

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 108-A

REFERENCE STANDARDS: 1.3.5 1.3.8

SUBJECT: Lethal Force Investigations and Follow-up

POLICY: Incidents of homicide involving officers and use of force that threatens or seriously impairs normal life processes will be investigated. All criminal investigative processes will be centralized. The department will provide support services for the officer and will also assess fitness for duty. The Department will investigate each lethal force and unintentional discharge incident to insure that administrative procedures were followed.

I. DEFINITIONS

Lethal Force - that level of force used upon a person that results in death or serious physical injury.

Officer-Involved Shooting - Any instance when a law enforcement officer discharges his or her firearm, causing injury or death to a person or persons, during the performance of his or her official duties or in the line of duty.

II. PROCEDURE

A. The following procedures will be used to investigate every incident of use of lethal force or unintentional discharge by a department employee:

1. Involved Officer

a. Whenever an officer discharges his firearm either unintentionally or intentionally, he shall immediately:

- (1) Determine the physical condition of any injured person and render first aid when appropriate. (1.3.5)
- (2) Request necessary emergency medical aid.
- (3) Notify Communications of the location and incident.
- (4) Immediately notify a supervisor.

- (5) The involved officer will remain at the scene, unless injured, until the arrival of the appropriate investigators. However, if the circumstances are such that the continued presence of the officer may cause a more hazardous situation (violent crowd), the ranking officer shall have the discretion to instruct the involved officer to report to another more appropriate location. A non-involved officer will accompany the involved officer to a secured area to maintain the integrity of evidence.
 - (6) The officer will protect his weapon for examination and submit said weapon to the appropriate supervisor.
 - (7) The involved officer shall prepare a detailed report in accordance with operating guidelines.
 - (8) The involved officer shall be available at any reasonable time for administrative interviews and statements regarding the case. The officer is subject to recall to duty at any reasonable time.
- 2. Communications - Dispatchers, shall insure the following are notified:
 - a. Requested medical aid
 - b. Notify the on-duty Patrol Supervisor.
- 3. On-duty Supervisor.
 - a. Immediately proceed to the scene and insure the following is completed:
 - (1) Secure the scene
 - (2) Render command assistance to investigators.
 - b. Where injury resulted or the discharge was at a suspect pursuant to official duty, shall insure the following are notified:
 - (1) The appropriate independent investigating agency having jurisdiction, such as the Major Case Assistance Team (MCAT) in Cook County or the DuPage Major Crimes Task Force (DMCTF) in DuPage County. Other independent agencies, such as the Illinois State Police and/or County Sheriff may be notified if needed.
 - (2) Chief of Police, via the Chain of Command
 - c. In event of unintentional discharge without personal injury the following shall be notified:
 - (1) Chief of Police via Chain of Command;
 - (2) Investigations Bureau Supervisor.

B. IMPLEMENTATION OF REVISED INVESTIGATION PROTOCOL

- 1. In the following incidents, Patrol personnel will provide support to the independent investigating agency. Investigators will direct the crime scene and direct investigative response:
 - a. Incidents when an officer has taken the life of a person,

- b. Less lethal incidents involving use of bean bag projectiles or other impact weapons causing life threatening injury,
- c. By direction of a command officer.

C. INITIAL PATROL RESPONSE (1.3.5)

1. Identical to standard procedure for other major crimes.
2. Check the injured, call for medical assistance.
3. Secure the scene, preserve the evidence.
4. Check immediate area for suspect.
5. Secure witnesses, remove from scene.
6. Establish crime scene perimeter.
7. List of all persons entering crime scene.

D. PATROL SUPERVISOR

1. Insure crime scene security, limit access.
2. Receive and take charge of all involved officers' weapons, inventory and secure magazines, less lethal and impact weapons, contents of assigned vehicle, as appropriate.
 - a. Weapons shall be seized away from public view.
 - b. The weapon will be immediately turned over to the independent investigating agency or Investigative Bureau Supervisor or designee upon arrival at the scene or police department.
 - c. Arranges for all involved officers to be sequestered and removed from the scene as quickly as possible.
3. Brief arriving superiors and the independent investigating agency or Investigative Supervisor.
4. Arranges for in-custody medical transport of injured suspects with armed police officers.
5. Releases supervision of scene to the independent investigating agency or Investigative Supervisor upon arrival.
6. Insures continued crime scene security services by patrol until investigative personnel releases the scene.

7. Provides investigative personnel with supplementary manpower if needed.

E. RESPONSE BY INVESTIGATING AGENCY

1. The independent investigating agency will conduct, with the assistance of the Illinois State Police, Cook or DuPage County Sheriff's Department personnel, and/or the respective County Prosecutor, a thorough investigation of every shooting by a police officer that results in injury or death.
2. The independent investigating agency shall prepare and submit a detailed report of the investigation to:
 - a. The County of jurisdiction Prosecutor's Office
 - b. The Office of the Chief of Police through the chain of command.
3. The independent investigating agency assigned will:
 - a. Expedite arrival on-scene.
 - b. Conduct preliminary field investigation.
 - c. Execute search warrant(s) if needed.
 - d. Conduct neighborhood canvass.
4. The independent investigating agency supervisor will:
 - a. Coordinate and make notifications per investigations policy
 - b. Insure that the on-duty Hanover Park Police Department supervisor has arranged to have the involved officer(s) to submit to drug and alcohol testing as soon as practical after the officer involved shooting but no later than the end of the involved officer's shift or tour of duty as per Directive 205-P, Use of Force, Sections IX.B. and X.A.4.

III. INVESTIGATION PROCEDURES

- A. Initial interview of the involved officer should occur as soon as practicable, following preparation by the investigator(s).
- B. Investigators will be aided by the appropriate Assistant States Attorney assigned and follow guidelines of that respective office.
- C. Investigators may require a separate interview of the employee for the internal administrative investigation.
- D. Interviewers should consider that discrepancies, lacking details, and exaggerated details might be "sensory distortion", a common and normal phenomenon of Post Traumatic Stress Disorder rather than deception.
- E. Miranda Waiver may be issued during the criminal investigative process, which entitles the employees access to counsel prior to, and during questioning. Involved officers may

cooperate with the criminal investigation; however, they are under no legal requirement to do so.

- F. Unless the involved employee invokes his/her Fifth Amendment rights against self-incrimination, all related reports are due for submission as soon as practical.

IV. THE CRIMINAL CASE REPORT

- A. The independent investigating agency or Investigative Bureau will conduct a thorough investigation and will prepare a complete criminal case report.

V. NEWS MEDIA

- A. Release of information.

- 1. All releases of information shall come from the Office of the Chief of Police or the designee.

VI. OUTSIDE AGENCY REVIEW

- A. In addition to the use of independent investigative agencies as indicated above, the Department may utilize investigative review by an outside agency to promote public confidence in the investigative product. The purpose of the review is to determine if the department is conforming to professional standards in the investigation process.

- B. Outside Investigation Request

- 1. An independent law enforcement agency with jurisdiction may conduct, as requested, an investigation to insure compliance with professional investigative standards and practices.
 - 2. Our department will request that the independent agency provide a report of its findings to the County Prosecuting Attorney.
 - 3. In cases where an independent investigative agency will not, by policy, conduct an investigation, the Chief of Police will make the determination to have an additional investigation by an outside agency.

VII. EMPLOYEE SUPPORT SERVICES

- A. The Social Services unit will be offered to assist the officer following interview by the investigation team.
- B. A more-in depth debriefing session will be scheduled as soon as possible.
- C. Officers not directly involved in the investigation will refrain from discussing the events with the involved officer until the review has been completed.
- D. All employees involved in an officer involved homicide or incident involving life threatening injury will attend a mandatory counseling session with a qualified psychologist designated by the Police Department.
- E. Counseling is also recommended for the spouse or significant other of the officer.
- F. The department will provide for transportation and counseling for the employee and spouse or significant other.
- G. The Chief of Police shall place the involved employee on administrative leave pending completion of the investigation(s). During such leave the employee will remain available, unless specifically excused by the Chief of Police.
- H. In cases where an employee uses force which causes death or life-threatening injury to another person, the involved employees shall be required to undergo emotional debriefing with a department-furnished psychologist within five days of the incident. The purpose of this debriefing will be to allow the officer to express his feelings and to deal with the moral, ethical, and/or psychological after effects of the incident. In such cases, the psychologist may make a recommendation to the Chief of Police as to the employee's fitness for duty.
- I. In cases where an employee uses deadly force, the involved employee(s) will have available to them the services of the department psychologist and/or chaplain. The purpose of this is to provide the officer with a source of professional consultation to aid him in dealing with the potential moral and ethical after effects of a shooting incident. The services shall not be related to any department investigation of the incident and nothing discussed will be divulged to the Department.
- J. Consultation sessions outlined in Sections H and I will remain protected by the privileged relationship under applicable law(s).
- K. The Chief of Police and the Director of Human Resources shall determine the duration of a psychological services provided by the Village of Hanover Park.

VIII. CIVIL RIGHTS INVESTIGATIONS

- A. The Department will respect the rights of the Federal Government to conduct an independent investigation.
- B. The Department shall respect the right of the employee not to talk to Federal Investigators without advice of counsel.

IX. ADMINISTRATIVE LEAVE/DUTY

- A. Any employee directly involved in the use of any force or non-use of force that results in death or life-threatening injury shall be placed on administrative leave. This leave shall be without the loss of pay or benefits, pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply that the employee has acted improperly. (1.3.8)
- B. While on administrative leave, the employee shall remain available for official department interviews and statements regarding the shooting incident, and shall be subject to recall to duty at any reasonable time. The employee shall not discuss the incident with anyone except prosecutors assigned to the case, personnel assigned to the investigation, the employee's private attorney, the employee's chosen clergy, or the employee's immediate family.
- C. Upon returning to duty, the officer may be assigned to administrative duty for a period as deemed appropriate by the Chief of Police.