

Officer-Involved Shootings and Deaths

304.1 PURPOSE AND SCOPE

The purpose of this policy is to establish policy and procedures for the investigation of an incident in which a person is injured or dies as the result of an officer-involved shooting or dies as a result of another action of an officer (50 ILCS 727/1-10; 50 ILCS 727/1-30; 730 ILCS 210/3-1).

In other incidents not covered by this policy, the Chief of Police may decide that the investigation will follow the process provided in this policy.

304.1.1 DEFINITIONS

Definitions related to this policy include:

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/her employment, or while the officer is off-duty, but performing activities that are within the scope of his/her law enforcement duties. It also includes any death resulting from a motor vehicle crash, 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 an attempt to apprehend (50 ILCS 727/1-5).

304.2 TYPES OF INVESTIGATIONS

Officer-involved shootings and deaths involve several separate investigations. The investigations may include:

- A criminal investigation of the suspect's actions.
- A criminal investigation of the involved officer's actions.
- An administrative investigation as to policy compliance by involved officers.
- A civil investigation to determine potential liability.

304.3 CONTROL OF INVESTIGATIONS

The following scenarios outline the jurisdictional responsibilities for investigating officer-involved shootings and deaths.

304.3.1 CRIMINAL INVESTIGATION OF SUSPECT ACTIONS

The investigation of any possible criminal conduct by the suspect is controlled by the agency in whose jurisdiction the suspect's crime occurred. For example, the Flossmoor Police Department would control the investigation if the suspect's crime occurred in Flossmoor.

If multiple crimes have been committed in multiple jurisdictions, identification of the agency that will control the investigation may be reached in the same way as with any other crime. The

Flossmoor Police Department

Flossmoor PD Policy Manual

Officer-Involved Shootings and Deaths

investigation may be conducted by the agency in control of the criminal investigation of the involved officer, at the discretion of the Chief of Police and with concurrence from the other agency.

304.3.2 CRIMINAL INVESTIGATION OF OFFICER ACTIONS

The control of the criminal investigation into the involved officer's conduct during the incident will be determined by the employing agency's protocol. When an officer from this department is involved, the criminal investigation will be handled according to the Criminal Investigation section of this policy.

Requests made of this department to investigate a shooting or death involving an outside agency's officer shall be referred to the Chief of Police or the authorized designee for approval.

304.3.3 ADMINISTRATIVE AND CIVIL INVESTIGATION

Regardless of where the incident occurs, the administrative and civil investigation of each involved officer is controlled by the respective employing agency.

An officer-involved death of an individual in custody that may have been caused by the officer's use of force shall be investigated and reported pursuant to the Reporting of Deaths in Custody Act (730 ILCS 210/3-5).

304.4 INVESTIGATION PROCESS

The following procedures are guidelines used in the investigation of an officer-involved shooting or death.

304.4.1 UNINVOLVED OFFICER RESPONSIBILITIES

Upon arrival at the scene of an officer-involved shooting or death, the first uninvolved FPD officer will be the officer-in-charge and will assume the responsibilities of a supervisor until properly relieved. This officer should, as appropriate:

- (a) Secure the scene and identify and eliminate hazards for all those involved.
- (b) Take reasonable steps to obtain emergency medical attention for injured individuals.
- (c) Request additional resources from the Department or other agencies.
- (d) Coordinate a perimeter or pursuit of suspects.
- (e) Check for injured persons and evacuate as needed.
- (f) Brief the supervisor upon arrival.

304.4.2 SHIFT SERGEANT DUTIES

Upon learning of an officer-involved shooting, the Shift Sergeant or Watch Commander shall be responsible for coordinating all aspects of the incident until relieved by the Chief of Police or Deputy Chief of Police, or other supervisor, as designated by the Chief or Deputy Chief of Police.

304.4.3 NOTIFICATIONS

The following persons shall be notified as soon as practicable:

- Chief of Police

Flossmoor Police Department

Flossmoor PD Policy Manual

Officer-Involved Shootings and Deaths

- Criminal Investigations Deputy Chief of Police
- [OIS protocol] rollout team
- Outside agency investigators (if appropriate)
- Internal Affairs Unit supervisor
- Civil liability response team
- Psychological/Peer support personnel
- Chaplain
- Medical Examiner (if necessary)
- Involved officer's agency representative (if requested)
- Chief of Police

304.4.4 INVOLVED OFFICERS

The following shall be considered for the involved officer:

- (a) Any request for legal or union representation will be accommodated.
 1. Involved FPD officers shall not be permitted to meet collectively or in a group with an attorney or any representative prior to providing a formal interview or report.
 2. Requests from involved non-FPD officers should be referred to their employing agencies.
- (b) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (c) Discussions with agency representatives/employee groups will be privileged only as to the discussion of non-criminal information.
- (d) A licensed psychotherapist shall be provided by the Department to each involved FPD officer. A licensed psychotherapist may also be provided to any other affected FPD members, upon request.
 1. Interviews with a licensed psychotherapist will be considered privileged.
 2. An interview or session with a licensed psychotherapist may take place prior to the member providing a formal interview or report. However, involved members shall not be permitted to consult or meet collectively or in a group with a licensed psychotherapist prior to providing a formal interview or report.
 3. A separate fitness-for-duty exam may also be required (see the Fitness for Duty Policy).
- (e) Communications with peer counselors are confidential and may only be disclosed in accordance with 5 ILCS 840/20.

Care should be taken to preserve the integrity of any physical evidence present on the involved officer's equipment or clothing, such as blood or fingerprints, until investigators or lab personnel can properly retrieve it.

Flossmoor Police Department

Flossmoor PD Policy Manual

Officer-Involved Shootings and Deaths

Each involved FPD officer shall be given reasonable paid administrative leave following an officer-involved shooting or death. It shall be the responsibility of the Watch Commander to make schedule adjustments to accommodate such leave.

304.4.5 SUPERVISOR RESPONSIBILITIES

Upon arrival at the scene, the first uninvolved FPD supervisor should ensure completion of the duties as outlined above, plus:

- (a) Attempt to obtain a brief overview of the situation from any uninvolved officers.
 1. In the event that there are no uninvolved officers who can supply adequate overview, the supervisor should attempt to obtain a brief voluntary overview from one involved officer.
- (b) If necessary, the supervisor may administratively order any FPD officer to immediately provide public safety information necessary to secure the scene, identify injured parties and pursue suspects.
 - (a) Public safety information shall be limited to such things as outstanding suspect information, number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses and any other pertinent information. [See attachment: FPD Officer Involved Shooting.pdf](#)
 - (b) The initial on-scene supervisor should not attempt to order any involved officer to provide any information other than public safety information.
- (c) Provide all available information to the Watch Commander and the Communications Center. If feasible, sensitive information should be communicated over secure networks.
- (d) Take command of and secure the incident scene with additional FPD members until properly relieved by another supervisor or other assigned personnel or investigator.
- (e) As soon as practicable, ensure that involved officers are transported (separately, if feasible) to a suitable location for further direction.
 1. Each involved FPD officer should be given an administrative order not to discuss the incident with other involved officers or FPD members pending further direction from a supervisor.
 2. When an involved officer's weapon is taken or left at the scene for other than officer-safety reasons (e.g., evidence), ensure that he/she is provided with a comparable replacement weapon or transported by other officers.

304.4.6 COMMUNICATION WITH FAMILY AND NEXT-OF-KIN

When a death has resulted from an officer's use of force or while in the custody of the Department or a department officer, notification to next-of-kin, family, or another emergency contact shall be made as soon as practicable. The information provided should include the facts surrounding the incident that are reasonably known to the member at that time and that are appropriate to provide under the circumstances given any pending investigations and in accordance with state and federal law (730 ILCS 210/3-5).

Flossmoor Police Department

Flossmoor PD Policy Manual

Officer-Involved Shootings and Deaths

The Chief of Police shall designate an officer as the Family Liaison Officer to handle ongoing communication with the decedent's family or next-of-kin. Responsibilities of this position include but are not limited to communicating investigation developments, practical support, and, if requested, arranging for a chaplain or suitable staff member to address matters related to faith (730 ILCS 210/3-5).

304.5 CRIMINAL INVESTIGATION

The State Attorney's Office is responsible for the criminal investigation into the circumstances of any officer-involved shooting that does not result in death. Officer-involved deaths shall be investigated by outside agency investigators as provided in the applicable intergovernmental agreements.

If available, investigative personnel from this department may be assigned to partner with investigators from outside agencies or the State Attorney's Office to avoid duplicating efforts in related criminal investigations.

Once public safety issues have been addressed, criminal investigators should be given the opportunity to obtain a voluntary statement from involved officers and to complete their interviews. The following shall be considered for the involved officer:

- (a) FPD supervisors and Internal Affairs Unit personnel should not participate directly in any voluntary interview of FPD officers. This will not prohibit such personnel from monitoring interviews or providing the criminal investigators with topics for inquiry.
- (b) If requested, any involved officer will be afforded the opportunity to consult individually with a representative of his/her choosing or an attorney prior to speaking with criminal investigators. However, in order to maintain the integrity of each involved officer's statement, involved officers shall not consult or meet with a representative or an attorney collectively or in groups prior to being interviewed.
- (c) If any involved officer is physically, emotionally or otherwise not in a position to provide a voluntary statement when interviewed by criminal investigators, consideration should be given to allowing a reasonable period for the officer to schedule an alternate time for the interview.
- (d) Any voluntary statement provided by an involved officer will be made available for inclusion in any related investigation, including administrative investigations. However, no administratively coerced statement will be provided to any criminal investigators unless the officer consents.

304.5.1 OFFICER-INVOLVED DEATH INVESTIGATIONS

The Chief of Police should ensure that the Flossmoor Police Department enters into appropriate intergovernmental agreements to investigate officer-involved deaths involving members of the FPD by appropriately trained outside investigators as required by the Police and Community Relations Improvement Act (50 ILCS 727/1-1 et seq.). The agreement should establish any compensation arrangement for participation in investigations and establish responsibilities for expeditiously providing a complete report to the State's Attorney and a public report if no charge or indictment is brought against the officer.

Flossmoor Police Department

Flossmoor PD Policy Manual

Officer-Involved Shootings and Deaths

304.5.2 REPORTS BY INVOLVED FPD OFFICERS

In the event that suspects remain outstanding or subject to prosecution for related offenses, this department shall retain the authority to require involved FPD officers to provide sufficient information for related criminal reports to facilitate the apprehension and prosecution of those individuals.

While the involved FPD officer may write the report, it is generally recommended that such reports be completed by assigned investigators, who should interview all involved officers as victims/witnesses. Since the purpose of these reports will be to facilitate criminal prosecution, statements of involved officers should focus on evidence to establish the elements of criminal activities by suspects. Care should be taken not to duplicate information provided by involved officers in other reports.

Nothing in this section shall be construed to deprive an involved FPD officer of the right to consult with legal counsel prior to completing any such criminal report.

Reports related to the prosecution of criminal suspects will be processed according to normal procedures but should also be included for reference in the investigation of the officer-involved shooting or death.

304.5.3 WITNESS IDENTIFICATION AND INTERVIEWS

Because potential witnesses to an officer-involved shooting or death may become unavailable or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps to promptly coordinate with criminal investigators to utilize available law enforcement personnel for the following:

- (a) Identification of all persons present at the scene and in the immediate area.
 1. When feasible, a recorded statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
 2. Any potential witness who is unwilling or unable to remain available for a formal interview should not be detained absent reasonable suspicion to detain or probable cause to arrest. Without detaining the individual for the sole purpose of identification, attempts to identify the witness prior to his/her departure should be made whenever feasible.
- (b) Witnesses who are willing to provide a formal interview should be asked to meet at a suitable location where criminal investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by a member of the Department.
 1. A written, verbal or recorded statement of consent should be obtained prior to transporting a witness. When the witness is a minor, consent should be obtained from the parent or guardian, if available, prior to transportation.

Flossmoor Police Department

Flossmoor PD Policy Manual

Officer-Involved Shootings and Deaths

- (c) Promptly contacting the suspect's known family and associates to obtain any available and untainted background information about the suspect's activities and state of mind prior to the incident.

304.6 ADMINISTRATIVE INVESTIGATION

In addition to all other investigations associated with an officer-involved shooting or death, this department will conduct an internal administrative investigation of involved FPD officers to determine conformance with department policy. This investigation will be conducted under the supervision of the Internal Affairs Unit and will be considered a confidential officer personnel file.

Interviews of members shall be subject to department policies and applicable laws (see the Personnel Complaints Policy) (50 ILCS 725/1 et seq.).

- (a) Any officer involved in a shooting or death may be requested or administratively compelled to provide a blood sample for alcohol/drug screening. Absent consent from the officer, such compelled samples and the results of any such testing shall not be disclosed to any criminal investigative agency.
 - 1. A sample shall be compelled in the case of a shooting that caused injury or death of a person as soon as practicable but no later than the end of the officer's shift or tour of duty (50 ILCS 727/1-25).
- (b) If any officer has voluntarily elected to provide a statement to criminal investigators, the assigned administrative investigator should review that statement before proceeding with any further interview of that involved officer.
 - 1. If a further interview of the officer is deemed necessary to determine policy compliance, care should be taken to limit the inquiry to new areas, with minimal, if any, duplication of questions addressed in the voluntary statement. The involved officer shall be provided with a copy of his/her prior statement before proceeding with any subsequent interviews.
- (c) In the event that an involved officer has elected to not provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
 - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
 - 2. The interview shall take place at the facility to which the administrative investigator is assigned or the police facility that has jurisdiction over the place where the incident occurred. The interview shall also be conducted at a reasonable time of day and during the time when the officer is on-duty as operational requirements and the nature of the incident permit. The interview shall be of reasonable duration and allow for reasonable periods of rest and personal necessities of the officer (50 ILCS 725/3.1; 50 ILCS 725/3.3; 50 ILCS 725/3.5).
 - 3. The officer shall not be subject to professional or personal abuse, including offensive language (50 ILCS 725/3.6).

Flossmoor Police Department

Flossmoor PD Policy Manual

Officer-Involved Shootings and Deaths

4. If requested, the officer shall have the opportunity to select an uninvolved representative to be present during the interview and shall inform the FPD of any person who will be present on his/her behalf (50 ILCS 725/3.4; 50 ILCS 725/3.9). The officer shall have the right to be represented by counsel and may request counsel at any time before or during the interview and shall have a reasonable time and opportunity to obtain counsel (50 ILCS 725/3.9). However, in order to maintain the integrity of each individual officer's statement, involved officers shall not consult or meet with a representative or attorney collectively or in groups prior to being interviewed.
 5. A complete record of the administrative interview shall be made and a complete transcript or copy shall be made available to the officer without charge and without undue delay. Such record may be electronically recorded (50 ILCS 725/3.7). The officer may also record the interview.
 6. The officer shall be informed in writing of the nature of the investigation, the interviewers, and all persons who will be present on behalf of the FPD (50 ILCS 725/3.2; 50 ILCS 725/3.4). If an officer refuses to answer questions, he/she should be given his/her *Garrity* rights in writing and ordered to provide full and truthful answers to all questions. The officer shall be informed that the interview will be for administrative purposes only and that the statement cannot be used criminally (50 ILCS 725/3.8).
 7. The Internal Affairs Unit shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
 8. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy.
 9. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.
- (d) Investigators should take reasonable steps to avoid interfering with the outside criminal investigation conducted under the requirements of 50 ILCS 727/1-10 (50 ILCS 727/1-15).

304.7 AUDIO AND VIDEO RECORDINGS

Any officer involved in a shooting or death may be permitted to review available Mobile Audio/Video (MAV) or other video or audio recordings, but not body-worn camera footage, prior to providing a recorded statement or completing reports (see the Portable Audio/Video Recorders Policy) (50 ILCS 706/10-20).

Upon request, non-law enforcement witnesses who are able to verify their presence and their ability to contemporaneously perceive events at the scene of an incident may also be permitted to review available MAV, body-worn video, or other video or audio recordings with approval of assigned investigators or a supervisor.

Flossmoor Police Department

Flossmoor PD Policy Manual

Officer-Involved Shootings and Deaths

Any MAV, body-worn, and other known video or audio recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney or Village Attorney's Office, as appropriate.

304.8 CIVIL LIABILITY RESPONSE

A member of this department may be assigned to work exclusively under the direction of the legal counsel for the Department to assist in the preparation of materials deemed necessary in anticipation of potential civil litigation.

All materials generated in this capacity shall be considered attorney work product and may not be used for any other purpose. The civil liability response is not intended to interfere with any other investigation but shall be given reasonable access to all other investigations.

304.9 DEBRIEFING

Following an officer-involved shooting or death, the Flossmoor Police Department should conduct both a critical incident/stress debriefing and a tactical debriefing.

304.9.1 CRITICAL INCIDENT/STRESS DEBRIEFING

A critical incident/stress debriefing should occur as soon as practicable. The Deputy Chief of Police is responsible for organizing the debriefing. Notes and recorded statements should not be taken because the sole purpose of the debriefing is to help mitigate the stress-related effects of a traumatic event.

The debriefing is not part of any investigative process. Care should be taken not to release or repeat any communication made during a debriefing unless otherwise authorized by policy, law or a valid court order.

Attendance at the debriefing shall only include those members of the Department directly involved in the incident, which can include support personnel (e.g., telecommunicators, other non-sworn). Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public and should be closed to all other members of the Department, including supervisory personnel.

304.9.2 TACTICAL DEBRIEFING

A tactical debriefing should take place to identify any training or areas of policy that need improvement. The Chief of Police or the authorized designee should identify the appropriate participants. This debriefing should not be conducted until all involved members have provided recorded or formal statements to criminal and/or administrative investigators.

304.10 MEDIA RELATIONS

Any media release shall be prepared with input and concurrence from the supervisor and department representative responsible for each phase of the investigation. Releases will be available to the Watch Commander, Deputy Chief of Police and Chief of Police in the event of inquiries from the media.

Flossmoor Police Department

Flossmoor PD Policy Manual

Officer-Involved Shootings and Deaths

No involved FPD officer shall make any comment to the media unless he/she is authorized by the Chief of Police or a Deputy Chief of Police.

Department members receiving inquiries regarding officer-involved shootings or deaths occurring in other jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

304.11 REPORTING

The Deputy Chief of Police will ensure that the Records Supervisor is provided with enough information to meet the reporting requirements for any officer-involved shooting or death that qualifies to be reported to the Department of State Police (50 ILCS 709/5-12).

The Records Supervisor shall submit a written report to the Illinois Criminal Justice Information Authority whenever an officer's use of force results in a death. There shall be a good faith effort to include all known relevant facts and circumstances in the report, and the report shall be submitted within 30 days on the required standardized form (730 ILCS 210/3-5).

Attachments

FPD Officer Involved Shooting.pdf

Officer Involved Shooting On-Scene Supervisor's Public Safety Questions

(To be read to involved officer)

Officer, we are required by policy to complete a public safety statement. Due to the immediate need to take action, you do not have the right to wait for legal or union representation before answering these limited questions.

1. Are you injured? _____

2. If you know of anyone who was injured, what is his or her location? _____

3. In what direction did you fire your weapon? _____

4. If any suspects are at large, what are their descriptions? _____

5. What was their direction of travel? _____

6. How long ago did they flee? _____

7. For what crimes are they wanted? _____

**Officer Involved Shooting
On-Scene Supervisor's Public Safety Questions
Continued**

8. With what weapons are they armed? _____

9. Does any evidence need to be preserved? _____

10. Where is it located? _____

11. Did you observe any witness(es)? _____

12. Where are they? _____

(To be read to involved officer)

Officer, in order to preserve the integrity of your statement, I order you not to discuss this incident with anyone, including other supervisors or staff officers. You are directed to speak to your legal representative prior to making any further statements regarding this incident.