

# GENERAL ORDER

NUMBER:

1.5.1



SUBJECT: <b>HIGH-LEVEL RESPONSE TO RESISTANCE INVESTIGATIONS</b>		
ISSUE DATE: JAN 13, 2017	RESCINDS:	DISTRIBUTION:
EFFECTIVE DATE: AUG 25, 2017	REFERENCES: <b>CALEA - 4.2.1, 4.2.3</b>	
TERMINATION DATE: INDEFINITE	<b>Also See Page 12</b>	
AMENDED DATE: AUG 25, 2017		

## PURPOSE:

To establish Department procedures for the investigation of high-level response to resistance incidents and officer involved deaths, in which death or serious physical injury has occurred as the result of officer involvement. The Arlington Heights Police Department recognizes the need to thoroughly investigate all such incidents in a fair and impartial manner.

## PROCEDURE:

The Illinois State Police Public Integrity Task Force (PITF) or MCAT Officer-Involved Death Team (MCAT OID) is responsible for investigating high-level response to resistance incidents, including officer involved shootings and other officer-involved deaths. Unusual incidents which may not be directly related to a high-level response to resistance, such as certain types of in-custody deaths or motor vehicle crashes, are also governed by procedures outlined in this order.

### **I. Definitions**

- A. HIGH LEVEL RESPONSE TO RESISTANCE - The use of a firearm as a deadly response to resistance control tactic or any response to resistance that results in death or great bodily harm regardless of whether the person harmed was the intended recipient of the response to resistance.
- B. INVOLVED OFFICER - Includes any employee in a position involving the enforcement of the law, protection of public interest, or other official action directly involved in a high level response to resistance incident or other event involving serious physical injury or death. This includes an employee witnessing the incident and **may** include those in close proximity to the employee at the time of the incident, despite not having directly witnessed the event.

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- C. 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).
- D. OFFICER-INVOLVED SHOOTING - Any instances 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.
- E. SERIOUS PHYSICAL INJURY - Any bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of the function of any bodily member or organ. (Serious Physical Injury may also be termed Great Bodily Harm).
- F. CRITICAL INCIDENT INVESTIGATION - A formal documented investigation of an incident relating to the use of a high level response to resistance by an officer or other officer involved deaths. A critical incident investigation may become a criminal investigation if information is developed that a violation of state or federal law by an involved officer(s) is suspected to have occurred.
- G. ADMINISTRATIVE INVESTIGATION - A formal documented investigation of an incident or occurrence prepared by or for the Chief of Police, or designee. The investigation should indicate whether policy, training, equipment, or disciplinary issues should be addressed.
- H. CRIMINAL INVESTIGATION - A thorough examination and documentation of an incident in which a violation of

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state or federal law is alleged or suspected to have occurred that may include searches, interviews, interrogations, evidence collection and preservation, and/or other investigative methods.

- I. ADMINISTRATIVE LEAVE - A period of time during which an officer is excused from active duty, but still being paid.
- J. TEMPORARY ADMINISTRATIVE DUTY - A period of time during which the officer is assigned for active duty to the Administrative Services Division in a plainclothes capacity.

## **II. Types of Investigations**

High level response to resistance incidents and officer involved deaths, resulting in serious physical injury or death may involve several separate investigations. These investigations may include:

- A. Critical Incident Investigation
- B. Criminal Investigation of any Suspect(s)
- C. Administrative Investigation of the Critical Incident

## **III. Jurisdictional Responsibilities**

Jurisdiction for the investigation of high-level response to resistance incidents or other officer involved deaths is determined by the location of the incident and the agency employing the involved officer(s). Specific jurisdictional responsibilities for high-level response to resistance incidents or other officer involved deaths are summarized as follows:

- A. Arlington Heights Officer within this jurisdiction:
  - 1. The Arlington Heights Police Department will be responsible for the criminal investigation of any suspect(s). The Department may relinquish any criminal investigation to an outside agency (i.e. MCAT) with the approval of the Chief of Police or his designee.

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2. The critical incident investigation of the officer-involved incident shall be conducted by the Illinois State Police PITF or the MCAT OID Team.
3. The Arlington Heights Police Department will be responsible for any administrative investigation(s).

B. Outside Agency Officer within this jurisdiction:

1. The Arlington Heights Police Department will be responsible for the criminal investigation of any suspect(s). The Department may relinquish any criminal investigation to an outside agency (i.e. MCAT) with the approval of the Chief of Police, or his designee.
2. The critical incident investigation of the officer-involved incident will be conducted by the Illinois State Police PITF or the MCAT OID Team.
3. The outside agency employing the officer will be responsible for any administrative investigation(s).
4. In cases of concurrent jurisdiction with another agency (i.e. County, State or Federal agencies), any or all investigations may be released to such agency at the discretion of the Chief of Police, or his designee.

C. Arlington Heights Police Officer in another jurisdiction:

1. The agency where the incident occurred has criminal jurisdiction of the incident. The agency may relinquish any criminal investigation of either the suspect(s) or involved officer to another agency or entity.
2. The Arlington Heights Police Department will be responsible for any administrative investigation.

**IV. On-Scene Incident Responsibilities**

A. Officer Responsibilities

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Officers involved in the use of any response to resistance or officer involved death outside of the jurisdictional limits of the Village of Arlington Heights shall immediately notify the law enforcement agency having jurisdiction to report the incident and initiate an investigation. As soon as practical, the On-Duty Patrol Bureau Supervisor of this Department shall also be notified.

Whenever an officer is involved in a high level response to resistance incident or officer involved death which results in serious physical injury or death to another person within the jurisdictional limits of the Village of Arlington Heights he/she shall:

1. Take all reasonable steps to obtain emergency medical attention for all apparently injured individuals.
2. Immediately notify the on-duty Patrol Bureau supervisor of the incident.
3. Remain on the scene until the arrival of a supervisor, unless the officer requires emergency medical care.
4. Answer the "Supervisor's On-Scene Public Safety Questions" (Appendix 'A')
5. An officer(s) witnessing the employment of a high-level response to resistance incident or officer involved death, or participating in the event, may be directed to follow the same procedures by the scene supervisor, as determined by their level of involvement.
6. Officers will not discuss the critical incident with anyone, other than their legal counsel, prior to making any statements.
7. Any weapons used by an officer during a high-level response to resistance incident shall be retained by the officer until collected by crime scene personnel.

#### B. Supervisor Responsibilities

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1. Upon notification that an employee has been involved in a high level response to resistance or officer involved death, the on-duty Supervisor will immediately respond to the scene and take Command of the incident.
2. Instruct and question the officer employing the high-level response to resistance according to the "Supervisor's On-Scene Public Safety Questions" (Appendix 'A'). Unless the supervisor determines clarification of an officer's response to the public safety questions is necessary, the supervisor will not ask the officer additional questions.
3. Ensure that appropriate medical aid is obtained for any injured suspect(s), uninvolved bystander(s), and police personnel.
4. Initiate notification of the command staff pursuant to the procedures outlined in General Order #41.9 - *Notification Procedures*.
5. Even though an officer may not display visible injuries as a result of the critical incident, it is highly recommended the involved officer(s) be transported to the hospital for a medical evaluation.
  - a. Assign an officer to accompany the involved officer(s) to a hospital for medical examination. Every effort should be made to avoid transporting the employee to the same hospital as the injured suspect.
  - b. Care should be taken to preserve the integrity of any physical evidence present on the officer, equipment or clothing (e.g., blood, fingerprints) until investigators or forensic personnel can properly collect it.
  - c. If the officer is not hospitalized, he/she should be taken to the police station or other protected environment. Encourage the officer to contact family, clergy and/or legal counsel.

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6. For any critical incidents that are categorized as 'Officer-Involved Shootings', the supervisor will be responsible for ensuring the involved officer is transported to the hospital, consistent with Paragraph B, Section 5a of this order, to submit to drug and alcohol testing. The drug and alcohol testing must be completed as soon as practicable after the officer-involved shooting incident, but no later than the end of the involved officer's shift.
  
7. Because potential witnesses to an officer involved shooting, death, or other major incident may be lost or the integrity of their statements compromised with the passage of time, a supervisor should take reasonable steps coordinate with investigators the following:
  - a. Identify all persons present at the scene and in the immediate area.
  
  - b. When feasible, a statement should be obtained from those persons who claim not to have witnessed the incident but who were present at the time it occurred.
  
  - c. 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, officers should attempt to identify the witness prior to his/her departure.
  
  - d. Witnesses who are willing to provide a formal statement should be asked to meet at a suitable location where investigators may obtain a recorded statement. Such witnesses, if willing, may be transported by department personnel.

**V. Investigation**

A. Critical Incident Investigation

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1. It shall be the policy of this department to utilize the Illinois State Police Public Integrity Task Force (PITF) or the Major Case Assistance Team Officer Involved Death Team (MCAT OID) to conduct an independent critical incident investigation into the circumstances of any officer-involved incident resulting in serious physical injury or death.
2. Any officer-involved death investigation shall be conducted pursuant to The Police and Community Relations Improvement Act (50 ILCS 727/ et seq.), which delineates requirements for officer-involved death investigations, including dissemination of a completed report on the investigation
3. After receiving notification of an incident involving the use of a high-level response to resistance that results in serious physical injury or death to another person or other officer involved death, the Chief of Police, or his designee, shall contact the Major Case Assistance Team (MCAT) Officer Involved Death (OID) Investigations Team or Illinois State Police Public Integrity Task Force (PITF) to officially request the task force conduct an investigation into the incident.
4. A complete statement from an officer involved in a deadly response to resistance incident is essential in determining whether the officer responded appropriately to a threat. The Department recognizes scientific studies concluding how physiological responses in the body during traumatic events lead to immediate recall issues and the benefits of sleep in improving memory of traumatic events. As a result, officers involved in a critical incident will not be interviewed until experiencing a minimum of two (2) sleep cycles. Officers may be interviewed sooner than two (2) sleep cycles if the officer's legal counsel determines the officer could provide a complete statement. This practice may be extended to an officer(s) and/or employee involved in, or witnessing, an officer involved death, **not** stemming from a response to resistance, at the discretion of the agency conducting the independent critical incident investigation.

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5. A member of the Criminal Investigation Bureau (CIB) will attend the MCAT OID Team's interview of the involved officer(s) or employee(s) to document any statement(s). At the conclusion of the MCAT OID Team's interview(s), the assigned member of CIB may ask clarifying questions of the officer(s) or employee(s) in order to document the elements of a crime to present to the State's Attorney's Office for charging and prosecution of any offender(s).
6. The report written by the assigned Criminal Investigations Bureau Investigator will be the sole report of record for this agency. The officer(s) or employee(s) involved in the use of a high-level response to resistance or other officer involved death event will not draft any reports. Oral statements of the officer(s) or employee(s) involved will be written in the body of this report, with other witness or offender statements attached.

B. Criminal Investigation of any suspects(s)

1. Once notified of a high level response to resistance or officer involved death, it shall be the responsibility of the Criminal Investigations Bureau Supervisor to assign appropriate personnel to handle the investigation of any related crimes. Investigators may be assigned to separately handle the criminal investigation of any suspect(s) not being investigated by the State Police PITF, MCAT, or the MCAT OID Team.
2. Under special circumstances, the Department may relinquish any criminal investigation to an outside agency (i.e. MCAT) with the approval of the Chief of Police, or his designee.
3. All other investigative procedures shall be consistent with General Order 42.3 - *Criminal Investigations*.

C. Administrative Investigation:

1. In addition to all other investigations associated with a high-level response to resistance or officer

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involved death, this Department will conduct an internal administrative investigation to determine conformance with department policy. This investigation will be conducted under the supervision of the Chief of Police, consistent with General Order 52.1 - *Internal Affairs*.

2. The initial critical incident and criminal investigations shall have investigative priority over the administrative investigation. This prioritization is intended to prevent competition between the two investigations for access to witnesses, physical evidence, and the involved parties.
3. Any officer whose actions or response to resistance results in death or serious physical injury to another person shall be removed from line duty pending an administrative review of the incident.
4. The Chief of Police, at his discretion, may place the officer on Administrative Leave or Temporary Administrative Duty. An officer so assigned will remain available for official department interviews regarding the response to resistance, refrain from public discussion of the incident, and be subject to recall for duty at any time by the Chief of Police.
5. The Chief of Police will review all findings of the investigations and determine the appropriate disposition of the matter.

**VI. Media Relations**

- A. A single media release shall be prepared with input and concurrence from the supervisor responsible for each phase of the investigation, the appropriate Bureau Commander, Deputy Chief and the Chief of Police. If Illinois State Police PITF or MCAT OID is conducting the investigation(s), their command will also be consulted regarding any media release. This release will be available to the On-Duty Supervisor, Public Information Officer, and the MCAT Commander and/or the PITF Commander in the event of inquiries from the media.

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B. In most circumstances, it will be the policy of this department to not release the identities of involved officers absent their consent or as required by law. However, the involved officer's name may be identified upon authorization from the Chief of Police. Moreover, no involved officer shall make any comments to the media unless authorized by the Chief of Police.

C. Law enforcement officials receiving inquiries regarding incidents occurring in other agency jurisdictions shall refrain from public comment and will direct those inquiries to the agency having jurisdiction and primary responsibility for the investigation.

**VII. Audio and Video Recordings**

A. Any officer involved in an incident may be permitted to review any available audio and video (i.e. in-car video camera and microphone) recordings prior to providing a recorded statement.

B. Any known audio and video recordings of an incident should not be publicly released during an ongoing investigation without consulting the prosecuting attorney and Village's Legal Counsel as appropriate.

**VIII. Counseling**

A. Any officer using a response to resistance that results in serious physical injury or death will be required to attend a minimum of three (3) sessions of counseling with a State Licensed Mental Health Professional, provided by and at the expense of the Village of Arlington Heights. Consultation with the Mental Health Professional will afford the officer the opportunity for debriefing. With the exception of information outlined in Section VIII, Paragraph B of this order, the content of any such meeting will be completely confidential. The first session will take place immediately, or as soon after the incident as practical. The remaining two sessions will take place at six (6) month intervals after the conclusion of the initial session as the Department recognizes symptoms of post-traumatic stress may not become apparent until sometime after the traumatic incident.

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B. Following the session(s), the Mental Health Professional will make a recommendation to the Chief of Police regarding the following issues:

1. The length of time that the officer should be assigned to Administrative Leave.
2. The length of time that the officer should be assigned to Temporary Administrative Duty.
3. The officer's attendance of additional mandatory counseling sessions.
4. When the officer should be returned to active duty status.

REFERENCES:

Arlington Heights Police Department Operations Manual -  
General Order 52.1 - Internal Affairs  
General Order 42.3 - Criminal Investigations  
General Order #41.9 - Notification Procedures

Illinois Compiled Statutes -  
50 ILCS 727/1-5 - Officer Involved Death (definition)  
50 ILCS 727/(et. seq.) - Police and Community Relations  
Improvement Act

Major Case Assistance Team Officer Involved Death Investigations  
Team Operations Manual

APPENDIXES:

'A' - Supervisor's On-Scene Public Safety Questions

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**Appendix 'A' - Supervisors On-Scene Public Safety Questions**

**ARLINGTON HEIGHTS POLICE DEPARTMENT**  
**SUPERVISOR'S ON-SCENE PUBLIC SAFETY QUESTIONS**  
 (High Level Response to Resistance / Officer Involved Death)

**Supervisor's Public Safety Questions**

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?**  
Click here to enter text.
2. **If you know anyone who was injured, what is his or her location?**  
Click here to enter text.
3. **In what direction did you fire your weapon(s)?**  
Click here to enter text.
4. **If any suspects are at large, what are their descriptions?**  
Click here to enter text.
5. **What was their direction of travel?**  
Click here to enter text.
6. **How long ago did they flee?**  
Click here to enter text.
7. **For what crimes are they wanted?**  
Click here to enter text.
8. **With what weapons are they armed?**  
Click here to enter text.
9. **Does any evidence need to be preserved?**  
Click here to enter text.
10. **Where is it located?**  
Click here to enter text.
11. **Did you observe any witness(es)?**  
Click here to enter text.
12. **Where are they?**  
Click here to enter text.

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 and further statements regarding this incident.

NOTE: Size of the *Supervisor's On-Scene Public Safety Questions* has been reduced for purposes of documentation in this Order.