Response to Resistance Administrative Review

302.1 PURPOSE AND SCOPE

This policy establishes a process for the Crystal Lake Police Department to review the response to resistance by its employees.

This review process shall be in addition to any other review or investigation that may be conducted by any outside or multi-agency entity having jurisdiction over the investigation or evaluation of the use of deadly force.

302.2 POLICY

The Crystal Lake Police Department will objectively evaluate the response to resistance by its employees to ensure that their authority is used lawfully, appropriately and is consistent with training and policy.

302.3 REMOVAL FROM LINE DUTY ASSIGNMENT

Generally, whenever an employee's actions or response to resistance while acting in an official capacity, or while using department equipment, results in death or great bodily harm to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

302.4 ADMINISTRATIVE REVIEW

This Department will conduct an administrative review of all response to resistance reports including but not limited to incidents involving:

(a) The discharge of a firearm, for other than training or recreational purposes.

(b) Any action that results in, or is alleged to have resulted in, injury or death of another person.

(c) Application of force through the use of lethal or less lethal weapons.

(d) Application of weaponless physical force.

This review shall include:

(a) Evaluation for training.

(b) Adherence to policies, statutes, and case law.

302.4.1 COMPOSITION OF THE ADMINISTRATIVE REVIEW PERSONNEL

Personnel responsible for the administrative review of incidents involving response to resistance include, the employee's first line supervisor, the Department Training Coordinator, the appropriate Unit Commander, the Deputy Chief of Operations, and the Chief of Police.

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302.4.2 RESPONSIBILITIES OF REVIEW PERSONNEL

Personnel assigned to a Response to Resistance Administrative Review are empowered to conduct an administrative review and inquiry into the circumstances of an incident.

Employees may request further investigation, request reports be submitted for review, call persons to present information and request the involved employee to appear for interview. The involved employee will be notified of the meeting and may choose to have a representative through all phases of the review process.

The Chief of Police will determine whether the administrative review should be delayed until after completion of any criminal investigation, review by any prosecutorial body, filing of criminal charges, the decision not to file criminal charges, or any other action.

The review shall be based upon those facts which were reasonably believed or known by the officer at the time of the incident, applying any legal requirements, department policies, procedures and approved training to those facts. Facts later discovered but unknown to the officer at the time shall neither justify nor call into question an officer's decision regarding the response to resistance.

Any questioning of the involved employee conducted by administrative review personnel will be in accordance with department's disciplinary procedures, the Personnel Complaints Policy, the current collective bargaining agreement and any applicable state or federal law.

Each assigned agency employee shall make one of the following recommended findings:

(a) The employee's actions were within department policy and procedure.

(b) The employee's actions were in violation of department policy and procedure.

Employees may also recommend additional investigations or reviews, such as disciplinary investigations, training reviews to consider whether training should be developed or revised, and policy reviews, as may be appropriate. The completed response to resistance administrative review document will be submitted to the Chief of Police.

The Chief of Police shall review the recommendations, make a final determination as to whether the employee's actions were within policy and procedure and will determine whether any additional actions, investigations or reviews are appropriate. The Chief of Police's final findings will be forwarded to the involved employee's Unit Commander for review and appropriate action. If the Chief of Police concludes that discipline should be considered, a disciplinary process will be initiated.

At the conclusion of any additional reviews, copies of all relevant reports and information will be filed with the Chief of Police.

302.5 RESPONSE TO RESISTANCE ANNUAL ANALYSIS

The Patrol Commanders, or their designee, will conduct an annual documented analysis of all response to resistance incidents.

(a) The purpose of the analysis is to evaluate any patterns or trends that could indicate training needs and/or policy modifications.

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(b) The conclusions and recommendations of the Patrol Commanders will be forwarded to the Chief of Police for future implementations.

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