I. **PURPOSE**

This directive:

A. outlines the policy governing sworn member's discharge of a firearm.

B. satisfies CALEA Law Enforcement Standard Chapter 4.

II. **POLICY**

A. **Sanctity of Human Life.** All incidents will be resolved with the foremost regard for the preservation of human life and the safety of all persons involved, as detailed in General Order G03-02, "De-Escalation, Self-Restraint, and Use of Force.". A member's decision to use or not use a firearm will be made in accordance with G03-02 the Department directive titled "Use of Force."

B. **De-escalation.** Department members have an affirmative and mandatory duty to de-escalate conflict in order to avoid the need for any force. Members will use appropriate trauma-informed, disability-informed, and developmentally-appropriate de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances and a mandatory first response. If force must be used, members will limit force to the least amount necessary under the circumstances and only use force that is proportional to—not greater than—the actions of the person.

This requires continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer-the safety of all persons involved, including stopping or reducing the use of force when it is no longer necessary in accordance with the Department directive titled "Force Options."

C. **Deadly Force as a Last Resort.** When use is Authorized. De-escalation and force mitigation are the primary aims of this policy. When force is used, members may use only the least amount necessary under the circumstances, and the amount of force must be proportional to the threat. Officers are prohibited from using more force than necessary to address the imminent threat of bodily harm and must immediately reduce the level of force once the threat diminishes. Department members' use of a firearm must be objectively reasonable, necessary, and proportional to the threat, actions, and level of resistance offered by a subject. under the totality of the circumstances. Department members recognize that the use of a firearm constitutes deadly force to be used only as a last resort after de-escalation efforts have been exhausted. Consistent with Department directive titled "Force Options," Department members are authorized to use a firearm against an assailant as a last resort that is permissible only when necessary to protect against an imminent threat to life or to prevent great bodily harm to the member or another person. Members are prohibited from using firearms unless necessary to protect against an imminent threat to life or serious bodily harm to another person. Members must identify themselves as law enforcement officers and warn of their intent to use deadly force unless doing so would create an imminent risk of death or serious bodily harm.

D. **Prohibitions on the use of firearms.** The use of firearms in the following ways is prohibited:

1. Discharging or pointing a firearm at another human being unless necessary to protect against an imminent threat of death or serious bodily harm to another person. Members are prohibited from pointing a firearm at a person to gain compliance with orders unrelated to preventing imminent death or serious bodily harm. Members are prohibited from pointing a firearm at a person who is handcuffed, otherwise subdued, or unarmed. Members are prohibited from
drawing or exhibiting a firearm, including in sul or low-ready position, in the field and/or when interacting with members of the public, unless the member has an objectively reasonable belief that deadly force may become necessary. When the threat is over, the member shall holster the firearm.

1-2. Firing warning shots.

2-3. Firing at subject persons whose actions are only a threat to themselves (e.g., attempted suicide).

4. Firing at fleeing persons unless necessary to protect against an imminent threat of death or serious bodily harm to another person. The fact that a person is suspected of having or has possession of a weapon does not alone justify the discharge of a firearm at that person. Members are reminded that this prohibition also applies when members are responding to a call involving a person in a mental or behavioral health crisis.

3-5. Firing solely in defense or protection of property.

4-6. Firing into crowds. However, this prohibition does not preclude the discharge of a firearm directed at a specific person who is near or among other people, but the discharge of a firearm in such circumstances is only permitted in the limited circumstances when such force is necessary, based on the specific circumstances confronting the sworn member, to prevent death or great bodily harm to the sworn member or to another person, and no reasonable alternative exists. In such circumstances, the discharge of a firearm is permissible only if the member has identified the appropriate target prior to discharging the firearm, and has taken precautions to avoid minimizing the risk that people other than the target will be struck, and has received appropriate marksmanship training.

5-7. Firing into buildings, through doors, windows, or other openings, or in any other circumstance when the person lawfully fired at is not clearly visible, unless directed at a specific location and such force is necessary, based on the specific circumstances confronting the sworn member, to prevent death or great bodily harm to the sworn member or to another person. In such circumstances, the use of deadly force is permissible only if the member has identified the appropriate target prior to discharging the firearm and has taken precautions to minimize the risk that people other than the target will be struck.

6. Firing at or into a moving vehicle, unless such force is a last resort and necessary, based on the specific circumstances confronting the sworn member, to prevent against an imminent threat to life or to prevent great bodily harm to the sworn Department member, another person, or a group of people.

NOTE: When a vehicle is the only force used against a member, the member will not place themselves in the path of the moving vehicle and will make every effort to move out of the path of the vehicle before resorting to any force.

7. Firing from a moving vehicle, unless such force is a last resort and necessary, based on the specific circumstances confronting the sworn member, to prevent against an imminent threat to life or to prevent great bodily harm to the sworn Department member or another person.

E. Justify Separate Uses of Force. An initial firearm discharge and each subsequent discharge of a firearm must be individually justified and documented on the Tactical Response/Use of Force Report (TRR/UOFR) as a separate use of force.

F. The Department recognizes that firearm discharge incidents are traumatic events and is committed to treating all impacted with dignity and respect. Department members will refer to Department directive G03-06 titled Procedures When Police Shoot At or Kill a Person for additional guidelines on member responsibilities toward victims of police shootings and their families, including providing access to trauma-informed psycho-social support services within 24 hours of a shooting and notifying victims and family members of the availability of victim assistance funds.

G. Consistent with existing Department policy on the dissemination of information, including Department directive G03-06 titled Procedures When Police Shoot At or Kill a Person, Department personnel will immediately provide an individual injured by the police, or the individual’s family members, with any
H. Under normal circumstances, the provisions of this directive will not apply to the discharge of a firearm during:

1. Department-sponsored firearm training or practice.
2. Firearm practice at a recognized range facility.
3. Department-authorized ballistic examination or testing.
4. A licensed hunting activity.

I. Members are prohibited from carrying firearms until they have successfully completed approved training and have current certifications to use and carry each firearm. Training must occur every two years and include information from the medical community about the effects of each weapon and the counter-indications, as well as information from Chicago community members on the trauma of gun violence.

J. For additional guidance on Department firearms, Department members will refer to the Department directives titled "Department Approved Weapons and Ammunition," for Department-approved firearms, ammunition, and training.

III. CONDITIONS ON THE DISCHARGE OF A FIREARM

The discharge of a firearm is a use of deadly force that is permitted only as a last resort, when necessary to protect against an imminent threat of death or serious bodily harm. Sworn members assessing whether to discharge a firearm will consider the circumstances confronting the members:

A. Utilize appropriate de-escalation techniques and force mitigation principles, as described in Department directives G03-02 titled "De-Escalation, Self-Restraint, and Use of Force" and G03-02-01 titled "Force Options," before resorting to force and to reduce the need for force.

B. Consistent with the principles of Force Mitigation outlined in Department directive titled "Force Options," issue a verbal warning prior to, during, and after the discharge of a firearm, and allow sufficient time for the person to comply. When there is a potential language and hearing barrier, members will also use other communication techniques, including hand signals or other visual cues, to deliver warnings. Members may provide multiple warnings to encourage compliance without resorting to force.

C. Consider whether a person may be noncompliant due to limited English proficiency, a medical condition, disability, age/development immaturity, behavioral health crisis, a language barrier, and/or drug or alcohol use, and adjusting communication techniques or requesting additional or specialized personnel as appropriate.

D. Consider their immediate surroundings and the safety of all persons involved in the incident when discharging their firearm.

E. Take precautions to identify the appropriate target prior to discharging the firearm and to avoid minimizing the risk that people other than the target will be struck.

F. Consistent with the principles of Force Mitigation outlined in Department directive titled "Force Options," issue a verbal warning prior to, during, and after the discharge of a firearm.

IV. POST-FIREARM DISCHARGE RESPONSE AND INVESTIGATION

A. Any sworn Department members who discharges a firearm when unnecessary to protect against an imminent threat of death or serious bodily harm, whether on or off duty, will be held accountable, up to and including termination and possible criminal prosecution. Shootings by off-duty officers will be investigated by COPA, not CPD.
A. Whenever a sworn Department member discharges a firearm pursuant to this directive, Department members will refer to the Department directive G03-06 titled “Firearm Discharge and Officer-Involved Death Incident Response and Investigation Procedures When Officers Shoot At or Kill a Person” for additional procedures and responsibilities, including immediate notification requirements, immediate responses, post-discharge responsibilities, and incident investigation.

B. Firearm discharge incident investigations remain bound by the involved members’ respective collective bargaining agreement(s) and the Department directive titled “Department Member’s Bill of Rights,” including the timeliness of documented formal statements.

V. POST-FIREARM DISCHARGE ADMINISTRATIVE PROCEDURES

A. Any sworn Department member involved in a firearm-discharge incident, whether on or off duty, is required to submit to the mandatory alcohol and drug testing, in compliance with Item VI of this directive and any applicable collective bargaining agreement.

B. Any member who has discharged a firearm in an incident, other than unintentional discharges or solely for the destruction/deterrence of an animal where no one was injured will:

1. contact the Professional Counseling Division via telephone within twenty-four hours of the incident to schedule a mandatory debriefing within 24 hours after the shooting, consistent with the Department directive titled “Traumatic Incident Stress Management Program.”

   NOTE: If hospitalized as a result of the a firearm discharge incident, the member will be contacted by a counselor pursuant to the Department directive titled “Traumatic Incident Stress Management Program.”

   If a discharge was unintentional, the member’s debriefing will still include a description of the circumstances that led to the discharge and the impact on any persons present, and will provide those persons with the option for counseling as referenced in Item II-F of this directive.

2. be placed on administrative duty status for a period of thirty days in their unit of assignment or detail as described in Item VII of this directive.

3. attend the firearms training overview as described in Item VIII of this directive.

VI. MANDATORY ALCOHOL AND DRUG TESTING

The mandatory post-firearm-discharge alcohol and drug testing will be conducted following the below procedures:

A. The BIA call-out supervisor will:

1. contact the Street Deputy/designated incident commander responsible for the investigation, as appropriate, and respond to the designated location to conduct the alcohol and drug testing. An independent, outside lab is responsible for processing members’ drug and alcohol tests.

2. complete and submit a “Notice of Alcohol and Drug Testing Following a Firearm Discharge Incident” (CPD-44.250).

B. The BIA call-out supervisor will ensure:

1. the involved member submits to the alcohol breath test and will conduct the test according to Department policy.

NOTE: The alcohol and drug testing occurs as soon as practicable after the firearm-discharge incident given the overall demands of the investigation.

   The Street Deputy/designated incident commander responsible for the investigation will ensure testing is initiated as soon as practicable, but no later than twelve hours following the firearm-discharge incident.

Commented [A4]: The Working Group has recommended renaming this policy and provided detailed revisions to the policy.

Commented [A5]: The Working Group recommends that CPD document, archive, and maintain in a database all firearm discharges by department members, whether on or off duty, including the name of the officer, details of the incident, and outcome of any investigation. The database should be public and accessible as allowed by the Illinois Freedom of Information Act.
32. the alcohol breath test result is provided to the Street Deputy/designated incident commander responsible for the investigation, as appropriate.

43. the involved member submits to the drug test and a urine specimen is:
   a. collected in a manner that will preserve the dignity of the involved member and ensure the integrity of the sample.
   b. collected in the presence of a supervisor of the same sex as the involved member.
   c. retained by the BIA call-out supervisor who will assume the responsibility for ensuring the urine specimen is properly secured in accordance with established bureau-level standard operating procedures, pending processing by a medical laboratory.

4. the alcohol and drug testing occurs as soon as practicable after the firearm discharge incident given the overall demands of the investigation.

**NOTE:** The Street Deputy/designated incident commander responsible for the investigation will ensure testing is initiated as soon as practicable, but no later than six hours following the firearm discharge incident.

5. copies of any associated reports, including the testing and results documentation, are forwarded to COPA once the testing is completed.

C. If the involved member refuses to provide a breath test or urine specimen pursuant to this process, it is a violation of the Department Rules and Regulations (i.e., disobedience of an order or directive whether written or oral), and will result in administrative charges against the member, which may include discipline up to and including separation.

D. No discipline will occur based solely on the results of the alcohol test when the member’s actions are consistent with the Department’s Use of Force policy and the member discharged their weapon off duty.

VII. **ADMINISTRATIVE DUTY ASSIGNMENT**

A. Department members who have discharged a firearm, other than an unintentional discharge or solely for the destruction/deterrence of an animal where no one was injured, will be placed in a mandatory administrative duty assignment for a minimum period of thirty (30) days within the member’s unit of assignment or detail.

B. The administrative duty assignment will begin the day after the firearm-discharge incident.

C. This assignment is not a punitive measure and not dependent upon the determination by any investigative body responsible for a review of the firearm discharge incident. No connotation as to the appropriateness of the member’s actions will attach to a member’s administrative assignment. However, Department members’ discharge of a firearm will be investigated and members found to have discharged a firearm when unnecessary to protect against an imminent threat of death or serious bodily harm will be held accountable, up to an including termination and possible criminal prosecution.

D. Department members will be returned to regular field duties only after all of the following requirements are completed:

1. a minimum of thirty (30) calendar days of administrative duty assignment,

2. the requirements of the Traumatic Incident Stress Management Program as delineated in the Department directive titled "Traumatic Incident Stress Management Program,"

3. a mental health assessment by an accredited mental health practitioner that uses clear metrics and determines that the member is mentally fit to return to the field, considering the safety of the public, the member, and other Department personnel;

4. the critical incident overview training course held by the Training Division’s Firearms Training Unit,

5. implicit bias, negotiation, and de-escalation courses, including trauma- and disability-informed techniques,
4.6. any other training curriculum determined by the Training Division, and
5.7. the Department member is officially returned to field duties by the First Deputy Superintendent, Office of Operations.

a. The First Deputy Superintendent, Office of Operations, will individually evaluate each mandatory administrative duty assignment, including the completion of the above requirements, to determine if any extension of the administrative duty assignment is warranted.

b. Any extension of the thirty day administrative duty assignment will be:
   (1) consistent with the requirements of this directive and involved member's collective bargaining agreement, and
   (2) approved and provided in writing by the First Deputy Superintendent, Office of Operations.

E. A Department member assigned to an administrative duty assignment will:

1. provide administrative support functions for the member's unit of assignment or detail at the direction of the unit commanding officer.
2. report as directed to the Traumatic Incident Stress Management Program and participate in any other mandated Department training.
3. submit a To-From-Subject Report to the First Deputy Superintendent, Office of Operations, through their unit commanding officer identifying any approved furlough, other approved elective time, and any pre-approved voluntary special work opportunities scheduled during the member's administrative duty assignment.
4. perform community services in communities impacted by the shooting, with an understanding that police shootings cause lasting harm and trauma. Except when a commanding officer determines based on an individual assessment of the member and the circumstances of the shooting, members assigned to an administrative duty assignment will not be denied the opportunity to:
   a. work any approved voluntary special work opportunities and will work the scheduled opportunity in an administrative capacity as long as it is consistent with the assigned responsibilities.
   b. request a voluntary special work opportunity for the upcoming months based on the activity requirement not attained due to the mandatory administrative duty assignment.
   c. bid for recognized vacancies or apply to posted non-biddable sworn duty assignment opportunities.

F. The on-scene Street Deputy or assigned incident commander will ensure eligible Department members are placed on a thirty (30) day administrative duty assignment and will notify:

1. the Office of the First Deputy Superintendent, Office of Operations, by Department email,
2. the Department member's:
   a. bureau chief by Department email,
   b. unit commanding officer by Department email, and
   c. unit of assignment or detail via the Document Management System.

G. Unit commanding officers will ensure:

1. the member meets with supervisors and mental health professionals within one week of the member’s return to field duty to check in on the member’s adjustment.
2. all supervisory members report any unusual changes in behavior shown by the involved Department member and report the unusual changes to the Traumatic Incident Stress

2-3. all additional assistance is provided to the involved Department member, including the use of the Professional Counseling Division/Employee Assistance Program (E.A.P.), as needed.

2-4. that an immediate notification is made to the Office of the First Deputy Superintendent, Office of Operations, when the involved member not requiring hospitalization has failed to contact a counselor within 24 hours or failed to participate in the Traumatic Incident Stress Management Program within 72 hours consistent with the Department directive titled "Traumatic Incident Stress Management Program."

4-5. the administrative duty assignment procedures are followed for any medical time, furlough, or any other elective time off as well as any pre-approved voluntary special work opportunities scheduled during a member's administrative duty assignment.

5-6. the involved member's administrative duty assignment is documented on the Automated Daily Attendance and Assignment (A&A) Record under the temporary change of watch or additional assignment explanation field indicating "post-firearm discharge administrative assignment."

6. steps are taken to protect Department members as delineated in the Department directive titled "Protection of Department Members."

H. The Training Division will develop an individualized training curriculum for Department members placed in a mandatory administrative duty assignment. This training will be in addition to the eight-hour critical incident overview training course held by the Training Division's Firearms Training Unit.

NOTE: The Training Division will notify the Office of the First Deputy Superintendent, Office of Operations, if the Department member fails to complete any assigned individualized training.

I. The Office of the First Deputy Superintendent, Office of Operations, will:

1. monitor the administrative duty status of Department members placed in a mandatory administrative duty assignment.

2. ensure that the Department members are returned to normal field duties upon completion of the thirty (30) calendar day period and return to field duty requirements unless an extension is determined by the First Deputy Superintendent, Office of Operations.

3. ensure a Thirty Day Administrative Duty Assignment Checklist (CPD-12.124) is completed for each Department member placed in a mandatory administrative duty assignment.

4. notify the Department member's unit commanding officer by Department email and the member's unit of assignment or detail via the Document Management System when a member is to be returned to field duties.

NOTE: A supervisor from the Office of the First Deputy Superintendent, Office of Operations, will verify that the Department member has completed all return to field duty requirements including the requirements of the Traumatic Incident Stress Management Program.

VIII. POST-FIREARM DISCHARGE TRAINING

A. Department members who have discharged a firearm, other than an unintentional discharge or solely for the destruction/deterrence of an animal where no one was injured, will attend a post-firearm discharge training scheduled by the Training Division's Firearms Training Unit. Held monthly, the eight-hour training may include, but is not limited to, the following topics: the use of deadly force, alternative force options, tactics for patrol, and ethics.

B. Attendance at this training is mandatory and not dependent upon the determination by any investigative body responsible for a review of the firearm-discharge incident. No presumption as to the appropriateness of the member's actions will attach to a member attending the training.
C. The training is limited to Department members and their partners who were involved in a firearm-discharge incident or who were fired upon during an incident.

D. The Bureau of Internal Affairs will notify the Deputy Chief, Training and Support Group, of the Department members mandated to attend the training.

E. The training will be considered a tour of duty. Participants will wear the field uniform of the day.

F. Notification Procedure

1. The Deputy Chief, Training and Support Group, will notify unit commanding officers of the existence of members under their command who are required to attend a scheduled post-firearm discharge training.

2. Upon receipt of the list of members who are required to attend a scheduled training, the unit commanding officer will determine which of the listed members are scheduled for a regular work day on the designated training date. Members will attend the training only when it is on their regularly scheduled work day.

   a. The unit commanding officer will supply these members with the name and telephone number of the contact person at the Training Division.

   b. The unit commanding officer will inform these members they are required to attend the scheduled training and ensure these members are notified through the CLEAR automated court notification application.

   c. If scheduled for a post-firearm discharge training but unable to attend due to circumstances unknown at the time of the scheduling (e.g., medical roll, court date), the member will notify their unit commanding officer and the designated contact person at the Training Division as soon as these circumstances become known.

   d. The unit commanding officer will inform the Training Division of members who are on the medical roll or scheduled for a regular day off on the date of the training. Those members will be rescheduled for the next session of the training.

G. The Department will provide clear minimum passing scores or metrics that indicate successful completion of the training. If a member does not meet the minimum passing score or satisfy the necessary metrics, the member will not be authorized to return to the field.

H. The Department will evaluate whether additional training for members who discharge their firearms leads to a reduction in shootings, a reduction in unjustified shootings, improved de-escalation efforts, or is otherwise effective and make changes as necessary to ensure such training is effective. This may include replacing trainers or increasing the certification required to become a trainer.

Charlie Beck
Interim Superintendent of Police

18-102 RCL/MWK