

	ELGIN POLICE DEPARTMENT 151 Douglas Avenue Elgin, Illinois 60120	
Effective Date: 12/29/16	STANDARD OPERATING PROCEDURE	Revised Date: 06/24/24
Chief of Police: 	Investigation of Deadly Force and Serious Incidents, 1.5	
Cross Reference: 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 52.1 Internal Affairs SOP 54.1 Public Information 50 ILCS 709/5-11 50 ILCS 709/5-12 50 ILCS 727/1-10 50 ILCS 727/1-25		Policy Sections: 1.5.1 Incidents Requiring a Deadly Force Investigation 1.5.2 Deadly Force Investigation Procedures 1.5.3 Reporting Requirements 1.5.4 Responsibilities of the Involved Officer(s) 1.5.5 Medical Treatment or Medical Evaluation of the Involved Officer(s) 1.5.6 Administrative Leave, Reassignment and Counseling 1.5.7 Outside Agencies Involved 1.5.8 Training 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 an officer-involved death, officer-involved shooting and serious incidents, as defined in this policy, and to outline the department's protocol for the investigation of these situations.

POLICY STATEMENT

It is the policy of the department that officer-involved deaths, officer-involved shootings and serious incidents be investigated to determine whether the actions of involved officers conform to the applicable laws and department rules, policies, procedures and training. It is of utmost importance to safeguard the integrity of the investigation by ensuring transparency, impartiality and neutrality during all phases of the investigation.

DEFINITIONS

Critical Incident Stress Debriefing: A seven-phase, structured group process provided by the Northern Illinois Critical Incident Stress Management Team (NICISM), which is usually conducted 24-72 hours after a critical incident. These may be offered for single work groups or multi-agency groups.

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

Great Bodily Harm (aka serious bodily injury): Bodily injury which creates a substantial risk of death or which is likely to cause serious permanent disfigurement or loss, or extended impairment of the function of any body part or organ.

Formal Investigation: As defined by the Uniform Peace Officers' Disciplinary Act, "The process of investigation ordered by a commanding officer during which the questioning of an officer is intended to gather evidence of misconduct which may be the basis for filing charges seeking his or her removal, discharge or suspension in excess of 3 days." Pursuant to Elgin City Ordinance, 2.52.165, this will be conducted by the law firm that is retained by the city.

Law Enforcement Officer: Any person employed by the state, county, or municipality as a policeman, peace officer, or in some like position involving the enforcement of the law and protection of public interest at the risk of the person's life.

Officer-Involved Death: Any death of an individual that results directly from an action or directly from an intentional omission, including unreasonable delay involving a person in custody or intentional failure to seek medical attention when the need for treatment is apparent, of a law enforcement officer while the officer is on-duty, or otherwise acting within the scope of his or her employment, or while the officer is off-duty, but performing activities that are within the scope of his or her law enforcement duties.

Officer-involved death includes any death resulting from a motor vehicle accident, if the law enforcement officer was engaged in law enforcement activity involving the individual or the individual's vehicle in the process of apprehension or attempt to apprehend, 50 ILCS 727/1-5.

Officer-Involved Shooting: Any instance when a law enforcement officer discharges his or her firearm causing injury or death of a person during the performance of his or her official duties or in the line of duty, 50 ILCS 727/1-30.

Public Safety Statement: A statement, provided by the involved officers, 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.

Serious Incidents: For the purpose of this policy, includes, but is not limited to the following:

Any use of deadly force, regardless of whether the employee's actions resulted in injury or death.

Any death or great bodily harm resulting from, or that occurs during the course of any agency operation.

Pursuits resulting in great bodily harm or death.

Employee-involved collisions resulting in death or great bodily harm.

Matters of an unusually serious nature involving department employees, to include large-scale event response.

PROCEDURES

1.5.1 INCIDENTS REQUIRING A DEADLY FORCE INVESTIGATION

A deadly force investigation shall be initiated in the following situations as defined in this policy.

- A. Officer-involved death.
- B. Officer-involved shooting.
- C. Serious Incidents.

1.5.2 DEADLY FORCE INVESTIGATION PROCEDURES

- A. When safe to do so and with time permitting, any officer involved in an incident requiring a deadly force investigation shall immediately report the incident to his/her supervisor or the on-duty supervisor, whichever is immediately available at the time of the incident.
 - 1. For the purposes of this policy, the term "involved" shall include any officer utilizing deadly force.
 - 2. Any other officers who are present at the scene during any use of force shall identify themselves as being a witness or as having been present to the appropriate supervisor, as described above, at the earliest practicable opportunity based on the exigencies of the surrounding incident.
- B. 50 ILCS 727/1-10 outlines provisions for the investigation of officer-involved deaths. The following procedures, unless otherwise noted, shall also apply to officer-involved shootings and serious incidents as defined in this policy.
 - 1. The investigation shall be conducted by at least two investigators, or an entity or agency comprised of at least two investigators, one of whom is the lead investigator.

2. The lead investigator shall be a person certified by the Illinois Law Enforcement Training Standards Board (ILETSB) as a lead homicide investigator, or similar training approved by the Illinois Law Enforcement Training Standards Board or the Illinois State Police, or similar training at an ILETSB certified school.
3. No investigator involved in the investigation may be employed by the law enforcement agency that employs the officer involved in the officer-involved death, unless the investigator is employed by the Illinois State Police and is not assigned to the same division or unit as the officer involved in the death.
4. If the officer-involved death being investigated involved a motor vehicle accident, at least one investigator shall be certified by ILETSB as a crash reconstruction specialist, or similar training approved by ILETSB or the Illinois State Police, or similar training provided at an ILETSB certified school.
 - a. Notwithstanding the requirements of the preceding subsections one, two, and three, when the officer-involved death being investigated involves a motor vehicle accident, the department may allow the use of an investigator who is employed by the department and who is certified by ILETSB as a crash reconstruction specialists, or similar training approved by ILETSB, or similar training approved by the Illinois State Police, or similar training provided at an ILETSB certified school.
5. The investigators conducting the investigation shall, in an expeditious manner, provide a complete report to the state's attorney of the county in which the officer-involved death occurred.
 - a. If the state's attorney, or a designated special prosecutor, determines there is no basis to prosecute the law enforcement officer involved in the officer-involved death, or if the law enforcement officer is not otherwise charged or indicated, the investigators shall publicly release a report.
6. Although the deadly force investigation will be handled by an outside agency, as determined by the department, the department's response to the scene requires an initial investigation in accordance to Standard Operating Procedures 42.1 Criminal Investigation Administration and 42.2 Criminal Investigations Operation, in addition to the procedures outlined in this policy. Whenever possible, efforts shall be made to ensure employees involved in the initial investigative response are not assigned to the same division or unit as the involved officer.
7. The Investigations Commander 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.
8. The Investigations Commander or designee shall serve as the deadly force investigation liaison for the department and the outside investigative agency and shall ensure the Chief of Police is briefed on the status of the investigation.
9. The Deadly Force Investigation Checklist summarizes responsibilities assigned to the below positions and is accessible to all employees via PowerDMS. Refer to Appendix A to view said checklist.
 - a. Responding Supervisor.
 - b. Commander for Investigations or designee.
 - c. Chief of Police or designee.

- C. When a criminal investigation is needed, not pertaining to the involved officer(s) as a suspect, that investigation shall proceed as normal by Elgin employees in cooperation with the outside agency conducting the deadly force investigation, unless otherwise determined by the department.
- D. Non-criminal policy or procedure violations shall be addressed by the law firm hired by the city to conduct formal internal investigations, pursuant to Elgin City Ordinance 2.52.165. The formal investigation encompasses a thorough review of the circumstances of the officer-involved death, officer-involved shooting or serious incident. Criminal investigations stemming from a deadly force incident shall have priority over the investigation conducted by the city retained law firm.
- E. Prior to being permitted to participate in group discussions or debriefings of the incident, the administrative and criminal investigation must be completed.
- F. All officers involved in an administrative investigation shall undergo an interview with the city appointed law firm.
- G. Officers shall participate and cooperate with the criminal investigation, such participation and cooperation shall not require a waiver of any of the officer's Fifth Amendment rights and privileges.
- H. Officers who are involved in an officer-involved death, officer-involved shooting or serious incident are permitted to be accompanied by a preferred attorney and/or union representative during the deadly force investigation interview.
- I. At the conclusion of the deadly force investigation conducted by the outside agency and the administrative investigation conducted by the city appointed law firm, the Chief of Police shall provide a written notice of the outcome to the involved officer(s).
- J. While not relinquishing any of their rights under the U.S. or Illinois Constitution, each officer involved in the use of deadly force will be required to submit to any evidence collection and drug and alcohol testing allowed under the law. Pursuant to 50 ILCS 727/1-25, the drug and alcohol testing must be completed as soon as practicable after the officer-involved death, officer-involved shooting or serious incident, but no later than the end of the involved officer's shift or tour of duty. This shall be facilitated by the responding supervisor.
- K. Evidence collection/testing may include, but not be limited to performing a gunshot residue (GSR) test on all officers, including those who are deceased. It is important for on-scene supervisors and investigating officers to comply with proper evidence protocol and procedures, unless required by medical necessity.
- L. Unless left at the crime scene, the officer'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 officer, all proper evidence protocols shall be followed.
 - 1. When taking possession of the officer's uniform, arrangements shall be made to ensure the officer is provided with adequate coverage or extra clothing.
 - 2. Photographs shall be taken that could document injuries to the officer, damage to the officer's uniform/equipment or otherwise be useful from an evidentiary standpoint. Any torn or damaged items must be taken for evidence and not discarded.
 - 3. Public exposure to the performance of the above protocol shall be limited and efforts shall be made to safeguard the officer's privacy as he/she undergoes the evidence collection process.
- M. The Public Information Officer shall respond to media inquiries, arrange and/or handle press conferences or press releases, as directed by the Chief of Police, in conjunction with the outside investigating agency and the Commander for Investigations.

1. 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.
2. For more information on public information procedures, refer to Standard Operating Procedure 54.1 Public Information.

1.5.3 REPORTING REQUIREMENTS

- 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.
- C. As indicated in Standard Operating Procedure 1.3 Response to Resistance, the Commander for Investigations is responsible for ensuring monthly reporting on the use of force to the Illinois State Police and the FBI National Database when the use of force resulted in the death or serious bodily injury of a person or the discharge of a firearm at or in the direction of a person. Pursuant 50 ILCS 709/5-11 and 50 ILCS 709/5-12, to this applies to information known at the time of submittal and updates will be provided upon conclusion of all facts known.

1.5.4 RESPONSIBILITIES OF THE INVOLVED OFFICER(S)

- A. Officers involved in a situation requiring a deadly force investigation, shall contact the Emergency Communications Division 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, render medial aid and request medical emergency assistance, if necessary, if a person is injured, whether as a result of a use of force or otherwise.
- C. Secure and protect the scene.
- D. When practical, the officer shall relinquish command of the scene to the next higher ranking officer. Unless prevented by injury, the officer(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 subjects(s) that fled the scene; last time seen, direction of travel, and whether the subject 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 subjects.
- 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 MEDICAL TREATMENT OR MEDICAL EVALUATION OF THE INVOLVED OFFICER(S)

- A. The involved officers(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 officers(s) at all times and maintain visual contact with the officers(s) until all the necessary evidence has been collected.
- B. The officer(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 officer and family members, faith-based organizations, and the designated Peer Support Officer, if requested by the 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.

1.5.6 ADMINISTRATIVE LEAVE, REASSIGNMENT AND COUNSELING

- A. The officer(s) directly involved in the officer-involved death, officer-involved shooting or serious incident shall be notified by the Chief of Police or designee that they are immediately placed on paid administrative leave.
- B. Based on the circumstances of the incident, the officer(s) shall remain on paid administrative leave or be placed in a non-operational reassignment until the Chief of Police has determined the officer is ready to return to normal duty based on the outcome of the below:
 1. The deadly force investigation and the investigation completed by the outside law firm pursuant to Elgin City Ordinance 2.52.165.
 2. Applicable State's Attorney's Office determination/decision.
 3. Medical clearance.
 4. Completion of one mandatory counseling session, as depicted below.
- C. It is mandatory for the officer(s) involved in an officer-involved death, officer-involved shooting or serious incident to complete one mandatory counseling session. Officers not directly involved in the 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 and support is also available to immediate family members through the Employee Assistance Program, Peer Support Team or the Chaplain Program.

1.5.7 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. Pursuant to 50 ILCS 727/1-10, such an investigation shall be conducted by investigators in accordance with the requirements and qualifications provided in the statute, and when possible, a supervisor with the required qualifications shall be responsible for the investigation.

1.5.8 TRAINING

All officers receive initial training on this policy and through on-going in-service training.

APPENDIX A: DEADLY FORCE INVESTIGATION FIELD CHECKLIST



ELGIN POLICE DEPARTMENT Deadly Force Investigation Checklist



Standard Operating Procedure 1.5 Investigation of Deadly Force and Serious Incidents outlines the responsibilities tasked to the officer(s) during situations requiring a deadly force investigation. Although the deadly force investigation will be handled by an outside agency, the initial security of the crime scene, evidence collection and investigative steps will proceed as outlined in policy. Refer to the policy for the complete protocols.

<i>Responsibilities of the responding supervisor</i>	<i>Check when completed</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. Instruct the involved officer(s) not to discuss the incident with others, except their attorney, mental health professional or authorized investigator.	
Check the injury status of all people and request medical assistance as necessary.	
When practical and safe, relocate the involved officer(s) away from the active scene.	
Involved officer(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 officers(s) at all times until relieved by an investigator.	
Ensure the involved officers(s) receive medical treatment and facilitate drug & alcohol testing of involved officer(s).	
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>Responsibilities of the Commander for Investigations or designee</i>	<i>Check when completed</i>
Serve as liaison with the investigating agency and to the law firm retained by the city. Ensure the chief of police is kept abreast of investigation.	
Ensure the involved officer(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.	
Conduct a post incident debrief meeting with involved employees and submit the Post Incident Debrief Report.	

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