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## Serious Uses of Force and In-Custody Deaths

### 305.1 PURPOSE AND SCOPE

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

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

#### 305.1.1 DEFINITIONS

Definitions related to this policy include:

**Officer-involved death** - Any death of an individual that results directly from an action or directly from an intentional omission, including unreasonable delay involving a person in custody or intentional failure to seek medical attention when the need for treatment is apparent, of a law enforcement officer while the officer is on-duty, or otherwise acting within the scope of his/her employment, or while the officer is off-duty, but performing activities that are within the scope of his/her law enforcement duties. It also includes any death resulting from a motor vehicle crash, if the law enforcement officer was engaged in law enforcement activity involving the individual or the individual's vehicle in the process of apprehension or an attempt to apprehend (50 ILCS 727/1-5).

### 305.2 INVESTIGATION RESPONSIBILITY

This department conforms to the by-laws, inter-agency agreement, and operational procedures of the Champaign County Multi-Jurisdictional Investigative Team (CCMIT) for investigating serious uses of force and in-custody deaths, also known as critical incidents.

These agreements allow for standard responses and an unbiased and independent review of the incident. They also enhance the integrity of the process by removing involved agencies from critical steps in the investigative process.

### 305.3 TYPES OF INVESTIGATIONS

Critical incidents involve several separate investigations. The investigations may include:

- (a) An investigation of the incident by the CCMIT, or by an outside agency if the shooting were to occur outside of Champaign County, for any potential criminal wrongdoing.
- (b) An administrative investigation of the incident conducted by the Urbana Police Department to determine if there were any violations of department policy or training needs.

Once the facts have been gathered in the above investigations, they may be reviewed at various levels. Examples of these types of reviews are:

- Champaign County State's Attorney's Office - state law compliance

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- Police Department - policy compliance/training needs
- City Legal Department - legal/liability concerns
- Champaign County Coroner's Office - inquest into cause and manner of death
- Department of Justice/FBI - civil rights violations

### **305.4 JURISDICTION**

Jurisdiction is determined by the location of the incident and the agency employing the involved officer(s). The CCMIT is the primary investigative team for critical incidents in Champaign County. As such, the CCMIT will investigate the use of force and the incident which immediately led up to the use of force to ensure the force was appropriate. The investigation of the precipitating event will remain the responsibility of the agency with jurisdiction. The following scenarios provide guidance on the jurisdictional responsibilities for investigating critical incidents:

#### **305.4.1 URBANA POLICE OFFICER WITHIN URBANA JURISDICTION**

The CCMIT is responsible for the criminal investigation of the incident, including officer and suspect actions. The Urbana Police Department will conduct the administrative investigation.

#### **305.4.2 ALLIED AGENCY'S OFFICER WITHIN URBANA JURISDICTION**

The CCMIT is responsible for the criminal investigation of the incident, including officer and suspect actions. The officer's employing agency will be responsible for any administrative investigation.

#### **305.4.3 URBANA POLICE DEPARTMENT OFFICER IN ANOTHER JURISDICTION**

If an incident occurs outside of Champaign County, the agency where the incident occurred has criminal jurisdiction and is responsible for the criminal investigation of the incident. That agency may relinquish its criminal investigation to another agency. The Urbana Police Department will conduct the administrative investigation.

#### **305.4.4 ADMINISTRATIVE AND CIVIL INVESTIGATION**

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

### **305.5 THE INVESTIGATION PROCESS**

The following guidelines are used in the initial phases of a critical incident investigation.

#### **305.5.1 DUTIES OF INITIAL ON SCENE SUPERVISOR**

Upon arrival at the scene of a critical incident, the first uninvolved supervisor shall be responsible for coordinating all aspects of the incident. Due to the complexity and individuality of these events and rather than trying to recount all of the investigative steps here, each supervisor has been directed to utilize supervisor resources, checklists, and other guidelines previously provided by the department. The supervisor shall follow the critical incident procedure as established by this

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department, which can be found in the Department Emergency Manual, the FOP contract, and on the internal web.

#### 305.5.2 NOTIFICATIONS

The first uninvolved supervisor shall notify:

- Patrol Division Commander
- CID personnel

Other notifications will occur as the investigation progresses and will be done by a variety of personnel.

Early in the investigation the first uninvolved supervisor should also consider contacting or coordinating contact with:

- Peer support (a "companion officer")
- Family member notification of involved officers

#### 305.5.3 MEDIA RELATIONS

Due to the sensitive nature of these types of investigations, it is assumed that media pressure will be substantial. As such, the CCMIT commander will work with UPD's senior command to develop a comprehensive media strategy for each investigation. For further media protocol, refer to the CCMIT Inter-Agency Agreement.

#### 305.5.4 INVOLVED OFFICERS

Once the involved officer(s) have moved from the scene, the Shift Supervisor should admonish each officer that the incident shall not be discussed except with authorized personnel or representatives. The following are considerations regarding the involved officer:

- (a) Reasonable accommodations will be made for the officer's physical and emotional needs.
- (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 lab personnel can properly retrieve it, although officers will not be forced to remain in clothing with large amounts of biohazard material on it. Arrangements should be made to take photographs and remove and preserve the clothing and equipment.
- (c) Any request for department or legal representation will be accommodated.
- (d) Discussions with licensed attorneys will be considered privileged as attorney-client communications.
- (e) Discussions with department representatives (e.g. union) will be privileged only as to the discussion of non-criminal information.
- (f) Psychological services shall be provided by the Department to each involved officer, or any other officer, upon request.

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- (g) Although this department will honor the sensitivity of communications with companion officers, there is no legal privilege to such. Companion officers are cautioned against discussing the facts of any incident with an involved or witness officer.
- (h) Each involved officer shall be given reasonable paid administrative leave following an officer-involved shooting. It shall be the responsibility of the Division Commander to make schedule adjustments to accommodate such leave.

Please refer to other documents contained on the internal web for further guidance and procedures on these incidents.

#### **305.6 ADMINISTRATIVE INVESTIGATION**

In addition to all other investigations associated with a critical incident, this department will conduct an internal administrative investigation of involved UPD officers to determine conformance with department policy and to identify any training needs. This investigation will be conducted under the supervision of the Deputy Chief of Police and will be conducted after the criminal investigation.

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

- (a) Any officer involved in an officer-involved shooting shall comply with the drug/alcohol testing procedure as provided in the current FOP contract.
- (b) The department shall comply with the drug and alcohol testing requirements as stated in 50 ILCS 727/1-25.
- (c) In the event that an involved officer has elected not to provide criminal investigators with a voluntary statement, the assigned administrative investigator shall conduct an administrative interview to determine all relevant information.
  - 1. Although this interview should not be unreasonably delayed, care should be taken to ensure that the officer's physical and psychological needs have been addressed before commencing the interview.
  - 2. The interview shall occur pursuant to current Illinois state statute regarding formal and informal inquiries.
  - 3. The Deputy Chief of Police shall compile all relevant information and reports necessary for the Department to determine compliance with applicable policies.
  - 4. Regardless of whether the use of force is an issue in the case, the completed administrative investigation shall be submitted to the Use of Force Review Board, which will restrict its findings as to whether there was compliance with the Use of Force Policy or if training needs can be identified.
  - 5. Any other indications of potential policy violations shall be determined in accordance with standard disciplinary procedures.

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#### **305.7 CIVIL LIABILITY RESPONSE**

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

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

#### **305.8 DEBRIEFING**

Following a critical incident, the Urbana Police Department shall conduct both a critical incident/stress debriefing and a tactical debriefing.

##### **305.8.1 CRITICAL INCIDENT/STRESS DEBRIEFING**

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

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

Attendance at the debriefing shall be for those members of the Department who feel it may benefit their emotional needs. Those directly involved in the incident will be required to attend. Family or other support personnel may attend with the concurrence of those involved in the incident. The debriefing shall be closed to the public.

##### **305.8.2 TACTICAL DEBRIEFING**

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

#### **305.9 REPORTING**

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