



**FIREARM DISCHARGE AND OFFICER-INVOLVED DEATH INCIDENT RESPONSE AND INVESTIGATION**



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<b>INDEX CATEGORY:</b>	Field Operations		

**I. PURPOSE**

This directive:

- A. outlines the investigative authority, response procedures, and investigative responsibilities for:
  - 1. officer-involved deaths pursuant to the Illinois Police and Community Relations Improvement Act (50 ILCS 727).
  - 2. firearm discharge incidents involving sworn members.

**NOTE:** The Department has determined extraordinary circumstances demand an immediate revision or clarification to this policy. The Department will work collaboratively with the Independent Monitoring Team (IMT) and the Office of the Attorney General (OAG) to review and modify the procedures and responsibilities established by this directive, as appropriate. While this review is being conducted and until a revised directive is published, the procedures established by this directive remain in effect.

- B. satisfies CALEA Law Enforcement Standard Chapters 4 and 41.

**II. VERBATIM TEXT OF PERTINENT SUB-SECTIONS FROM ILLINOIS COMPILED STATUTES (ILCS)**

- A. 50 ILCS 727/1-5 "Definitions". As used in this Act:
  - 1. "Law enforcement agency" means an agency of this State or unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances.
  - 2. "Law enforcement officer" or "officer" means any person employed by a 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.
  - 3. "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.
- B. 50 ILCS 727/1-10 Investigation of officer-involved deaths; requirements.
  - 1. (a) Each law enforcement agency shall have a written policy regarding the investigation of officer-involved deaths that involve a law enforcement officer employed by that law enforcement agency.

2. (b) Each officer-involved death investigation shall be conducted by at least 2 investigators, or an entity or agency comprised of at least 2 investigators, one of whom is the lead investigator. The lead investigator shall be a person certified by the Illinois Law Enforcement Training Standards Board as a Lead Homicide Investigator, or similar training approved by the Illinois Law Enforcement Training Standards Board or the Department of State Police, or similar training provided at an Illinois Law Enforcement Training Standards Board certified school. 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 Department of State Police and is not assigned to the same division or unit as the officer involved in the death.
3. (c) In addition to the requirements of subsection (b) of this Section, if the officer-involved death being investigated involves a motor vehicle accident, at least one investigator shall be certified by the Illinois Law Enforcement Training Standards Board as a Crash Reconstruction Specialist, or similar training approved by the Illinois Law Enforcement Training Standards Board or the Department of State Police, or similar training provided at an Illinois Law Enforcement Training Standards Board certified school. Notwithstanding the requirements of subsection (b) of this Section, the policy for a law enforcement agency, when the officer-involved death being investigated involves a motor vehicle collision, may allow the use of an investigator who is employed by that law enforcement agency and who is certified by the Illinois Law Enforcement Training Standards Board as a Crash Reconstruction Specialist, or similar training approved by the Illinois Law Enforcement Training and Standards Board, or similar certified training approved by the Department of State Police, or similar training provided at an Illinois Law Enforcement Training and Standards Board certified school.
4. (d) 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.
5. (e) 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 indicted, the investigators shall publicly release a report.

### III. POLICY

- A. **Sanctity of Human Life.** The Department's highest priority is the sanctity of human life. The concept of the sanctity of human life is the belief that all human beings are to be perceived and treated as persons of inherent worth and dignity, regardless of race, color, sex, gender identity, age, religion, disability, national origin, ancestry, sexual orientation, marital status, parental status, military status, immigration status, homeless status, source of income, credit history, criminal record, criminal history, or incarceration status. Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved. All incidents will be resolved with the foremost regard for the preservation of human life and the safety of all persons involved.
- B. The Department recognizes that firearms discharge and officer-involved death incidents are traumatic events and is committed to treating all impacted with dignity and respect.
- C. Consistent with existing Department Rules and Regulations on the dissemination of information, the actions of Department members will not unreasonably impede or delay access to information for the families of individuals who have been injured or the deceased.
- D. No Department member below the rank of captain will direct any investigation into a firearm discharge or officer-involved death incident.
- E. For the purposes of the procedures and responsibilities of this directive:
  1. an "officer-involved death incident" is any incident involving the death of or potentially life-threatening injury to one or more members of the public, where such death or injury resulted directly from an action or intentional omission of a Department member who was on duty or otherwise acting within the scope of his or her employment or duty.

2. a "firearm discharge incident" is any incident where a sworn Department member has discharged a firearm consistent with the Department directive titled "**Firearm Discharge Incidents - Authorized Use and Post-Discharge Administrative Procedures.**"
- F. Firearm discharge and officer-involved death incident investigations remain bound by the involved members' respective collective bargaining agreement(s) and the Department directive titled "**Department Member Bill of Rights,**" including the timeliness of documented formal statements.
- G. The Department strictly prohibits its members from engaging in any form of retaliation, intimidation, or coercion against Department members or members of the public for reporting alleged misconduct or for supporting, assisting in, or cooperating with any complaint or misconduct investigation, including the investigation of firearm discharge and officer-involved death incident, consistent with the Department directive titled "Prohibition of Retaliation."

#### IV. INVESTIGATIVE AUTHORITY

- A. To ensure the proper coordination of activities and investigations of firearm discharge and officer-involved death incidents, the assigned Street Deputy/designated incident commander responsible for the investigation, the appropriate Bureau of Detectives Area supervisor, the Force Investigation Division supervisor, and the responding Civilian Office of Police Accountability (COPA) personnel will confer and coordinate at the scene about the conduct of on-scene investigative activity.
- B. **COPA.** Pursuant to the Municipal Code of Chicago, the Civilian Office of Police Accountability (COPA) will:
  1. conduct investigations into all incidents, including those in which no allegation of misconduct is made, in which a Department member discharges a firearm in a manner that potentially could strike another individual (Section 2-78-120(c)).
 

**NOTE:** This investigative authority includes incidents where a Department member discharges a firearm and has struck another individual.
  2. have jurisdiction and conduct investigations into all incidents of an officer-involved death as defined by and consistent with the Police and Community Relations Improvement Act (50 ILCS 727/1-5) (Section 2-78-120(e)).
 

**NOTE:** This investigative authority includes incidents where a member is off duty but performing activities that are within the scope of his or her law enforcement duties.
- C. **Chicago Police Department.**
  1. The Street Deputy, Office of Operations, will oversee the Department's on-scene investigative responsibilities into the underlying criminal conduct of non-Department members and the officer-involved death or firearm discharge incident, excluding a firearm discharge solely for the destruction/deterrence of an animal with no human injuries. This includes shots fired at a Department member, the unintentional discharge of a firearm, and all firearms discharge incidents with injuries, whether on or off duty.
  2. For firearms discharge incidents solely for the destruction/deterrence of an animal with no human injuries, the district executive officer (XO) of the district of occurrence, the rank of captain, will respond and assume command of the investigation. If the district XO is not on duty, the commander of the district of occurrence will respond and assume command.
  3. When the involved member is the same rank or higher than the incident commander responsible for the investigation designated above, the Street Deputy will assume the investigating command personnel responsibilities. When the involved member is the Street Deputy or a member the rank of deputy chief or above, the Chief, Office of Operations, will assume the investigating command personnel responsibilities.

4. The on-scene Street Deputy/designated incident commander responsible for the investigation will coordinate the Department's on-scene law enforcement related activities related to:
    - a. the preservation of public safety.
    - b. the investigation of any underlying criminal offenses by non-Department members.
    - c. the Department's response, actions, and, if applicable, investigative responsibility, for other non-criminal incidents resulting in an officer-involved death (e.g., suicide in custody).
    - d. motor vehicle crashes resulting in an officer-involved death (as defined by the Police and Community Relations Improvement Act, 50 ILCS 727) for which COPA will serve as the lead investigative agency.
  5. The Force Investigation Division is responsible for conducting the Department's investigation into the underlying criminal conduct of non-Department members and the officer-involved death or firearm discharge incident, excluding a firearm discharge solely for the destruction/deterrence of an animal with no human injuries.
- D. The criminal investigation of non-Department members associated with the firearms discharge or officer-involved death incident involving a sworn member will be conducted concurrently with the COPA investigation.

**NOTE:** In instances that a firearm discharge incident has occurred that does not involve the death or potential life-threatening injury of a non-Department member, the Department investigation may take precedence over the COPA investigation.

- E. When a firearm discharge or an officer-involved death incident requires more than one concurrent investigation, the responsibilities of the lead agencies are as follows:
1. Any on-scene activities required to ensure public safety, preserve evidence, and secure the incident scene will be commenced immediately and led and coordinated by Department personnel consistent with the procedures outlined in the Department directive titled "**Preliminary Investigations.**" These activities will take precedence over any other investigation.
  2. COPA has the primary responsibility and authority for investigations into the actions of any Department member in relation to the firearm discharge or officer-involved death and the investigation will be conducted by COPA personnel.
    - a. Nothing within the law prevents the Department from conducting an internal review of firearm discharge or officer-involved death incidents to address Department policy, training, tactical, and equipment considerations.
    - b. The Department will conduct an internal review of use of force incidents consistent with the Department directive titled "**Department Review of Use of Force.**"
  3. The investigation of the underlying criminal offense involving non-Department members will be led and coordinated by Department personnel. This investigation will:
    - a. not interfere with or obstruct the investigation conducted under the requirements of 50 ILCS 727/1-10;
    - b. be conducted by the Bureau of Detectives Force Investigation Division which will report to and coordinate with the assigned Street Deputy;
    - c. be assisted by the appropriate Bureau of Detectives Area personnel who will report to and coordinate with the assigned Street Deputy;
    - d. be conducted independently and consistent with the procedures established by the Chief, Bureau of Detectives.
- F. When a member of the public has sustained potential life-threatening injuries that resulted directly from an action or intentional omission of a Department member who was on duty or otherwise acting

within the scope of his or her employment, and the action or omission does not otherwise fall within COPA's jurisdiction, the Street Deputy will coordinate the investigation of the incident and confer with COPA's investigative personnel to assess what, if any, investigative activities will be led by or otherwise involve COPA personnel.

- G. For any firearm discharge or officer-involved death incidents occurring within the City of Chicago involving a law enforcement officer employed by a law enforcement agency other than the Department, the Chicago Police Department will conduct all investigative activities related to the incident and when applicable, perform all of the duties required by the Police and Community Relations Improvement Act (50 ILCS 727). Federal law enforcement agencies and law enforcement agencies from outside of Illinois are not governed by the act and any investigation into an officer-involved death incident or the use of deadly force will be investigated under the jurisdiction of the involved agency. The Chicago Police Department will provide assistance, as needed.

## V. IMMEDIATE NOTIFICATIONS

For all firearm discharge and officer-involved death incidents:

- A. the involved member(s) will immediately notify the Office of Emergency Management and Communications (OEMC) providing all relevant information and requesting additional resources.

**NOTE:** If the firearm discharge or officer-involved death incident occurs outside the City of Chicago, the member will also notify the law enforcement agency having jurisdiction and the Chicago Police Department's Crime Prevention and Information Center (CPIC).

- B. OEMC will notify the:

1. involved member's immediate supervisor.
2. field supervisor and the watch operations lieutenant from the district of occurrence.
3. CPIC.

- C. CPIC will notify the following via email and phone communication:

1. the Street Deputy.
2. the commander of the district of occurrence.
3. COPA personnel.
4. the commander of the affected Bureau of Detectives area.
5. Bureau of Detectives Force Investigation Division.
6. the area deputy chief, Office of Operations.
7. the involved member's commanding officer.
8. Major Accident Investigation Section, when appropriate.
9. Bureau of Internal Affairs (BIA) call-out supervisor, for firearm discharge incidents.
10. any other units or agencies as appropriate and consistent with CPIC procedures.

## VI. IMMEDIATE RESPONSIBILITIES

The following immediate procedures will be followed for all firearm discharge or officer-involved death incidents:

- A. **Initial Incident Response.** Upon being notified of firearm discharge or an officer-involved death incident, OEMC will:
1. dispatch sufficient district law enforcement units to the scene.

2. when appropriate, notify the Chicago Fire Department to dispatch emergency medical service units to the scene.
3. assign a field supervisor from the district of occurrence to the scene. If a member has been injured, OEMC will assign a supervisor to respond to the medical facility treating the injured member.
4. not broadcast the name of a Department member who has been involved in a firearm discharge incident or an officer-involved death incident over the police radio.

B. **Involved Member.** The member(s) involved in a firearm discharge or an officer-involved death incident, if physically capable, will:

1. immediately request medical attention for the injured *and, as soon as it is safe and feasible to do so, provide life saving aid consistent with their Department training, including the Law Enforcement Medical and Rescue Training (LEMART) training, to persons injured by a Department member's use of force until medical professionals arrive on scene.*
  - a. *Department members may provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid and/or arranging for transportation to an emergency medical facility.*
  - b. *If the scene is safe and the person in custody is secure, Department members will not interfere with emergency medical personnel when providing treatment to injured persons.*
2. attend to all required emergency and security duties arising from the incident, including crime scene protection, until the arrival of responding supervisory personnel.
3. remain on the scene, if not injured, and report to a field supervisor from the district of occurrence upon his or her arrival.

**EXCEPTION:** Any involved member in need of immediate medical treatment will seek such treatment, and thereafter, make themselves available to confer with the Street Deputy/designated incident commander responsible for the investigation.

4. not deactivate his or her activated Department-issued recording equipment (e.g., In-Car Video Systems, Body Worn Cameras) until so directed by an on-scene supervisor in accordance with the procedures delineated in the Department directives titled "**Body Worn Cameras**" and "**In-Car Video Systems.**"

**NOTE:** The Body Worn Camera of the involved member will be secured consistent with the Department directive titled "**Body Worn Cameras.**"

5. for firearm-discharge incidents:
  - a. ensure that his or her firearm remains holstered and secured until it is submitted to Forensic Services Division personnel.

**NOTE:** If the involved member is injured and needs to be immediately relieved of his or her firearm prior to receiving medical treatment, another Department member will take possession of the firearm and duty belt and ensure that the firearm remains holstered and secured, until the arrival of the responding supervisor.

- b. preserve the firearm as evidence for processing in accordance with the Department directive titled "**Crime Scene Protection and Processing,**" if disarmed during a

firearm discharge incident or if the firearm may otherwise contain biological or other trace-matter evidence.

6. cooperate with the public safety investigation conducted by a supervisor by providing an oral response to the public safety questions to ensure public safety, preserve evidence, and secure the incident scene. Consistent with the Department directive titled "**Preliminary Investigations**," the public safety investigation will consist of general safety questions concerning:
  - a. any injuries sustained by the member or other individuals.
  - b. whether weapons were discharged, either by Department members or other individuals, what type of weapons, and the direction of the discharges.
  - c. whether subjects are still at large, their descriptions, direction of travel, and alleged criminal offense(s).
  - d. the identification and location of any victims, offenders, witnesses, or evidence.
  - e. information about any involved vehicles, including damage to vehicles or vehicle-related safety concerns.
  - f. any officer-wellness related matters.

**NOTE:** Department members will ensure Department-issued recording equipment (e.g., In-Car Video Systems, Body Worn Camera) are deactivated before providing oral responses to the public safety questions as delineated in the Department directives titled "**Body Worn Cameras**" and "**In-Car Video Systems**."

7. not view their in-car or body-worn camera videos until authorized by an on-scene supervisor, in consultation with the Force Investigation Division investigator, and consistent with the restrictions outlined in Item X-C of this directive.
8. be responsible for the safety and security of persons in their custody. Department members are reminded that a subject will be searched and restrained in such a manner as to prevent escape and to provide for the safety of the public, the person in custody, and the officers involved. Consistent with the above requirement, Department members will assess the necessity to apply restraining devices (handcuffs) to subjects, including not applying restraining devices (handcuffs) to subjects who are known to be deceased.

C. **Reviewing Supervisor.** The assigned reviewing supervisor from the district of occurrence will:

1. proceed immediately to the scene and assume command and oversight of the scene until relieved by a higher ranking supervisor from district law enforcement or the Street Deputy.

**NOTE:** An assigned supervisor will remain on scene with sufficient information to fully brief the responding Street Deputy/designated incident commander responsible for the investigation, if applicable.

2. ensure sufficient district law enforcement units are available at the scene and request additional personnel or equipment as necessary, including the assignment of the Street Deputy/designated incident commander responsible for the investigation.
3. ensure the appropriate medical attention is requested and, as soon as it is safe and feasible to do so, provide life saving aid consistent with their Department training, including the Law Enforcement Medical and Rescue Training (LEMART) training, to persons injured by a Department member's use of force until medical professionals arrive on scene.
  - a. Department members may provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or

- requests medical attention. This may include providing first aid and/or arranging for transportation to an emergency medical facility.
- b. If the scene is safe and the person in custody is secure, Department members will not interfere with emergency medical personnel when providing treatment to injured persons.
4. ensure the public safety investigation is conducted to ensure public safety, preserve evidence, and secure the incident scene consistent with the Department directive titled "**Preliminary Investigations**," including:
- a. securing the scene;
- b. addressing any injuries and public safety issues; and
- c. identifying and securing any victims, offenders, witnesses, and evidence.
5. establish an inner and outer perimeter at the scene of the incident as soon as practicable.
- a. The inner perimeters are the areas at the scene of the incident where physical evidence is likely to be recovered.
- b. The outer perimeters are the areas surrounding and encompassing the inner perimeters where assigned personnel can be briefed and deployed.
- c. The reviewing supervisor will ensure access to the specific areas of the crime scene is as delineated in the Department directive titled "**Crime Scene Protection and Processing**."
- D. **Responding Department Members.** Department members responding to the scene will report to the on-scene supervisor and will perform all actions necessary to address the immediate needs of the scene, including:
1. immediately requesting medical attention for the injured and, as soon as it is safe and feasible to do so, providing life saving aid consistent with their Department training, including the Law Enforcement Medical and Rescue Training (LEMART) training, to persons injured by a Department member's use of force until medical professionals arrive on scene.
- a. Department members may provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention. This may include providing first aid and/or arranging for transportation to an emergency medical facility.
- b. If the scene is safe and the person in custody is secure, Department members will not interfere with emergency medical personnel when providing treatment to injured persons.
2. securing the scene of the incident, including identifying and securing evidence.
3. locating and apprehending any offenders.
4. identifying and securing witnesses, to the extent reasonably possible and lawfully permitted.
- E. **District of Occurrence Command.**
1. The district executive officer of the district of occurrence, when on duty, will respond to and assume command of a firearm discharge or an officer-involved death incident until relieved of responsibility by a higher ranking member from district law enforcement or the Street Deputy.
2. If the district XO is not on duty, the commander of the district of occurrence will respond and assume command.
- F. **COPA.** Upon notification of a firearm discharge or officer-involved death incident as defined by 50 ILCS 727, COPA personnel, in accordance with Item IV-B of this directive, will immediately respond to the incident scene to initiate and conduct the investigation consistent with COPA's jurisdiction.

## VII. POST-INCIDENT RESPONSIBILITIES

The following procedures will be followed for all firearm discharge or officer-involved death incidents, after the scene has been secured, notifications have been made, and investigative personnel have arrived at the scene.

A. **Involved Members.** All involved Department members, if physically capable, will:

1. remain on scene until released Street Deputy/designated incident commander responsible for the investigation or directed to a different location for the completion of the investigation, in coordination with the Force Investigation Division and COPA.
2. remain separate from and avoid any contact or communication with any other involved members or witnesses until released by the Street Deputy/designated incident commander responsible for the investigation, in coordination with COPA.
3. report to the Street Deputy/designated incident commander responsible for the investigation upon his or her arrival and cooperate with any additional public-safety-related questions as consistent with consistent with the Department directive titled "**Preliminary Investigations.**"
4. not discuss the facts of the incident **with any other involved members or witnesses**, until interviewed by COPA.

**EXCEPTION: This prohibition does not restrict communication:**

- a. for officer or public safety (e.g., identifying criminal acts, tactical information), including during the completion of the public safety investigation.
  - b. as instructed by counsel in relation to civil, criminal, or administrative proceedings.
  - c. when participating in any wellness or stress management programs.
- a. This prohibition will not continue beyond 60 days from the date of the incident, unless COPA extends the prohibition.
  - b. COPA may extend this prohibition, for additional 60 day periods, **on an individual basis and only when it is determined to be necessary to preserve the integrity of the investigation.**
  - c. If this prohibition is extended, **the above exceptions remain applicable** and COPA will provide the member with an official notification and the parameters of the extension.
  - d. Under no circumstances will this prohibition be extended beyond the final disciplinary decision of the investigation.

**NOTE:** Final disciplinary decision is defined as the conclusion of the process for disciplinary recommendations described in the Municipal Code of Chicago Section 2-78-130(a).

5. continue to follow the existing procedures based on the nature of the incident, including but not limited to:
  - a. **"De-escalation, Response to Resistance, and Use of Force"**
  - b. **"Firearm Discharge Incidents - Authorized Use and Post-Discharge Administrative Procedures"**
  - c. **"Emergency Use of Department Vehicles"**
  - d. **"Traffic Crashes Involving Department Members"**
  - e. **"Miscellaneous Detention Facility Topics"**

6. be afforded the opportunity, prior to completing incident reports or other documentation, to listen to any audio and view any video contained on the Department-issued recording equipment (e.g., In-Car Video Systems and Body-Worn Cameras) that contains audio or video of the incident. This applies solely to audio and video captured from the perspective of the member making the statement (e.g., the Body-Worn Camera worn by the member and In-Car Video footage taken while the member was in the relevant vehicle). Any listening to such audio or viewing such video must be disclosed by the member or his or her supervisor in the reports and documentation related to the incident. Such information will be documented on the case report, Tactical Response Report (TRR), and any other applicable Department reports completed for the incident.
7. when applicable, truthfully and completely report each reportable use of force on a Tactical Response Report (TRR) (CPD-11.377), consistent with the Department directive titled "**Incidents Requiring the Completion of a Tactical Response Report**," and other reports at the location designated by the Street Deputy/designated incident commander responsible for the investigation.

**NOTE:** A member that has discharged a firearm **WILL NOT** be required to complete the "Narrative" section of the TRR for any firearms discharge incidents (with or without injury).

8. complete any required reports to document the incident by truthfully and completely describing the facts and circumstances concerning the incident and submit the reports by the end of his or her tour of duty.
- B. **Witness Members.** Any member, whether on or off duty, who did not discharge a firearm nor was involved in an officer-involved death incident, but who observed or was present during the incident or who has been fired upon will:
1. remain on scene until released Street Deputy/designated incident commander responsible for the investigation or directed to a different location for the completion of the investigation, in coordination with the Force Investigation Division and COPA.
  2. remain separate from and avoid any contact or communication with any other involved members or witnesses until released by the Street Deputy/designated incident commander responsible for the investigation, in coordination with COPA.
  3. report to the Street Deputy/designated incident commander responsible for the investigation upon his or her arrival and provide the investigative personnel with required information and assistance.
  4. not discuss the facts of the incident **with any other involved members or witnesses**, until interviewed by COPA.

**EXCEPTION: This prohibition does not restrict communication:**

- a. for officer or public safety (e.g., identifying criminal acts, tactical information), including during the completion of the public safety investigation.
  - b. as instructed by counsel in relation to civil, criminal, or administrative proceedings.
  - c. when participating in any wellness or stress management programs.
- a. This prohibition will not continue beyond 60 days from the date of the incident, unless COPA extends the prohibition.
  - b. COPA may extend this prohibition, for additional 60 day periods, **on an individual basis and only when it is determined to be necessary to preserve the integrity of the investigation.**

- c. If this prohibition is extended, **the above exceptions remain applicable** and COPA will provide the member with an official notification and the parameters of the extension.
- d. Under no circumstances will this prohibition be extended beyond the final disciplinary decision of the investigation.

**NOTE:** Final disciplinary decision is defined as the conclusion of the process for disciplinary recommendations described in the Municipal Code of Chicago Section 2-78-130(a).

5. complete any required reports to document the incident by truthfully and completely describing the facts and circumstances concerning the incident and submit the reports by the end of his or her tour of duty.

C. **Reviewing Supervisor.** The assigned reviewing supervisor from the district of occurrence will:

1. after the completion of the public safety investigation and the scene is safe and secure, promptly contact CPIC from the scene to confirm the notifications listed in Item V-C have been made and provide CPIC with additional relevant or updated incident information, if known.
2. ensure the involved and witness members remain separate from each other, including being transported separately from the scene, and monitored to avoid any contact or communication with any other involved members or witnesses until released by the Street Deputy/designated incident commander responsible for the investigation, in coordination with COPA.

**NOTE:** When feasible, involved and witness members will be monitored by supervisory personnel of higher rank.

3. ensure witnesses and other persons (Department member or non-Department member) who may have relevant information are made available to the on-scene Street Deputy and Force Investigation Division and COPA personnel for on-scene interviews.
4. when feasible, ensure all Department and non-Department vehicles involved in the incident remain undisturbed until Forensic Services Division personnel, the Street Deputy/designated incident commander, and COPA assess the need for and complete any forensic processing.
5. ensure a sworn Department member, other than the involved member, has been assigned to conduct the preliminary investigation, prepare the original case report, relay additional information to investigating units, and make the appropriate notifications, including to the Medical Examiner's Office for officer-involved deaths.
6. ensure written reports are generated and submitted to document on-scene investigative activities performed by district law enforcement personnel, such as searches for firearms or other physical evidence, and review all written reports generated by district law enforcement personnel submitted during the preliminary investigation.
7. ensure that the name, star number, and unit of assignment of all Department members and the name and organizational affiliation of all non-Department personnel (e.g., COPA) who have arrived on the scene, including the time of arrival, or who enter the crime scene are documented in accordance with the Department directives titled "**Preliminary Investigations**" and "**Crime Scene Protection and Processing**."

8. for firearm-discharge incidents, ensure:
  - a. when feasible, no member of any rank other than Forensics Services Division personnel handles, inspects, unloads, or otherwise tampers with the involved member's firearm.

**NOTE:** If the involved member is injured and was relieved of his or her firearm by another Department member prior to receiving medical treatment, the responding supervisor will take possession of the firearm and duty belt from the securing member and ensure that the firearm remains holstered and secured.

- b. unless the member was disarmed, the firearm remains holstered and secured pending the arrival of Forensic Services Division personnel and COPA personnel.
  - c. where circumstances require that a Department member's firearm must be preserved as evidence, the firearm is processed in compliance with the Department directive titled "**Crime Scene Protection and Processing.**"
  - d. all fired projectiles have been accounted for without contaminating or interfering with the collection and maintenance of evidence.

9. for officer-involved death investigations, ensure:

- a. the Medical Examiner's Office is notified of an officer-involved death and a Medical Examiner (ME) number is obtained.
- b. when practicable, the prompt screening of the decedent from public view (e.g., blocking the public view or covering of the decedent) is provided, consistent with his or her training and available equipment.

- (1) At any time during the course of the investigation, if the highest ranking on-scene district law enforcement supervisor determines that the safety of officers or the public is in jeopardy, the supervisor may request the immediate removal of the decedent from the scene, consistent with Item X-E of this directive.

- (2) If appropriate, the supervisor will consult with the Force Investigation Division supervisor or Street Deputy/designated incident commander responsible for the investigation prior to the screening, covering, or removal the decedent.

10. if circumstances necessitate the relocation of the investigation from the site of the occurrence, contact the Street Deputy/designated incident commander responsible for the investigation for authorization and notify CPIC.

11. complete the reviewing supervisor's section of the TRR, if applicable and appropriate.

**NOTE:** If the involved member is of the rank of sergeant or higher, a higher ranking member will complete the supervisor's section of the TRR.

12. remain on duty until dismissed by the Street Deputy/designated incident commander responsible for the investigation.

**D. Watch Operations Lieutenant.** The watch operations lieutenant of the district of occurrence will:

1. verify the appropriate supervisory resources have responded to the scene and ensure the responsibilities of the reviewing supervisor have been assigned to the appropriate supervisor.
2. obtain a Universal (U) Number from COPA in all cases in which a Department member has:
  - a. discharged a firearm (on or off duty) and another person is injured or killed by one or more bullets fired by that member, or

- b. suffered a self-inflicted gunshot wound.
3. follow the procedures in the Department directive titled "**Notification of Death or Serious Injury to a Member: Duty Related**" when a Department member has been injured or killed by gunfire or seriously injured or killed as a result of any firearm discharge or officer-involved death incident.

## VIII. INCIDENT INVESTIGATION

- A. **Street Deputy.** The on-scene Street Deputy/designated incident commander responsible for the investigation will:
  1. proceed to the scene, assume command of the scene, and ensure a complete and thorough investigation is conducted of the incident.
  2. ensure all tasks delineated for lower-ranking personnel have been or are being performed, including the public safety investigation at the scene of the incident.
  3. personally conduct an investigation into the circumstances surrounding the incident in a manner consistent with this directive.
  4. confer with the supervisor who conducted the initial public safety investigation and, if deemed necessary, conduct a voluntary walk through and a public safety interview with each of the involved Department member(s) without delay and outside the presence of any other individual.
  5. designate a supervisor responsible for assisting in the preliminary investigation whenever the incident has occurred in more than one district.
  6. ensure that each involved member is accompanied and monitored by a supervisor of higher rank than the involved member, when feasible, who will ensure the involved member is separated and directed not to communicate with any other Department member or witnesses to the incident, consistent with Item VII-A-4 and VII-B-4 of this directive.
    - a. The Street Deputy/designated incident commander responsible for the investigation will assign separate transportation for the involved and witness members and ensure they avoid contact or communication related to the incident until released by the Street Deputy/designated incident commander responsible for the investigation, in coordination with COPA.
    - b. The involved member will be escorted from the scene as soon as practicable and remain accompanied by a supervisor until released by the Street Deputy/designated incident commander responsible for the investigation, in coordination with COPA.
  7. ensure Forensic Services Division personnel collect and process evidence at the scene of the incident and complete all required tasks outlined in this directive.

**NOTE:** In consultation with COPA investigative personnel if available, the Street Deputy/designated incident commander responsible for the investigation may waive firearm inventory and ballistic examination and may authorize the member to retain his or her firearm in instances in which there is no likelihood of death or injury to a person or no identifiable property damage resulting from a firearm discharge incident.
  8. ensure the appropriate notifications and reporting requirements are completed, including the completion of the secondary case report by Bureau of Detectives personnel and when applicable, the notification to the Medical Examiner's Office.
  9. unless immediately necessary, consult with responding COPA investigative personnel if available, Bureau of Detectives personnel, and Forensic Services Division personnel before any involved vehicles are removed from the scene.

10. may direct additional investigatory actions or otherwise coordinate the Department's on-scene response to any firearm discharge or officer-involved death incident as deemed necessary.
  11. ensure any representatives from the Fraternal Order of Police (FOP) or the Police Benevolent and Protective Association (PBPA) do not interfere in the investigation of the incident, but are provided the appropriate access consistent with their respective collective bargaining agreement.
  12. fulfill the obligations outlined in the Department directive titled "**Traumatic Incident Stress Management Program**," including:
    - a. determining whether an incident should be classified as a traumatic incident in situations other than those specifically defined as a traumatic incident.
    - b. notifying the Professional Counseling Division of the incident.
    - c. notifying the affected member of their responsibilities.
  13. prior to the end of his or her tour of duty, complete the review process for the submitted Tactical Response Reports following the procedures outlined in the Department directive titled "**Incidents Requiring the Completion of a Tactical Response Report.**"
  14. if necessary, prior to the end of his or her tour of duty, review the Major Incident Notification Report and ensure its completion.
- B. **COPA Personnel.** Upon the arrival of COPA personnel, the Street Deputy/designated incident commander responsible for the investigation:
1. will ensure that as soon as the scene is safe and secure, COPA investigators will be provided the opportunity to participate in the preliminary assessment during the immediate aftermath of a firearm-discharge or officer-involved death incident to the same extent as any Department member or any other law enforcement agency investigating the incident.
  2. will provide a narrative of the incident to the COPA investigators based on the information available at that time, including, but not limited to:
    - a. walking through the incident scene.
    - b. providing information obtained from the "public safety" interview conducted with the involved member(s).
    - c. disclosing any and all evidence and witnesses identified by Department personnel.
  3. has an ongoing obligation to keep COPA personnel apprised of all relevant information or evidence identified or obtained pursuant to on-scene law enforcement activity or Department investigation, including approved reports.
- C. COPA personnel will be responsible for notification and responding to the Cook County State's Attorney's Office Law Enforcement Accountability Division concerning the officer-involved death investigation.
- D. As soon as it becomes apparent, any conflict of opinion or procedure between Department members and COPA investigative personnel at the scene will be reported to the on-scene Street Deputy. The on-scene Street Deputy will confer with the COPA investigative personnel to immediately resolve the conflict on-scene. If an immediate resolution is unavailable, the conflict will be reported up the respective chains of command for resolution.
- E. **Bureau of Detectives Responsibilities**
1. In all officer-involved death incidents and firearm discharge incidents other than the destruction/deterrence of an animal with no human injury, the Bureau of Detectives area commander and the Force Investigation Division supervisor will consult with the assigned Street Deputy and determine the appropriate Bureau of Detectives response.

2. When assigned to the investigation of a firearms discharge or officer-involved death incident, the Force Investigation Division supervisor will:
  - a. personally respond to the scene of the investigation.
  - b. under the direction of the appropriate Bureau of Detectives area commander, assume the responsibility for the criminal investigation of non-Department members.
  - c. ensure the preservation of evidence.

**NOTE:** The highest ranking member of the Bureau of Detectives on scene will be responsible for the collection and processing of evidence on the scene. The highest ranking district law enforcement member on scene will be responsible for protection of the evidence and maintaining the crime scene until all evidence is collected.

- d. coordinate with responding COPA investigative personnel regarding the collection and processing of evidence and the interviewing of witnesses.
  - e. ensure the identification of witnesses.
  - f. ensure that interviews of witnesses related to the criminal investigation of the non-Department member(s) associated with the firearms discharge or officer-involved death incident are video-recorded, when possible, unless the witness declines to permit such recording or such recording is prohibited by law.
  - g. ensure that all witnesses are informed that they have the opportunity to speak with investigative personnel from COPA and witness interviews are conducted in accordance with Item IX of this directive.
  - h. provide timely responses to requests for information from COPA investigative personnel during the preliminary investigation on scene and any additional follow-up investigations.
  - i. if appropriate, be responsible for notification and responding to the Cook County State's Attorney's Office Felony Review concerning the underlying criminal investigation.
  - j. make available to COPA investigative personnel, reports (when completed and approved), information, video and audio materials, and any other documents or material of evidentiary value related to the incident.
  - k. ensure all reports are completed in a timely manner.
3. The assigned Bureau of Detectives personnel will complete a secondary case report, consistent with the classifications outlined in the Incident Reporting Guide ([CPD-63.451](#)), to document the Department's investigation of firearm discharge incidents involving sworn members other than the destruction of an animal where no one was injured or officer-involved death incidents. The assigned Bureau of Detectives personnel will:
  - a. ensure the secondary case report is associated with the Records Division (RD) number of the original incident case report.
  - b. document each Department member who viewed video evidence or listened to audio evidence at the scene, including whether the video was viewed or the audio was listened to with COPA investigative personnel present.
  - c. document the name and time of arrival of all COPA investigative personnel arriving on the scene.

## IX. WITNESS INTERVIEWS

- A. Witnesses will not be held or detained against their will consistent with the Department directive titled "**Preliminary Investigations.**"

- B. COPA personnel will be afforded the opportunity to interview all witnesses.
  - 1. The order in which Department investigators and COPA investigators conduct witness interviews will be determined by the Street Deputy/designated incident commander responsible for the investigation and the COPA investigative personnel, in consultation with the Bureau of Detectives personnel.
  - 2. If the Department is conducting a concurrent investigation of criminal conduct by non-Department members related to the incident, the witness interviews may be conducted concurrently, if feasible, by the Department and COPA.
- C. All witnesses will be informed of the opportunity to speak with investigative personnel from COPA. When known, Department personnel will notify COPA personnel before a witness leaves a Department facility or the scene of the incident. However, witnesses will not be held or detained against their will solely for the purpose of notifying COPA personnel.
- D. Department members will continue to identify and transport civilian witnesses to the appropriate Bureau of Detectives Area for the purpose of conducting interviews.

**NOTE:** Although all witnesses will be encouraged to be transported to the appropriate Bureau of Detectives Area office to be interviewed, witnesses who refuse, but are willing to be interviewed on scene should be accommodated and, if appropriate, afforded safety and security considerations. On-scene voluntary interviews may be facilitated by the use of Department recording devices (e.g., In-Car Video Systems, Body Worn Cameras) consistent with the Department directives titled "**Body Worn Cameras**" and "**In-Car Video Systems**."

- E. COPA, and, if appropriate, Cook County State's Attorney's Office personnel, will interview any available civilian witnesses.

#### **X. CRIME SCENE ACCESS AND EVIDENCE PROCESSING**

- A. Once the scene is safe and secure, the COPA investigative personnel will have immediate access to all areas within the designated crime scene, in coordination with the Street Deputy/designated incident commander responsible for the investigation.
- B. Department members will continue to identify, secure, protect, collect, and process evidence at the incident scene consistent with the Department directive titled "**Crime Scene Protection and Processing**."
  - 1. Department members assigned to the Forensic Services Division may mark and photograph evidence at the scene prior to the arrival of the COPA investigative personnel. Evidence will not be collected or processed until the arrival of the COPA personnel, unless exigent circumstances necessitate immediate collection and processing (e.g., inclement weather resulting in the loss or destruction of evidence).
  - 2. Additional evidence identified by the on-scene COPA investigative personnel will be collected by Forensic Services Division personnel with the concurrence and approval of the COPA investigative personnel.
  - 3. Any and all items of evidence identified by either the Department or COPA will be photographed, collected, and processed by Forensics Services Division personnel.
  - 4. Forensic Services Division personnel will collect and process evidence in a manner to ensure a timely removal of a decedent from a public incident scene, when applicable.
- C. A member of the COPA investigative team must be present for:
  - 1. the first viewing of available video or audio material related to the incident.
  - 2. the collection and preservation of any:
    - a. firearms recovered at the scene, and

- b. audio and video material obtained at or near the scene of the investigation from the Department or a third-party.

**EXCEPTION:** This requirement will not apply when there is a public safety need to listen to, review, or collect any evidence prior to the on-scene arrival of COPA investigative personnel and COPA personnel have been notified of the incident and are unavailable.

D. Forensic Services Division personnel will:

1. take complete and accurate measurements of the scene from which to develop a detailed plat.
2. take numerous detailed photographs of the scene from various angles and depths, procuring artificial light as necessary.
3. consult with responding COPA personnel regarding the collection and processing of evidence related to the incident, including activities to take place at other locations, such as hospitals.
4. upon request of COPA personnel in consultation with the Street Deputy/designated incident commander responsible for the investigation, take detailed photographs of officers involved in or witness to the firearms discharge or officer-involved death incident.

E. Deceased Removal

1. At any time during the course of the investigation, if the highest ranking on-scene district law enforcement supervisor determines that the safety of officers or the public is in jeopardy, the supervisor may request the immediate removal of the decedent from the scene.
2. If an immediate removal is deemed necessary, the highest ranking on-scene district law enforcement supervisor will ensure that the deceased remains are pronounced consistent with the Department directive titled "**Processing and Transportation of Deceased Persons**." When removing the decedent from the scene, Department members will proceed in a respectful and private manner to the extent possible.

## XI. POST-FIREARM DISCHARGE INCIDENT SCENE AND FIREARM PROCESSING

- A. Unless there are overriding public or officer-safety concerns, no members of any rank other than Forensic Services Division personnel will handle, inspect, unload, or otherwise tamper with the involved member(s)' firearm(s), or any other firearms involved in the firearms-discharge incident. The firearm will remain holstered and secured pending the arrival of the Street Deputy/designated incident commander responsible for the investigation and Forensic Services Division personnel.
- B. If the Department member was disarmed during the firearm-discharge incident or if the firearm contains biological or other trace-matter evidence, the firearm will be preserved as evidence and processed in compliance with the Department directive titled "**Crime Scene Protection and Processing**."
- C. Forensic Services Division personnel will:
  1. conduct any necessary firearm inspection(s) on-scene in the presence of the Street Deputy/designated incident commander, Force Investigation Division personnel, and COPA personnel, unless unavailable. If the Street Deputy/designated incident commander determines that safety concerns or weather conditions preclude the on-scene inspection, the involved member(s) will remain in the continual presence of a designated supervisor of higher rank than the involved member until the inspection is conducted by Forensic Services Division personnel in the affected Bureau of Detectives area in the presence of COPA personnel.
  2. upon request of COPA personnel in consultation with the Street Deputy, examine the firearm(s) of Department members present at the time of the firearm-discharge incident to:
    - a. identify its make, model, serial number, caliber, type (revolver, semi-automatic pistol, rifle, shotgun, etc), and other identifiers,

- b. determine the type of ammunition used, and
  - c. determine the number of rounds expended and/or remaining.
3. examine the surrounding area, including property and any involved vehicles, to identify the number and location of cartridge casings, bullets, bullet fragments, bullet entries and exits, or other property damage caused by bullets, bullet fragments, or other projectiles.
4. identify and photograph all visible bullet entries in surrounding vehicles and property and, if necessary and feasible, conduct trajectory analysis.
5. inventory all firearms known to have been discharged by a Department member and all firearms for which inspection is inconclusive as to whether the firearm was discharged in accordance with Department directive titled "**Firearms Taken into Custody or Turned In.**" These firearms will be inventoried in cases in which:
  - a. an individual has been injured or killed.
  - b. identifiable property damage has occurred.
  - c. potential property damage may have occurred. In potential property damage cases, the designated incident commander responsible for the investigation may authorize the responsible member to retain his or her firearm for subsequent personal transport to the Forensics Services Division within ninety-six hours of the incident. The authorization will be noted in the "Comments" field of the eTrack inventory application.
6. if necessary and feasible, preserve the scene for possible trajectory analysis and:
  - a. avoid removing bullet fragments from surfaces in a manner that would prevent possible trajectory analysis.
  - b. determine whether processing involved vehicles can be effectively accomplished on scene. If involved vehicles are to be transported to a secure environment for later processing, Department personnel will be cognizant not to disturb content and configuration of the vehicle (e.g., disturbing the position of the seats).
7. if the investigation indicates additional weapons were discharged, upon request of COPA personnel in consultation with the Street Deputy/designated incident commander responsible for the investigation, conduct gun shot residue testing on:
  - a. any civilian involved in the incident whenever a weapon is recovered on scene or any witness to the incident believes the subject possessed a weapon.
  - b. any Department member present when the firearm-discharge incident occurred, if requested by COPA personnel.

## **XII. DISSEMINATION OF INFORMATION**

- A. The release of Department information to the news media concerning firearm discharge and officer-involved death incidents will be consistent with the Department directive titled "**News Media Guidelines.**"
- B. In consultation with the Commander, Force Investigation Division, and Street Deputy//designated incident commander responsible for the investigation, the Director, Communications Division, (or a designee who is not directly involved in the investigation or investigative chain) is responsible for addressing on-scene media inquiries on behalf of the Department. When applicable and appropriate, the Communications Division will:
  1. coordinate an on-scene media statement summarizing the preliminary investigation of an incident.
  2. issue a formal preliminary written statement to news media outlets.

- C. The Communications Division is responsible for responding to news media inquiries on behalf of the Department not made from the scene of the incident, including those made via phone, email, or other electronic communications.
- D. News media inquires concerning the investigation of an officer-involved death pursuant to the Illinois Police and Community Relations Improvement Act (50 ILCS 727) will be referred to COPA.
- E. Consistent with the policies outlined in this and other associated directives, the Force Investigation Division and Bureau of Detectives personnel will be responsible for notifying the family of individuals who have been injured or the deceased during a firearm discharge or officer-involved death incident.
- F. Any additional Department communication concerning a firearm discharge or officer-involved death incident will be made in consultation with the Force Investigation Division.

**XIII. CONFLICT PROVISION**

If this directive conflicts with any other Department directive, this directive will take precedence.

David O. Brown  
Superintendent of Police

20-120 MWK/TSS