP 22.6 Death/Serious Injury of Employee SOP 42.1 Criminal Investigations Administration SOP 42.2 Criminal Investigations Operations SOP 54.1 Public Information 50 ILCS 727/1-25	<b>Policy Sections:</b> 1.5.1 Situations requiring a Deadly Force Investigation 1.5.2 Deadly Force Investigations General Procedures 1.5.3 Response to Resistance Report Form/Firearms Discharge Reporting 1.5.4 Responsibilities of the Involved Employee(s) 1.5.5 Responsibilities of Supervisors and Investigative Personnel 1.5.6 Medical Treatment or Medical Evaluation of the Involved Employee(s) 1.5.7 Administrative Leave, Reassignment and Counseling 1.5.8 Investigation of Deadly Force Incident 1.5.9 Outside Agencies Involved Appendix A Deadly Force Investigation Checklist	

## PURPOSE

The purpose of this policy is to provide employees with a course of action to be followed after deadly force incidents and to outline the department's protocol for the investigation of deadly force incidents.

## POLICY STATEMENT

It is the policy of the Elgin Police Department to ensure deadly force incidents are thoroughly investigated and documented.

## DEFINITIONS

**Deadly Force Investigation:** The investigation of a deadly force incident to determine compliance with federal and state laws.

**Office of Professional Standards (OPS) Investigation:** The investigation of a deadly force incident to determine compliance with department policy.

**OPS Investigator:** Investigator, assigned by the Office of Professional Standards, tasked with completing assigned interviews and other tasks for completion of the OPS investigation.

**Public Safety Statement:** A statement, provided by the involved employee(s), for the purpose of relaying information to facilitate citizen and officer safety, assist the first responding supervisor in assessing the logistical and medical needs of the deadly force incident.

## PROCEDURES

### 1.5.1 SITUATIONS REQUIRING A DEADLY FORCE INVESTIGATION

- A. A person dies or receives a life threatening injury as the result of force used by an employee.
- B. A person dies or sustains a life threatening injury while in police custody.
- C. An employee discharges a firearm in the direction of another person.

### 1.5.2 DEADLY FORCE INVESTIGATION GENERAL PROCEDURES

- A. Deadly Force Investigations shall be conducted by an outside agency. The supervisor responsible for the scene shall ensure the appropriate investigative agency is notified. In a case where the

appropriate investigative agency is unavailable or a conflict exists, another outside agency shall be notified as determined by the investigations commander.

- B. The initial response to the investigation shall be handled in accordance with investigation and crime scene policies until the arrival of the investigators from the outside investigative agency.
- C. The investigations commander or designee shall serve as the deadly force investigation liaison for the department and the outside investigative agency.
- D. If there is a criminal investigation needed, not involving the involved employees as a suspect, that investigation shall proceed as normal by Elgin employees in cooperation with the outside agency conducting the deadly force investigation.
- E. The public information officer shall respond to media inquiries, arrange and/or handle press conferences or press releases, as necessary in conjunction with the outside investigating agency and the commander for investigations. No information concerning the deadly force investigation or the discharge of a firearm shall be released, except through the authority of the chief of police or designee. For more information on public information procedures, refer to Standard Operating Procedure 54.1 Public Information.

### **1.5.3 RESPONSE TO RESISTANCE REPORT FORM/FIREARMS DISCHARGE REPORTING**

- A. During deadly force investigations, the Response to Resistance Report Form shall be completed by a supervisor designated by the investigations commander.
- B. All involved employees shall confer with the deadly force investigation liaison to determine who shall complete police reports.

### **1.5.4 RESPONSIBILITIES OF THE INVOLVED EMPLOYEE(S)**

- A. An on-duty police officer or civilian, involved in a situation requiring a deadly force investigation, shall contact dispatch to request additional police assistance, a supervisor, and emergency medical assistance. The following information shall also be provided:
  - 1. Location of the incident.
  - 2. Nature of the incident.
  - 3. Nature of the injuries for everyone impacted by the incident.
- B. When safe, administer aid to the injured.
- C. Secure and protect the scene.
- D. When practical, the employee shall relinquish command of the scene to the next higher ranking officer. Unless prevented by injury, the employee(s) involved shall provide assistance as requested by the responding supervisor.
- E. Before leaving the scene, medical condition permitting, the employee shall provide a public safety statement. The public safety statement shall consist of the following:
  - 1. The number of people requiring medical attention, the nature of the injuries, and their locations.
  - 2. Description of the suspect(s) that fled the scene; last time seen, direction of travel, and whether suspect poses a threat to public safety.
  - 3. The type of force used by the involved parties.

4. The direction and type of discharged weapons.
  5. Description and location of additional victims, witnesses, or evidence.
  6. Additional information to ensure officer/public safety and assist in the apprehension of suspects.
- F. An on-duty supervisor shall be notified immediately when an off-duty employee or employee involved with an interagency task force applies deadly force or discharges a firearm.

#### **1.5.5 RESPONSIBILITIES OF SUPERVISORS AND INVESTIGATIVE PERSONNEL**

- A. Although the deadly force investigation will be handled by an outside agency, the security of the crime scene, evidence collection and initial investigative steps shall proceed as outlined in Standard Operating Procedures 42.1 Criminal Investigation Administration and 42.2 Criminal Investigations Operation in addition to the procedures outlined in this policy.
- B. The responsibilities tasked to the below identified positions are outlined on the Deadly Force Investigation Checklist, which is accessible to all employees via PowerDMS. Refer to Appendix A to view said checklist.
1. Responding Supervisor.
  2. Commander for Investigations or designee.
  3. Chief of Police or designee.

#### **1.5.6 MEDICAL TREATMENT OR MEDICAL EVALUATION OF THE INVOLVED EMPLOYEE(S)**

- A. The involved employee(s) shall receive immediate medical treatment if an injury occurred or the employee requests medical attention. A supervisor or designee not involved with the deadly force incident shall be assigned to accompany the employee(s) at all times and maintain visual contact with the employee(s) until all the necessary evidence has been collected.
- B. The employee(s) may be transported by EFD paramedics or by department transport. Prior to medical transport, when possible, an officer's firearm, duty gear and uniform should be collected for evidence and photographs. Public exposure shall be limited as much as possible after the officer has been disarmed.
- C. The assigned supervisor or designee shall:
1. As treatment allows, facilitate contact between the employee and family members, clergy, and the designated peer support officer. The officer may request an employee of his/her choice to serve as the peer support officer. When no request is made, the supervisor shall use his/her best judgment in designating an employee to serve in this capacity.
  2. Provide support to family members arriving at the hospital.
  3. Should the employee sustain a serious injury or death, refer to the protocol established in Standard Operating Procedure 22.6 Death/Serious Injury of the Employee.
- D. When an officer discharges his/her firearm, causing injury or death to a person or persons, during the performance of his/her official duties or in the line of duty, the officer must submit to drug and alcohol testing. The drug and alcohol testing must be completed as soon as practicable after the incident, but no later than the end of the involved officer's shift. This process shall be facilitated by the responding supervisor.

### **1.5.7 ADMINISTRATIVE LEAVE, REASSIGNMENT AND COUNSELING**

- A. The employee(s) directly involved in the death or serious injury of another person shall be notified by the chief of police or designee that they are immediately placed on paid administrative leave.
- B. The employee(s) shall remain on paid administrative leave or be placed in a non-operational reassignment until the chief of police has determined the employee is ready to return to normal duty based on the outcome of the following:
  - 1. The deadly force and OPS investigations.
  - 2. State's attorney's office opinion.
  - 3. Medical clearance.
  - 4. Completion of one mandatory counseling session, as depicted below.
- C. It is mandatory for the employee(s) who applied deadly force to complete one mandatory counseling session. Employees not directly involved in the deadly force incident are not required to attend a counseling session; however, the department will make arrangements to ensure counseling is available.
- D. Arrangements and/or requests for counseling or follow-up are to be arranged directly through the chief of police or designee. All information shall remain confidential and in compliance with existing labor agreements.
- E. Voluntary counseling is also available to immediate family members through the employee assistance program.

### **1.5.8 INVESTIGATION OF THE DEADLY FORCE INCIDENT**

- A. While not relinquishing any of their rights under the U.S. or Illinois Constitution, all employees present at the scene, at the time deadly force was used, will be required to submit to any evidence collection or testing allowed under law.
- B. Evidence collection/testing may include, but not be limited to, performing a gunshot residue (GSR) test on all employees, including those who are deceased. It is important for on-scene supervisors and investigating officers to ensure the persons and officers involved in the incident do not wash their hands or engage in any other activity that would destroy or diminish the evidence, unless required by medical necessity.
- C. Unless left at the crime scene, the employee's weapon and any other personal equipment/gear must be collected as soon as it is safe to do so. Before any weapons, duty gear, or uniforms are taken from the employee, all proper evidence protocols shall be followed. When taking possession of the officer's uniform, arrangements shall be made to ensure the officer is provided with adequate coverage or extra clothing. Photographs shall be taken that could document injuries to the employee, damage to the employee's uniform/equipment or otherwise be useful from an evidentiary standpoint. Any torn or damaged items must be taken for evidence and not discarded.
- D. Prior to being permitted to participate in group discussions or debriefings of the incident, all employees shall undergo an interview with the investigating agency.
- E. Employees who applied deadly force are permitted to be accompanied by a preferred attorney and/or union representative during the deadly force investigation interview.
- F. Non-criminal policy or procedure violations shall be addressed by the OPS investigator. Criminal investigations stemming from a deadly force incident shall have priority over an OPS investigation.

- G. At the conclusion of the deadly force and OPS investigations, the chief of police shall provide a written notice of the outcome to the employee(s) involved.

#### **1.5.9 OUTSIDE AGENCIES INVOLVED**

In the event personnel from another law enforcement agency applies deadly force or cause the death of a person within Elgin's jurisdiction, the Elgin Police Department may assume responsibility for the entire criminal investigation. The investigations commander shall be notified and work with the command staff from the involved agency to determine if Elgin or another agency shall conduct the investigation. The initial investigation and protection of the crime scene shall be conducted in accordance with department policy until it is determined who will conduct the investigation. When possible, a supervisor with specific training regarding deadly force investigations shall be responsible for the investigation.

# **APPENDIX A: DEADLY FORCE INVESTIGATION FIELD CHECKLIST** **Page 1 only**



## **ELGIN POLICE DEPARTMENT** **Deadly Force Investigation Checklist**



Standard Operating Procedure 1.5 Deadly Force/Firearms Discharge outlines the responsibilities tasked to the employee(s) in situations where deadly force was used. Although the deadly force investigation will be handled by an outside agency, the security of the crime scene, evidence collection and initial investigative steps will proceed as outlined in policy. This checklist outlines responsibilities tasked to supervisors and investigative personnel.

<i><b>Responsibilities of the responding supervisor</b></i>	<i><b>Check when completed</b></i>
Maintain command of the scene until relieved by a senior supervisor or investigator.	
Identify and make arrangements to protect the crime scene.	
Ensure a public safety statement was obtained and disseminated.	
Check the injury status of all people and request medical assistance as necessary.	
When practical and safe, relocate the involved employee(s) away from the active scene.	
Involved employee(s) shall be under controlled isolation and shall not be placed in the caged portion of a squad.	
A supervisor, not directly involved in the incident, shall be assigned to remain with the involved employee(s) at all times until relieved by an investigator.	
Ensure the involved employee(s) receive medial treatment and facilitate drug & alcohol testing of involved officer.	
Identify all known witnesses.	
Assign an officer, not involved in the incident, to remain with the injured suspects during medical treatment until, relieved by an investigator.	
Ensure notifications, in the order listed, to the following persons via direct, telephone contact: commander for investigations, chief of police, affected shift/division supervisors, command staff, & the public information officer.	
Ensure all field investigations, including those used in documenting the public safety statement, are maintained in accordance with the law. Handwritten field investigation notes shall be photocopied and placed into evidence.	
<i><b>Responsibilities of the Commander for Investigations or designee</b></i>	<i><b>Check when completed</b></i>
Serve as liaison with the investigating agency and to the Office of Professional Standards. Ensure the chief of police is kept abreast of investigation.	
Ensure the involved employee(s) have access to family members, clergy, preferred attorney, and the designated peer support officer.	
Make arrangements for the replacement of the officer's firearm, to include the re-qualification process. Exceptions to the replacement of the officer's firearm may be made if there appears to be criminal culpability on the part of the officer or it is deemed to be in the best interests of the officer or the department not to replace the firearm immediately. Any such decision will be made in consultation and approval of the chief of police.	
If the officer used a personal firearm, the department will make every effort to replace the personal firearm with a department owned firearm. When the officer's personal firearm is returned or replaced, the department owned firearm shall be returned.	
Communicate with the public information officer to provide updates on the progress of the investigation and to coordinate the release of information with the investigating agency.	
Designate a supervisor to initiate a police report; the supervisor must be higher in rank than the involved employee(s). If a lieutenant or higher ranking officer was involved, another lieutenant can initiate the report.	
If department evidence technicians are utilized, ensure that all evidence is collected, and is appropriately processed or sent for processing.	
Ensure the Response to Resistance Report form is completed.	
Ensure regular updates are provided to the chief of police and commander for investigations.	