Will – Cook – Grundy County Fire Investigation Task Force Weapons and Use of Force Policy

The following references are in accordance and compliance with state statute that are referenced, used, and adopted to establish and define the following:

Illinois State Statue: Sworn Peace Officer-Arson Investigator

The WCGC Fire Investigation Task Force Regarding Weapons and Use of Force Policy in accordance and in compliance of the Illinois State Statues Fire Investigation Act, Arson Investigator Peace Officer Act, Peace Officer Statue and The Illinois Governmental Law Enforcement Training and Standards.

**(720 ILCS 5/2-13) (from Ch. 38, par. 2-13)**

**Sec. 2-13. "Peace officer".**

"Peace officer" means (i) any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or (ii) any person who, by statute, is granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

**(20 ILCS 2910/1) (from Ch. 127 1/2, par. 501)**

**Sec. 1. Arson Investigator Peace Officer Status.**

(a) Any person who is a sworn member of any organized and paid fire department of a political subdivision of this State and is authorized to investigate fires or explosions for such political subdivision and to determine the cause, origin and circumstances of fires or explosions that are suspected to be arson or arson-related crimes, may be classified as a peace officer by the political subdivision or agency employing such person.

A person so classified shall possess the same powers of arrest, search and seizure and the securing and service of warrants as sheriffs of counties, and police officers within the jurisdiction of their political subdivision.

While in the actual investigation and matters incident thereto, such person may carry weapons as may be necessary, but only if that person has satisfactorily completed (1) a training program offered or approved by the Illinois Law Enforcement Training Standards Board which substantially conforms to standards promulgated pursuant to the Illinois Police Training Act and the Peace Officer and Probation Officer Firearm Training Act; and (2) a course in fire and arson investigation approved by the Office of the State Fire Marshal pursuant to the Illinois Fire Protection Training Act.

Any person granted the powers enumerated in this subsection (a) may exercise such powers only during the actual investigation of the cause, origin and circumstances of such fires or explosions that are suspected to be arson or arson-related crimes

**Definitions**

**Political Subdivisions**:

Are local governments created by the states to help fulfill their obligations, political subdivisions within geographic boundaries include counties, cities, towns, villages, and special taxing districts such as school districts, fire protection districts, water districts, park districts, and airport districts.

**Authority having jurisdiction** (AHJ):

A federal, state, local, or other regional department, or an individual such as a fire chief, fire marshal, chief of a fire prevention bureau (or labor department or health department), building official, fire protection district trustee, electrical inspector, or other individual having statutory authority.

A person or political subdivision having authority to determine, mandate, and enforce code requirements established by jurisdictional governing bodies within a geographic boundary as authority having jurisdiction.

**Jurisdictional Authority – Law Enforcement**

Jurisdiction has two important legal meanings. (1) having the power or authority to apply or enforce the statutory laws of the State and Political Subdivision.

(2) within the geographic area or boundaries where that power authority is valid.

Three Basics Levels of LEA’s - Federal, state, and local law enforcement personnel typically have authority or jurisdiction to act in political subdivision assigned certain geographic areas and enforce statutory laws within the state and or specific laws with the political subdivision .

These definitions intermingle when we talk about the jurisdiction of law enforcement officers or special agents

**Bailiwick:** The territorial jurisdiction of a sheriff or bailiff.

**Peace Officer:**

Means any peace officer or member of any duly organized State, County, or Municipal peace unit, any police force of another State, the United States Department of Defense, or any police force whose members, by statute, are granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

**Police Training and Standards Board**:

(50 ILCS 705/710) Illinois Police Training Act.

Annual Training Requirements

1. Annual weapons qualification

2. Annual use of force

3. Annual Legal Up-dates

Every 3 years

1. Constitutional and proper use of law enforcement authority

2. Procedural Justice

(50 ILCS 705/7) (from Ch. 85, par. 507)

g. Minimum in-service training requirements, which a police officer must satisfactorily complete every 3 years. Those requirements shall include constitutional and proper use of law enforcement authority, procedural justice, civil rights, human rights, mental health awareness and response, and cultural competency.

h. Minimum in-service training requirements, which a police officer must satisfactorily complete at least annually. Those requirements shall include law updates and use of force training which shall include scenario based training, or similar training approved by the Board.

(Source: P.A. 99-352, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642, eff. 7-28-16; 99-801, eff. 1-1-17; 100-247, eff. 1-1-18.)

**Law Enforcement Agencies, LEA’s:**

Recognized law enforcement agencies with the State of Illinois having statutory peace officer (LEA’s. LEO’s or police powers) authority within the state of Illinois.

**Section VI WEAPONS**

**(Amended - Effective July 18, 2017)**

No member of the Will-Cook-Grundy County Origin and Cause Fire Investigation Task Force shall carry or conceal a firearm on his or her person unless he or she is a (full-time law enforcement officer authorized by their law enforcement agency as a sworn police officer, or as a sworn peace officer/arson investigator within their jurisdiction).

(a) The above authorized task force member in accordance with the 20 ILCS 2910/1 Peace Officer Fire Investigation Act may carry a firearm in an official capacity enroute to a Task Force investigation scene, on the scene of a Task Force fire investigation, returning from a Task Force fire investigation, and in accordance with their agency assigned/sworn jurisdictions rules / policies. No Task Force sworn peace officer/arson investigator is granted or authorized under any circumstances and strictly prohibited from carrying any firearm in view or concealed firearm as a Task force member off duty in any capacity in accordance with this policy and procedure.

(b) No non-sworn peace officer/arson investigator or task force team member is to carry or possess, on the Task Force investigation scene, any weapons of any type. This includes members that may have a valid Illinois State having valid FOID and concealed carry permit.

(c) All Will-Cook-Grundy Origin and Cause Task Force members sworn peace officer/arson investigator having the authority to carry a weapon (firearm) must be in compliance and current with all Federal, State, and local law enforcement requirements annual including weapons qualifications, annual use of force policies, constitutional law up-dates and crises intervention training that apply to the carrying of a firearm / weapon as specified by the Illinois Governmental law Enforcement Training Standard Board.

All training, weapons qualification records as required by the Illinois Law Enforcement Training Standards Board are to be kept within their respective departments/jurisdiction(s). It is the responsibility of the sworn peace officer, law enforcement officer, sworn peace officer/arson investigator, and their perspective jurisdictions to maintain individual training, records, liability, worker compensation insurance, and any other training or authorization requirements associated with the lawful carrying of a firearm under this policy.

The Will-Cook-Grundy County Origin and Cause Fire Investigation Task Force Executive Board Officers, or the Board of Trustees assumes no liability under this policy. All liability for the peace officer/arson investigator is assumed by the agency having lawful jurisdictional authority for all members who are assigned, sworn as peace officer/arson investigators under their auspice.

(d) Use of force: The use of force will be restricted to that amount

of force in accordance with the approved use of force continuum that is reasonable and necessary to affect and arrest, prevent great bodily harm to any member of the Task Force or general public present in the performance of their duties.

(1) Whenever a Task Force member in the performance of his duties is required to use force in accordance with the Use of Force Continuum against another person to affect an arrest, in self-defense to prevent great bodily harm to himself, or another Task Force member or for the safety and protection of the public as a whole.

(2) In the event a Task Force member or person is injured as a result of the use of force, whether caused by the Task Force member or not, the Task Force member shall immediately upon securing the situation. Immediate notification to the following agencies and personnel; the law enforcement agency having jurisdictional authority where the incident occurred, and the member perspective department immediate supervisor.

In addition, notification of the incident shall be made within a reasonable period to the Executive Board President, Task Force Commander, and or Deputy Commander.

(2) Any complaints of abuse of force, malicious assaults, or claims of abuse of office committed by members will constitute gross misconduct. Immediate notification shall be made to the following agencies and personnel; law enforcement agency having jurisdictional authority where the incident occurred, and the member involved perspective department immediate supervisor.

The Task Force Commander or Deputy Commander will immediate advised the agency having jurisdictional authority participating members department and local jurisdiction having authority of the incident.

In addition, notification of the incident shall be made within a reasonable period to the Executive Board President, Task Force Commander, and or Deputy Commander.

(3) The member involved shall be placed on administrative leave from the Task Force until the incident has been investigated by the law enforcement agency having jurisdictional authority. In addition, a formal investigation shall be implemented by the assigned task force internal affairs investigator assigned by the Task Force Internal Affair Division, and the members participating departmental internal affairs division.