

# University of Chicago Police Department

## GENERAL ORDER

		<b>Effective Date:</b> August 30, 2019	<b>Number:</b> <b>GO 108</b>
<b>Subject:</b> <b>Use of Force, and Police Actions Resulting in Death or Serious Injury</b>			
<b>References:</b> CALEA: Chapter 4, 11.3.4, Illinois Statutes 720 ILCS 5/2-8, 720 ILCS 5/7			
<b>Reevaluation Date:</b> Annually			<b>No. Pages:</b> 14
<b>Amends:</b> 29 OCT 2018 Version (O.D.P 10/27/2010)		<b>Rescinds:</b>	
<b>Approved By:</b> Kenton W. Rainey, Chief of Police		<b>Signature:</b> Signed Original on file in Accreditation Office	

### 108.1 PURPOSE

The purpose of this order is to establish the guidelines governing the use of force, and police actions resulting in death or serious injury, by employees of the University of Chicago Police Department.

### 108.2 DEFINITIONS

Choke Hold: Grabbing of the throat, restricting the trachea, or restricting the carotid artery(ies).

Deadly Force: Force which is likely to cause death or great bodily harm and includes:

- a. The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and
- b. The firing of a firearm at a vehicle in which the person to be arrested is riding.

The intentional punching, striking or grabbing of the throat, restricting the trachea, or restricting the carotid arteries, such as a choke hold, are techniques that result in the restriction of respiration or loss of blood flow to the brain. These techniques create a substantial likelihood of death or great bodily harm, and are considered deadly force and are **not authorized**, except when the use of deadly force is justified.

De-Escalation: Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy and/or danger of the threat, so that more time, options, and/or resources can be called upon to resolve the situation without the use of force or with a reduction in the force required. De-escalation may include such techniques as verbal persuasion, warnings, and tactical repositioning.

Forcible Felony (720 ILCS 5/2-8): Treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, and any other felony which involves the use or threat of physical force or violence against any individual.

Great Bodily Harm: Injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of any bodily member or organ.

Hog-tying: Restraining a subject in a position of discomfort through the combined use of devices such as handcuffs and hobble restraints.

Less-Lethal Weapon: Authorized oleoresin capicum sprays, batons, Tasers and impact munitions.

Officer: All ranks of sworn employee.

Reasonable Belief: Facts or circumstances that an officer knows, or should know, that would cause an ordinary person to act or think in a similar way under similar circumstances.

### **108.3 POLICY**

- A. It is the policy, and a guiding principle, of the Department to value and preserve human life. Employees will afford all, the respect and dignity to which all people are entitled. The use of excessive or unwarranted force or unprofessional conduct by an employee will not be tolerated.
- B. Employees will only use reasonable force based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury.
- C. As set forth by the United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), the central inquiry in every use of force is whether the amount of force used by the officer was objectively reasonable in light of the circumstances faced by the officer.
  - 1. Factors which determine the reasonableness of a use of force include:
    - a. The severity of the crime at issue,
    - b. Whether the subject poses an immediate threat to the safety of officers or others,

- c. Whether the subject is actively resisting arrest or attempting to evade arrest by flight.
- 2. The reasonableness of a use of force will be judged under the totality of the circumstances viewed from the perspective of a reasonable officer on the scene.
- D. **Officers shall use de-escalation techniques whenever appropriate and practicable, to attempt to avoid the use of force, or minimize the level of force required.**
- E. Whenever practicable and **when such delay will not compromise the safety of the officer or another, and will not result in the destruction of evidence, escape, or commission of a crime**, an officer will allow a person time and opportunity to submit to verbal commands before force is used.
- F. Employees are obligated to ensure compliance with laws and Department regulations. If an employee knows that another employee is using excessive force against a subject, the employee will take action. The action required of the employee will depend on the circumstances of the incident. These actions may include, but are not limited to, verbal or physical intervention, immediate notification to a supervisor, or direct order by supervisor to cease the use of force.
- G. After gaining control of a subject, officers will be prohibited from any use of force on a suspect in restraints unless the suspect's continued physical resistance requires further measures to gain or maintain control.

#### **108.4 USE OF LESS-LETHAL FORCE**

Before taking police action, officers will identify themselves as police officers unless identification would jeopardize the safety of the officer or others or compromise the integrity of an investigation. Officers may, at their discretion, choose to use lesser force options than those outlined below. However, there is no requirement to consider or utilize lesser force options.

- A. Passive Resister: a person who fails to comply (non-movement) with verbal or other direction. The following options are appropriate when dealing with a passive resister:
  - 1. **Holding Techniques**  
Holding consists of techniques applied to the limbs, such as wristlocks, and come-along holds (i.e., escort holds that are **not** pain compliance techniques).
  - 2. **Pain Compliance Techniques**  
Pain compliance consists of techniques designed to amplify nonimpact pressure and pain in order to increase the potential for controlling a

subject. These techniques consist of applying pressure to pain sensors in the skin covering bone and joints (i.e., armbars and amplified wristlocks).

3. Oleoresin Capsicum (OC) Spray

The use of OC spray is intended to increase control by disorienting the subject and interfering with the subject's ability to resist arrest.

Oleoresin capsicum is appropriate to use against two types of passive resisters **only** after the required authorization is received:

- a. Occupant(s) of a motor vehicle who is engaging in passively resisting arrest, **only** after obtaining authorization from an on-scene supervisor of the rank of sergeant or above.
- b. Unresponsive groups or crowds (e.g., demonstrators, sports championship celebrations, New Year's Eve, etc.), **only** after obtaining authorization from an on-scene supervisor of the rank of Commander or above. **Prior to use, multiple warnings shall be given and documented, if possible through video recording. Targeting individuals to attempt to gain group compliance is preferred over mass deployment of OC.**

**NOTE:** Only Department-issued OC may be used and only after the officer has received Department training and demonstrated proficiency. The OC Spray authorized is the Sabre Defense 10% OC Stream (MK-3). Prior to issuance for carry, OC units will be reviewed, inspected and approved by a qualified OC instructor.

B. Active Resister: a person whose actions attempt to create distance between them and an officer's reach. This type of resistance may include evasive movement of the arm, flailing arms, and/or full flight by running. The following response options are appropriate when dealing with an active resister:

1. Stunning is diffused-pressure striking or slapping and is an attempt to increase control by disorienting the subject and interfering with the subject's ability to resist.
2. Oleoresin Capsicum (OC) Spray is an appropriate force option against all active resisters without the need for supervisory authorization.

C. Assailant: a subject whose actions are aggressively offensive with or without weapons. This type of assailant is one who places a person in reasonable apprehension of receiving a battery. Assailants whose actions will likely cause death or great bodily harm to another are not included here (see section 6, Deadly Force). The following response options are appropriate when dealing with this type of assailant:

1. Direct mechanical techniques are hard, concentrated, striking movements such as punching and kicking, or powerful locks and pressures. These techniques can be combined with takedowns or pins against the ground or other objects.
2. The baton is used for striking. Impact weapons are designed to establish control by means of applying impact to temporarily disable large muscle mass areas of the body. Officers will avoid the use of flashlights, radios, or any item not designed as a defensive weapon, if the baton is available.

**NOTE:** Only Department-issued batons may be used and only after the officer has received Department training and demonstrated proficiency. The baton authorized is the ASP expandable baton. Prior to issuance for carry, ASP expandable batons will be reviewed, inspected and approved by a State certified expandable baton instructor.

3. The Taser, a conducted energy weapon, has two operational modes: it can be discharged, firing the electrodes out to strike the offender, interrupting nerve impulses to muscles to temporarily incapacitate the offender; it can also be employed to administer a drive-stun, to attempt to utilize pain compliance through direct contact with the offender. Once the offender is under control, the device shall not be activated again, in either mode, absent a further attack by the offender. It shall not be used merely to gain compliance with commands. (See PO 108-01 for further.)
  - a. When discharging a Taser 7, the officer should use one standard cycle (a standard cycle is five seconds) and stop to evaluate the situation. If subsequent cycles are necessary, the number and duration are restricted to what is reasonably necessary to place the subject in custody.
  - b. The Taser should not be utilized for young children, pregnant women, the elderly/frail or persons in control of a motor vehicle in motion.

**NOTE:** Only Department-issued Tasers may be used and only after the officer has received Department training and demonstrated proficiency. Prior to issuance for carry, Tasers will be reviewed, inspected and approved by a certified Taser instructor. The Department-issued Taser is the Taser 7, and the approved cartridge is the 3.5 degree cartridge.

4. Impact munitions fired at targets other than the head, neck, thorax (chest above the diaphragm), or spine. Impact munitions fired at those areas of the body may result in fatal or serious injury. Impact munitions shall not

be intentionally fired at the head, neck, thorax, or spine, unless deadly force is justified.

- a. Impact munitions should not be utilized for children, pregnant women, the elderly/frail, or persons in control of a motor vehicle in motion, except as a last resort, if it is the only viable less-lethal force option.
- b. Due to the risks associated with impact munitions, and the reasonableness standard of *Graham v. Connor*, use of impact munitions against an unarmed assailant must be weighed very carefully.

**NOTE:** Only Department-issued Less-Lethal dedicated (orange) Remington 12-gauge shotguns and Combined Tactical Systems Super-Sock Bean Bag munitions may be used and only after the officer has received Department training and demonstrated proficiency. Prior to issuance for carry, Less-Lethal dedicated shotguns will be reviewed, inspected and approved by a State certified firearms instructor.

#### **108.5 POST USE OF FORCE POSITIONING AND MONITORING**

After gaining control of a subject, officers will:

- A. Be prohibited from any use of force on a suspect in restraints unless the suspect's continued physical resistance requires further measures to gain or maintain control. This must be documented on the Tactical Response Report with emphasis on explaining why force was used on a handcuffed suspect.
- B. Avoid sitting, kneeling, or standing on a subject's chest, which may result in chest compression, thereby reducing the subject's ability to breathe.
- C. Position the subject in a manner to allow free breathing. Whenever feasible, the subject will not be placed on their stomach. No device or technique will be employed that forces a suspect into an abnormal body position for prolonged periods of time. **Hog-tying is strictly forbidden.**
- D. Monitor an arrestee until transported to a secure location.
- E. Seek medical attention as outlined in section 108.9 of this policy whenever a suspect sustains or complains of an injury as a result of the use of force, or during apprehension.

#### **108.6 DEADLY FORCE**

- A. An officer is justified in using force likely to cause death or great bodily harm **only** when he or she reasonably believes that such force is necessary:
1. To prevent death or great bodily harm to the officer or another person, or:
  2. To prevent an arrest from being defeated by resistance or escape and the person to be arrested:
    - a. has committed or has attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or;  
  
**NOTE:** Forcible felonies include offenses which are NOT covered by this statute (720 ILCS 5/7-5). Deadly force may only be used for those involving the infliction or threatened infliction of great bodily harm.
    - b. is attempting to escape by use of a deadly weapon or;
    - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.
- B. Firing at or into a moving vehicle is only authorized to prevent death or great bodily harm to the officer or another person. When confronted with an oncoming vehicle and that vehicle is the only force used against them, officers will move out of the vehicle's path.
- C. Officers shall not discharge their firearms from a moving vehicle unless absolutely necessary to protect their lives or the lives of others.
- D. Officers who discharge a firearm, except for training or recreational purposes, will comply with the procedures in General Order 110.
- E. Use of firearms in the following ways is prohibited:
1. Firing into crowds.
  2. Firing "warning" shots.
  3. Firing into buildings or through doors, windows, or other openings when the person lawfully fired at is not clearly visible.
  4. Firing at a subject(s) whose action is only a threat to the subject himself (e.g., attempted suicide). However, officers must be alert to the possibility that a suicidal subject could turn their weapon on the officer or others.

- F. Officers will not unreasonably endanger themselves or others to conform to this directive and every reasonable effort will be made to minimize risk to innocent persons.

### **108.7 INCIDENTS REQUIRING TACTICAL RESPONSE REPORT**

- A. The Tactical Response Report (UCPD-44.179) will be used to document the following incidents:
  - 1. Any action by an employee that results in, or is alleged to have resulted in, injury or death of another person.
  - 2. Any employee who discharges a firearm for other than training, or recreational purposes (e.g. hunting, competitive shooting, historical reenactments, etc.).
  - 3. Any employee who discharges a Taser for other than training purposes.
  - 4. Any non-training application of force by an employee using any less lethal weapon.
  - 5. All forms of physical force, applied by an employee, beyond that normally used to effect an arrest.
- B. This order does not require reporting the display or pointing of weapons.
- C. If the most serious use of force requires an investigation by the Office of Professional Accountability (OPA), then the findings of all Tactical Response Reports from the use of force by any employee in that instance will be the responsibility of OPA.

### **108.8 PROCEDURES FOR TACTICAL RESPONSE REPORT**

- A. Each employee who is involved in an incident listed in Section 108.7.A will:
  - 1. Immediately make notifications to the UCPD ECC and the on-duty Shift Supervisor and record the name of the person receiving the notification in the case report for all incidents involving the discharge of a firearm.
  - 2. Complete a Tactical Response Report (UCPD-44.179), unless the incident was an incident involving deadly force covered by General Order 110.6.

**NOTE:** Each employee who uses force will complete a Tactical Response Report, therefore there may be several reports completed for a single incident or arrest.



3. Ensure that their completed Tactical Response Report packet is submitted, along with other required police reports, to the on-duty Shift Supervisor, before the end of their tour of duty.
- B. The Shift Supervisor who has been notified of an incident listed in 108.7.A will:
1. Respond to the scene, if practical.
  2. Ensure that all witnesses are identified, interviewed, and that information is recorded in the original report.
  3. Ensure that photographs are taken of the subject's injuries, when the subject was involved in a use of force incident and/or is injured, alleges injury, or when otherwise deemed appropriate by the supervisor.
  4. Ensure that other evidence is handled and processed with required reports according to Department procedures.
    - a. For Taser use on a subject, this should include:
      - 1) Photographs of cartridges/darts.
      - 2) Collection of cartridges, darts/prongs, data downloads.
      - 3) Copies of the device data download.
      - 4) Description of the type of clothing worn by the suspect.
      - 5) Range at which the Taser was used.
  5. Review the Tactical Response Report for legibility and completeness and indicate approval by signing the appropriate box.
  6. Complete the Tactical Response Report for an employee who cannot complete the report due to injury.
  7. Ensure that a report is completed for the incident consistent with Department policy.
  8. Review and complete the section of the Tactical Response Report(s) entitled "Shift Supervisor/OPA Review" for all instances which:
    - a. do not involve the discharge of a firearm;
    - b. involve a firearm discharged only to destroy an animal;
    - c. involve a negligent firearm discharge as defined in section D below, when no person was killed or injured as a result of the discharge;

- d. involve the use of the Department-issue Less-Lethal dedicated shotgun, with Department approved impact munitions; or
  - e. involve a Taser.
9. In the instances identified in Subsection 8 above (108.8):
- a. Record the subject's statement regarding the use of force in the space provided or, when the incident involves only an animal destruction or negligent discharge, check "DNA."
  - b. Conduct a supervisory evaluation to determine whether the force used conforms to Department policies and complete the box entitled "Shift Supervisor/OPA Rationale for Finding."
  - c. Attach all Tactical Response Report(s) pertaining to the same incident to copies of required reports and forward as indicated:
    - 1. For incidents which require CPD Records Division (R.D.) number or incidents requiring a UCPD Miscellaneous Incident Report (i.e.; use of firearm to destroy an animal), attach the original Tactical Response Report(s) to the incident report and forward a copy to the respective Division Commander and the Office of Professional Accountability.
    - 2. For firearm discharges determined to be negligent and no person was injured, attach the original Tactical Response Report to the original C.R. initiation report and forward to the Office of Professional Accountability.
  - d. Distribute the Tactical Response Report Packet as indicated in Box 60 of the Tactical Response Report.

C. The Office of Professional Accountability will:

- 1. Review and complete the section of the Tactical Response Report(s) entitled "Shift Supervisor/OPA Review" to ensure policy compliance and to determine whether or not a C.R. Investigation should be conducted for all instances involving the following:
  - a. The discharge of a firearm by an employee except for incidents involving the destruction of an animal, a negligent discharge as defined in section D below, or the use of the Department-issued Less-Lethal dedicated shotgun, with Department approved impact munitions.

- b. An officer's use of force, that results in the death of any person.
  - c. Any lesser use of force by an officer when that use of force stems from the same incident in which another officer used force described in sections a or b above.
- 2. Record the subject's statement regarding the use of force.
- 3. Conduct an evaluation to determine whether the force used conforms to Department policies and complete the box entitled "Shift Supervisor/OPA Rationale for Finding."

**NOTE:** When no C.R. Investigation is warranted, the Tactical Response Report(s) will be returned to the Shift Supervisor so the packet can be forwarded to the chain of command.

- 4. Forward the original Tactical Response Report(s) along with the C.R. Investigation file (when required) through the Chief's Reviews at the completion of the C.R. Investigation.
- D. A Negligent Firearm Discharge is defined as the unintentional firing of a firearm in circumstances which did not occur during a training exercise. Negligent firearm discharges will be handled in the following manner:
- 1. A Tactical Response Report is required to document a negligent firearm discharge.
  - 2. In the "Shift Supervisor/OPA Finding" section of the Tactical Response Report, the Shift Supervisor will indicate that further investigation is required. The Shift Supervisor will ensure that a C.R. initiation report is completed and that the original Tactical Response Report is attached to the C.R. initiation report and forwarded to the Office of Professional Accountability.

## **108.9 FIRST AID AND MEDICAL ASSISTANCE**

- A. Officers shall ensure that all injured persons receive immediate medical treatment for injuries sustained during an incident where force was used, or during apprehension. Immediate medical treatment will be summoned after the use of impact munitions, even if injuries are not immediately apparent.
- B. After any use of force, officers should observe the suspect and ask if he/she sustained any injuries, or has any pre-existing injuries that were aggravated by the incident. If the suspect complains of an injury or if the officer has reason to believe that the suspect may have sustained an injury, the officer shall immediately summon emergency medical personnel. If the suspect displays or

complains of symptoms, other than those normally associated with the type of force or weapon used, or does not show signs of recovery within the normal time period, officers shall immediately summon emergency medical personnel.

- C. After any use of force on an individual who has exhibited signs or symptoms of excited delirium, extreme drug/alcohol intoxication, extreme hyperactivity or similar symptoms, employees shall summon emergency medical personnel immediately.
- D. Taser Discharge/Response  
EMS (Chicago Fire Department- CFD) shall be summoned to remove the Taser prongs from the subject. The subject shall receive a medical evaluation by EMS personnel and be monitored regularly while in police custody. Monitoring may be by police personnel.
- E. If an officer believes that a suspect has ingested contraband, or unknown suspicious substance, the officer shall immediately summon emergency medical personnel.
- F. After any use of force, officers shall notify receiving Chicago Police Department intake personnel of any known or observed injuries or pre-existing medical conditions to ensure that the intake nurse is informed prior to intake assessment.

#### **108.10 TRAINING**

- A. All officers shall be issued copies of, and trained on, this policy, before being authorized to carry a weapon. The receipt of policy and curriculum delivery shall be documented. Officers shall receive refresher training on this policy, annually.
- B. Written directives and lesson plans that govern the use of force and reporting the use of force shall be reviewed annually by the Training Unit.
- C. Officers will be thoroughly trained and demonstrate proficiency, before being authorized to carry any weapon including less-lethal weapons.
- D. All weapons training (firearms or less-lethal) as well as weaponless control techniques training shall be conducted by a certified instructor and shall be documented with a lesson plan, attendance roster, and a record of each officer's level of proficiency.
- E. At a minimum, every officer is required to qualify annually with every authorized firearm that he/she is required to carry while on duty. Officers are required to demonstrate proficiency with all their Department approved less-lethal weapons and weaponless control techniques at least once every two years. Officers who are authorized to carry a Taser/ECW, are required to demonstrate proficiency with the Taser/ECW annually. Officers that fail to demonstrate minimum proficiency with

any authorized weapon shall receive remedial training established by the Training Unit. However, these officers will not be allowed to resume official duties until minimum proficiency standards have been achieved.

- F. Training shall be provided annually, designed to simulate actual shooting situations and conditions, involving officer judgement and discretion (Shoot/Don't Shoot).

#### **108.11 REMOVAL FROM OPERATIONAL ASSIGNMENT**

- A. Any employee whose action (car crash, etc.) or use of force in an official capacity results in death or serious physical injury, shall be removed from operational assignment without loss of pay or benefits, pending the results of the investigation of the incident and administrative review.
- B. As soon as practical, the officer's supervisor shall schedule a debriefing between the involved officer and a counselor from the Staff and Faculty Assistance Program (SFAP).

#### **108.12 FORCE OR ACTIONS RESULTING IN DEATH/SERIOUS INJURY**

For use of deadly force involving a firearm see GO 110. For any other duty-related use of force or police action resulting in death or serious injury (and for deadly force with a firearm, aspects which may not be addressed in GO 110), criminal and administrative procedures for investigation include the following:

- A. The criminal investigative authority will be the Chicago Police Department, unless the incident occurred outside the City limits.
- B. The administrative investigative authority will be the Office of Professional Accountability, consistent with GO 902.
- C. The role of the prosecutor's office, if any, shall be determined by the criminal investigative authority.
- D. Any public information provided by the University and/or Department will be done through the University Communications Office, or the Chief of Police. Public information to be released by other involved organizations, should be coordinated with the Chief of Police, or their designee.
- E. Process training will be conducted for Department personnel responsible for managing such incidents.
- F. Awareness training will be conducted for all Department personnel potentially impacted.

#### **108.12 USE OF FORCE ANALYSIS**

The Office of Professional Accountability will conduct an annual analysis of all reported uses of force that occurred over the previous year, and Department policies and practices. The analysis should include:

- A. Date and time of incidents.
- B. Types of encounters resulting in use of force.
- C. Trends or patterns related to race, age and gender of subjects involved.
- D. Trends or patterns regarding injury to any person including employees.
- E. Impact of findings on policies, practices, equipment and training.

#### **108.13 ASSAULT ON OFFICER REVIEW**

The Office of Professional Accountability will conduct an annual review of all assaults, batteries and physical attacks on officers, to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues. This may be done as part of the use of force analysis, or as a separate document.