



MACOMB POLICE DEPARTMENT

GENERAL ORDER 06

SUBJECT

USE OF DEADLY FORCE
INVESTIGATIVE PROCESS

SECTION CODE

OPS 04

DATE OF ISSUE

06/14/16

EFFECTIVE DATE

08/12/22

AMENDED DATE

08/12/22

CANCELS

All Previous Orders in Conflict

DISTRIBUTION

All Personnel

Accreditation Standards: ADM.05.03

PURPOSE

The purpose of this order is to establish the policies and procedures for the investigation of any incident where an officer applies force resulting in, or allegedly resulting in, injury or death of a person.

This order consists of the following numbered sections

- I. Definitions
- II. Initial Procedures - Deadly Force Incidents
- III. Investigation of Use of Deadly Force Incidents
- IV. Initial Procedures-Officer-Involved Death Incidents
- V. Investigation of Officer-Involved Deaths
- VI. Internal Affairs Investigation

- VII. Post-Incident Consideration for Involved Officer
- VIII. Officer Status
- IX. Review and Disposition
- X. Effective Date

I. **DEFINITIONS**

"Officer-involved death" means 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.

II. **INITIAL PROCEDURES - DEADLY FORCE INCIDENTS**

The following procedures will be used to investigate every incident of firearms discharge by a department member except for firearms training, hunting and recreation, ballistic examinations, and incidents involving the destroying of an animal.

- A. **INVOLVED OFFICER** - Whenever a member discharges a firearm either accidentally or officially, the member shall immediately and safely:
 1. Determine the physical condition of any injured person and render first aid when appropriate.
 2. Request necessary emergency medical aid.
 3. Notify the emergency Communications Center of the incident and location.

The 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 at the scene might cause a more hazardous situation to develop (violent crowd), the ranking commanding

officer at the scene shall have the discretion to instruct the officer to move to another, more appropriate location.

The Officer will protect his weapon for examination and submit said weapon to the watch commander or an appropriate investigator designated by the watch commander. The weapon shall be regarded as evidence and the chain of custody will be maintained. The officer shall prepare a detailed report of the incident within 24 hours of the incident or within such further time period as the Chief of Police may in writing permit.

The officer should not discuss the case with anyone except (1) supervisory and assigned investigative personnel, (2) the State's Attorney, (3) the officer's attorney, psychologist, clergy, immediate family and union representative.

B. THE WATCH COMMANDER OR OIC SHALL:

1. Proceed immediately to the scene and ensure it has been secured.
2. Take charge of the scene and ensure proper medical aid has been rendered.
3. Take custody of and protect weapons(s) for submission to the on-duty investigator.
4. Conduct a preliminary field investigation.
5. Assist the involved officer(s).
6. Notify the Chief of Police and the following personnel:
 - a] Operations Commander
 - b] Watch Commander
 - c] On-duty Investigator
7. Render command assistance to the assigned investigator(s).
8. Submit a detailed written report of the results of the investigation to the Chief of Police within 48 hours of the incident.

III. INVESTIGATION OF USE OF DEADLY FORCE INCIDENTS

- A. CRIMINAL INVESTIGATION - The criminal investigation section will conduct a thorough investigation of all Deadly Force incidents, where

death did not occur, involving a police officer. The investigation shall include the following minimum procedural standards:

1. Proceed to the scene immediately upon notification.
2. Secure the scene.
3. If a firearm was discharged by the officer, examine the weapon(s) of all officers present at the time shots were fired including any weapon(s) in police vehicles.
 - a. Seize the weapon(s) which may have been fired.
 - b. Seize samples of unspent ammunition.
4. If any other type of weapon was used in a deadly force incident, secure the item as physical evidence.
5. Separate, secure and interview all on-scene witnesses.
6. Photograph and diagram the scene.
7. Secure all physical evidence. Have proper medical authorities secure projectiles from the victim's body. Take photographs of all injuries to all injured subjects.
8. Secure telecommunications tapes.
9. Obtain hospital, lab and photographic reports.
10. Before interviewing or requesting written statements of the involved officer(s), the investigator shall advise the officer of their rights in a criminal investigation.
11. The criminal investigation section shall prepare a detailed report of the investigation and submit same to (1) Chief, (2) State's Attorney, and (3) to the Deadly Force Review Board.

IV. INITIAL PROCEDURES – OFFICER-INVOLVED DEATH INCIDENTS

The following procedures will be used to investigate every officer-involved death incident.

- A. INVOLVED OFFICER - Whenever a member is involved in an incident resulting in the death of another person, whether intentional or accidentally, if possible, the member shall immediately and safely:

1. Determine the physical condition of any injured person and render first aid when appropriate.
2. Request necessary emergency medical aid.
3. Notify the emergency Communications Center of the incident and location.

If the Officer used a firearm which resulted in the death of another person, the Officer will protect the weapon for examination and submit said weapon to the appropriate investigator. The weapon shall be regarded as evidence and the chain of custody will be maintained.

The officer should not discuss the case with anyone except (1) supervisory and assigned investigative personnel, (2) the State's Attorney, (3) the officer's attorney, their union representative, psychologist, clergy, or immediate family.

If the Officer involved is a Supervisor, that officer shall turn over the duties of the Watch Commander to a working OIC. If the Officer involved is the OIC, that officer may turn over the duties of the Watch Commander or OIC to another working OIC or a supervisor once one arrives.

B. THE WATCH COMMANDER OR OIC SHALL:

1. Proceed immediately to the scene and ensure it has been secured. This would include limiting all non-essential personnel, not performing a function, from entry into the crime scene(s).
2. Take charge of the scene and ensure proper medical aid has been dispatched and rendered to all injured subjects.
3. If death resulted from an officer(s) discharging their firearm the Watch Commander or OIC shall ensure the protection of those weapons(s) for submission to the assigned investigator. The weapon(s) shall be protected from tampering by any person until turned over to investigators.
5. If other weapons are involved the Watch Commander or OIC should ensure those weapons are NOT secured and NOT tampered with unless exigent circumstances exist or they present an evident safety hazard. If evidence must be moved it must be documented in a written report and preferably photographed before it is moved.

6. Complete the **Supervisor's Public Safety Questions Form** (Attachment #2) for each involved officer.
7. Assist the involved officer(s).
 - a. Arrange to have affected officer(s) transported to the hospital for examination and treatment, if necessary, regardless of any claim of injury.
 - b. Arrange to have a non-involved peer officer accompany the affected officer(s) to the hospital with instructions not to ask about any details of the incident.
 - c. Arrange to have the affected officer's family notified in person and to be transported to the hospital.
7. Notify the Chief of Police and the following personnel:
 - a] Operations Commander
 - b] Watch Commander
 - c] Lieutenant of Investigations
 - d] Illinois State Police Investigations
 - e] States Attorney
8. Render command assistance to the assigned investigator(s).
9. Submit a detailed written report of the results of the investigation to the Chief of Police within 48 hours of the incident.

V. **INVESTIGATION OF OFFICER-INVOLVED DEATHS**

- A. **CRIMINAL INVESTIGATION** - The Police and Community Relations Improvement Act requires that the criminal investigation of all Officer-Involved Deaths shall be handled by an outside agency. Therefore, upon confirmation of an officer-involved death or the imminent conclusion of death the immediate Supervisor or Officer-in-Charge shall cause for the Illinois State Police to be contacted to initiate an investigation.

The Department may be responsible for the following during the investigation:

1. Completion of a signed request for ISP assistance letter. (ATTACHMENT #1)
2. Provide ISP with information regarding the department's labor union contractual obligations which are applicable during criminal investigations involving their officer(s).
3. Ensure the ISP Case Agent receives any and all generated reports from the incident.
4. Ensure an officer injury report is generated, regardless of any claim of injury by the officer.
5. Ordering all involved officers NOT to discuss details of the event with other involved officers, peers, or support personnel until after an official statement or interview has been conducted.

VI. INTERNAL AFFAIRS INVESTIGATION

- A. In any case of the use of deadly force, whether it results in death or not, the Operations Commander will conduct an investigation of the incident, separate from and subordinate to any criminal investigation, to determine:
 1. Whether the incident was:
 - a] Within the Macomb Police Department policy.
 - b] Outside the Macomb Police Department policy.
 - c] Accidental
 2. Whether the involved officer was trained in topics that are pertinent to the officer-involved death. This may include but is not limited to: control tactics, firearm use, emergency driving, handcuffing or any topic that contributed to the death of the individual.
 3. The quality of supervision prior to, during, and after the incident. Before interviewing or requesting written statements of the involved officer(s), the internal affairs investigator shall advise the member of their rights in an administrative investigation. Those rights include:
 - a] The right of an investigation which is narrowly defined to the specific incident.
 - b] The right to know the name of the officer in charge of the investigation and the name of the officer conducting the

interview.

- c] The right to know if he is suspected of misconduct which if sustained, could be grounds for administrative action to include dismissal.
- d] Interviews shall take place at the Macomb Police Department.
- e] The right to refuse to answer any questions, but such refusal shall be grounds for disciplinary action including dismissal.
- f] That the results of the internal investigation interview will not be used against the officer in any subsequent criminal proceeding.
- g] Interviews will be held during the member's on-duty hours unless off-duty interviews can be justified by the specific situation.
- h] The interviewed member shall, upon request, be provided a copy of any statement given.
- i] All aspects of the internal investigation shall be conducted in compliance with the Illinois Uniform Peace Officer's Disciplinary Act (Chapter 85, Section 2551).
- j] The assigned internal affairs (investigator) will prepare a detailed report of findings for (1) the Chief of Police and (2) the Use of Deadly Force Review Board.

NOTE: Internal/Criminal/Civil Investigations. It is critical that the department members understand the significant differences between (1) an internal administrative investigation, (2) a criminal investigation, and (3) a civil rights investigation. Each is guided by a completely different set of procedures and rules.

VII. POST INCIDENT CONSIDERATION FOR THE INVOLVED OFFICER

- A. The following shall be adhered to whenever a Macomb Police Officer is involved in a deadly force experience.
(ADM 05.03B)
 - 1. The officer involved shall be removed from the scene as soon as possible. A supervisor and/or, if possible, a personal friend of the

involved officer, also an officer, shall accompany the involved officer to the hospital or police department. The supervisor or friend shall remain with the involved officer unless the officer desires to be left alone. The involved officer will not be subjected to any questioning or discussion of the incident during this time except as absolutely necessary to the on-scene investigation.

2. A reasonable recovery time, normally at least one hour, will be allowed the involved officer before any questioning except for limited questioning deemed critical to the on-scene investigation.
3. Only after the officer has been allowed a reasonable recovery time shall a formal investigative interview be conducted. The interview shall be conducted in accordance with regular investigative procedures. The Miranda warning, internal investigations advisement, or ordered statements will generally not be used unless a crime or serious departmental policy, procedure, or rule violation is suspected.
4. Arrangements shall be made to contact the involved officer(s) family to advise them of the incident and the post incident procedures which will be followed. An open line of communication shall be established between the involved officer(s) immediate family and a department representative who shall remain available to dispel rumors, answer questions, and see to any reasonable needs of the family. If the involved officer is injured and hospitalized, arrangements shall be made to transport the spouse or other immediate family members to the hospital. A close personal or family friend of the officer, who is also a department member, may be utilized to perform the above functions.

VIII. OFFICER STATUS

(ADM 05.03B)

- A. Any officer directly involved in a deadly force incident, whether it resulted in death or not, shall be placed on "administrative leave" directly upon completion of his preliminary report of the incident. This leave shall be without loss of pay or benefits, pending the results of the investigation. The assignment to administrative leave shall not be interpreted to imply or indicate that the officer has acted improperly.
- B. While on administrative leave, the officer shall remain available at all times for official departmental interviews and statements regarding the shooting incident, and shall be subject to recall to duty at any time. The officer shall not discuss the incident with anyone except the State's Attorney, departmental personnel assigned to the investigation, the officer's private attorney, the officer's psychologist, the officer's chosen clergy, and the officer's immediate family.

- C. Upon returning to duty, the officer may be assigned to "administrative duty" for a period of time as deemed appropriate by the Chief of Police.

IX. REVIEW AND DISPOSITION

A. USE OF DEADLY FORCE REVIEW BOARD

1. The use of Deadly Force Review Board shall convene and review circumstances attendant to each use of deadly force, whether death occurred or not, by a department member or at the request of the Chief of Police.
2. The board shall consist of:
 - a] Board chairman and members as designated by Chief of Police
 - b] The watch commander other than the effected watch commander.
 - c] Two members of the same rank as the member who used deadly force.
3. The use of Deadly Force Review Board will evaluate, in explicit and fact-finding fashion, each aspect of a use of deadly force incident. Such evaluation will include:
 - a] A thorough review of the criminal investigation report
 - b] A thorough review of the internal affairs report
 - c] Hearing of direct testimony, if necessary, from officers and witnesses
4. The use of Deadly Force Review Board will develop findings and make recommendations to the Chief of Police in the following areas:
 - a] Whether the use of deadly force was within policy, in violation of policy, or accidental
 - b] Tactical considerations
 - c] Training considerations
 - d] Quality of supervision

- e] Disciplinary recommendation (if appropriate)
 - f] The appropriateness and quality of the post-incident investigative processes
5. The recommendations of the Deadly Force Review Board will be submitted in a written report to the Chief of Police, due 72 hours after their final meeting.

X. EFFECTIVE DATE

The effective date of this order, **USE OF DEADLY FORCE INVESTIGATIVE PROCESS**, is 08/12/22. OPS 4

Jerel Jones
Chief of Police

DISTRIBUTION:

All units, sworn and civilian personnel

I have read the above order and fully understand it.

Signature

Date