



Village of Glencoe
Department of Public Safety
*Police * Fire * Emergency Medical*

SUBJECT: USE OF FORCE

SECTION: ROLE, RESPONSIBILITY, AND RELATIONSHIPS (01)

NUMBER: 01-01

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MICHAEL VOLLING - DIRECTOR _____

POLICY: It is the policy of the Glencoe Department of Public Safety to accomplish its law enforcement mission as efficiently and effectively as possible. Officers in the performance of their duties are confronted with an infinite variety of complex situations which require police action. As long as members of the public are victims of violent crime and officers by legal mandate are charged with the responsibility of the protection of the general public, and in doing so, these same officers are confronted with force, it will remain necessary for police officers to use force for the purpose of controlling a situation, and be properly equipped, armed and trained for the protection of themselves and the general public. The use of force by police officers must conform to the law and departmental policy.

Officers are justified in the use of any force which they reasonably believe to be necessary to effect an arrest, and of any force which they reasonably believe to be necessary to defend themselves or others from bodily harm. (5/7-5) Thus, the use of force in defense of the officer or others, or the use of force to effect an arrest often occurs in circumstances that are tense, uncertain, and rapidly evolving. Such situations involve the need for decisions that may affect the safety of the public, officers involved and suspects/offenders.

When feasible, the safety of a criminal offender or suspect will be a consideration. However, the safety of a criminal offender or suspect will not take precedence over the safety of a victim, police officer, innocent bystanders, or other persons.

PURPOSE: To provide guidelines for officers consistent with current law and effective for the environment of this/her community

I. AUTHORITY

- A. Sworn members of the Department of Public Safety are vested with the responsibility of making arrests for violations of federal, state and local laws. As authorized by Illinois Compiled Statutes, sworn members of the Department have the legal authority to carry and use weapons in the performance of their duties.
- B. Officers are justified in the use of any force which they reasonably believe to be necessary to effect the arrest and of any force which they reasonably believe to be necessary to defend themselves or others from bodily harm. (5/7-5)
- C. Public Safety officers of this Department will not unreasonably or unnecessarily endanger themselves or the public in applying this/her policy.
- D. This Policy statement and specific rules are for internal Department use only and are not to be applied in any criminal or civil proceeding, nor do they create a higher legal standard of safety or care with respect to third parties. Violations of the rules will only be the basis of administrative discipline, while violations of the law will be the basis for civil and criminal penalties in a court of law.

II. DEFINITIONS

- A. Force likely to cause death or great bodily harm is defined by State Law (720 ILCS 5/7-8) always includes:
1. 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,
 2. The firing of a firearm at a vehicle in which the person to be arrested is riding.
- B. Great Bodily Harm means bodily injury which creates a substantial risk of death or which is likely to cause serious permanent disfigurement or loss, or extended impairment of the function of any bodily member or organ.
- C. Non-deadly force is force less than deadly force (or force not likely to cause death or great bodily harm) and can be exercised in the use of OC spray, Taser, expandable baton, and defensive tactics.
- D. Forcible Felony means:
1. Treason
 2. First degree murder
 3. Second degree murder
 4. Predatory criminal sexual assault of a child
 5. Aggravated criminal sexual assault
 6. Criminal sexual assault
 7. Robbery
 8. Burglary
 9. Residential burglary
 10. Aggravated arson
 11. Arson
 12. Aggravated kidnapping
 13. Kidnapping
 14. Aggravated battery resulting in great bodily harm or permanent disability or disfigurement
 15. Any other felony which involves the use or threat of physical force or violence against any individual. Illinois Compiled Statutes 720 ILCS 5/2-8.
- E. Reasonable Belief means that the person concerned, acting as a reasonable person, believes that the described facts exist.
- F. ***Weaponless Physical Force includes, but may not be limited to hand-to-hand control, gripping, pain compliance measures, pressure point application, come-alongs, joint manipulations or any other type of technique(s) capable of obtaining control of an individual.***

III. ORDINARY FORCE

- A. Illinois Compiled Statutes 720 5/7-5 says "A peace officer...need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest.
- B. The use of OC spray, Taser, expandable baton, and defensive tactics must be preceded by department authorized training and applied according to instructed use. Department members will be trained on an annual basis on the Taser, for less lethal weapons and defensive tactics, department members will be trained biennially.
1. The department issued expandable baton (***the Monadnock auto-lok baton in 18", 21" or 26"***

depending upon sizing recommendations by the training section) shall be worn by all officers assigned to patrol capacity. *The defensive tactics instructor(s) will evaluate the batons in use at every biennial training session. Those batons that are defective will be replaced. This does not prevent the officer who finds that his/her baton is inoperable to contact the Lieutenant in charge of training to get it replaced.*

2. Oleoresin Capsicum (OC) spray or foam will be issued to all Department Personnel upon receiving training in its proper use. Officers will be required to carry this spray on their duty belt. Only department issued OC spray/foam may be carried by officers in their on duty capacity. OC spray/foam may be used under the following conditions:
 - a. to control an offender who is under arrest or the officer intends to arrest, who refuses to comply with verbal commands, OR
 - b. to control an offender who has become aggressive towards an officer or places the officer in fear of receiving a battery, OR
 - c. to control an animal that is, or potentially is, a danger to the officer or others.
3. Defensive tactics shall be used in a manner which is consistent with using the amount of force which is reasonably necessary to effect the arrest or control a person.
4. Chemical sprays other than OC are not authorized for general patrol use by officers of this Department, however, officers of this/her Department that are assigned to the NIPAS EST or MFF team are allowed to use other such sprays as authorized by NIPAS while engaged in NIPAS functions. ***The current OC spray used by this department is Fox 5.3 - heavy stream. It is a 2% Oleoresin Capsicum formula in a 2 ounce container. They are recommended to be replaced on their two year anniversary date of manufacturer, however, are still good to be used up until 3 years after manufacturer date. This is a water-based chemical and is rated at a true 5.3 million Scoville Heat Units (SHU). The canister will be evaluated for safety biennially by the training section Lieutenant. Those units needing replacement due to damage, etc. will be replaced at that time. This does not prevent the officer who finds that his/her O/C spray is inoperable to contact the Lieutenant in charge of training to get it replaced.***
5. The department authorized Taser (***the Taser X26c carrying the 25' cartridge with green blast doors***) may be used under the following conditions:
 - a. ***When the suspect poses an immediate threat to the safety of the officers or others;***
 - b. ***When the suspect is actively resisting arrest;***
 - c. ***to control an animal that is, or potentially is, a danger to the officer or others.***
 - d. ***Special considerations:***
 - a. ***the severity of the crime at issue;***
 - b. ***whether the suspect is attempting to evade arrest by flight;***
 - c. ***plaintiff's mental status and behaviors;***
 - d. ***did the officer consider less-intrusive tactics and force alternatives; and***
 - e. ***did the officer give a warning of impending force to attempt to gain voluntary compliance.***
 - e. The department authorized Taser is available to sign out for use while assigned to patrol. It is located in the "radio room," adjacent to the roll call/training room.
- C. Members of this Department are not allowed to carry any other weapon (including, but not limited to mace, saps, blackjacks, sheath knives), that may be used in effecting an arrest other than those provided for and

authorized by this/her Department.

1. Any authorization for carrying these, or any other weapon must be:
 - a. approved by the Director of Public Safety
 - b. preceded in use by an approved training program.
- D. Flashlights, clipboards, ticket book holders, portable radios, folding knives, etc., which are utilized by officers as part of their duties, are not intended as primary defensive tools, but may be utilized as tools of self defense in cases of last resort when no other means are available or practical.
 1. These items shall be utilized in a manner which is consistent with using the amount of force reasonably necessary to effect the arrest or control the person.

IV. DEADLY FORCE

A. Deadly Force includes:

1. The firing of a firearm, even though no intent exists to kill or inflict bodily harm;
2. Any force applied in a manner by any means that could reasonably be expected to cause death or great bodily harm.

B. Public Safety Officers of this/her Department are authorized to use deadly force in the following listed situations when preceded by warning to the offender where practical, when he/she reasonably believes that such force is necessary to prevent death or great bodily harm to him/herself or such other person, **OR**

1. When he/she reasonably believes BOTH that:

- a. Such force is necessary to prevent the arrest from being defeated by resistance or escape;
AND

b. The person to be arrested:

- (1) has committed or attempted a forcible felony (Illinois Compiled Statutes 720 ILCS 5/2-8) which involves the infliction or threatened infliction of great bodily harm, **OR**
- (2) is attempting to escape by use of a deadly weapon, **OR**
- (3) otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

D. Justification for the use of deadly force is limited to what facts are known and perceived by the officer at the time the officer (in his/her discretion) decided upon the use of deadly force.

E. Officers are not to remove a firearm from a holster or secured location or display a weapon unless there is sufficient justification.

F. In effecting the arrest of felony offenders, officers may deem it necessary to display a weapon for the purpose of obtaining or maintaining control of the arrestee.

G. The following practices are specifically forbidden:

1. The firing into crowds unless absolutely necessary in self-defense or defense of others against a deadly force threat, and where the deadly force threat is reasonably identifiable.
2. Firing of warning shot(s).

3. Firing at a moving vehicle or from a moving vehicle, unless absolutely necessary in self-defense or defense of others against a suspect's use of deadly force,
4. Firing into a building or through doors, unless there is a direct threat to life and the offender's location can be reasonably identified,
5. Using any ammunition other than that authorized by the Department.
 - a. NIPAS Officers, while assigned NIPAS related duties, **may** carry the ammunition authorized by NIPAS.

H. Permission of the direct supervisor must be obtained before killing an animal when other disposition is impractical, unless the situation dictates immediate disposal.

V. USE OF LESS LETHAL WEAPONS

- A. Illinois Compiled Statutes 720 5/7- 8 (b) says "A peace officer's discharge of a firearm using ammunition designed to disable or control an individual without creating the likelihood of death or great bodily harm shall not be considered force likely to cause death or great bodily harm within the meaning of Sections 7-5 and 7-6."
- B. The less lethal 12 gauge shotgun is intended for use in those situations where a high-level threat exists and as an alternative to the use of deadly force and when the threat poses an unnecessary risk to both Officer and/or the public. Situations where the 12 gauge less lethal dedicated shotgun may be utilized in situations including, but not limited to:
 1. A suicidal subject that is armed and poses a risk to him/herself, the public, or officers.
 2. Any situation where immediate close range confrontation would put the Officer in life threatening jeopardy; i.e. the offender has a weapon other than a firearm, such as an edged weapon, sharp weapons, and/or blunt instruments. The Officer must be aware of the issue of time, distance, and protective cover in deciding tactical response.

VI. FOLLOW-UP TO OFFICER'S USE OF FORCE

- A. Officers who use ordinary or deadly force on any subject will make all reasonable efforts, when practical, to contact paramedics for evaluation and documentation of any injury received as the result of such use of force.
 1. OC contamination:
 - a. the use of copious amounts of water for decontamination. Soap, ice, and Sudecon wipes may be helpful in decontamination.
 - b. for those subjects not responding to the standard procedure for decontamination, paramedics will be requested to assess and treat the subject.
 - c. subjects that have been sprayed will not be forcibly decontaminated.
 3. Whenever a person has been struck by a bean bag round the officer will photograph the area struck, and the person will be transported to the hospital by the ambulance for evaluation.
 4. When a person has been struck by a taser, the following procedure shall be used.
 - a. Once the person/scene has been secured, the officer(s) on scene will call for a Code 1 response for a medical evaluation.
 - b. Per EMS protocol, the fire shift shall provide routine medical care with cardiac monitoring.

- c. If the dart(s) are embedded in any of the following critical areas, Department paramedics shall stabilize the darts in place and transport the patient. These areas include:
 - i. Lid/Globe of the eye
 - ii. Face or neck
 - iii. Genitalia
 - iv. bony prominence
 - v. Spinal column
 - d. If the dart(s) are found to be superficially embedded in other than critical locations, they may be removed as indicated in EMS protocol "Electrical Device Weapon Exposure."
 - e. The decision to transport should be based on patient condition. Either the patient shall be transported to the hospital or a release signed
- 5. For all other use of ordinary/deadly force situations:
 - a. If necessary, department paramedics will be contacted and will follow the protocol as outlined in the **Highland Park Hospital** EMS Protocol.
- B. An Incident report will be forwarded, upon approval of a supervisor, to the office of the Director pertaining to incidents involving the use of force whenever an officer:
 - 1. applies force through the use of a lethal or less lethal weapon,
 - 2. applies weaponless physical force,
 - 3. discharges a firearm for other than training or recreational purposes, and/or
 - 4. takes an action that results in or is alleged to have resulted in the injury or death of another person.
- C. The Director will review and evaluate the use of weapons and force to determine compliance within the scope of these guidelines.
 - 1. The Director or his/her designee may request an outside law enforcement agency such as the Illinois State Police to conduct or assist in the investigation of an incident involving use of force.
- D. Because of the inherent dangers involved in the use of a firearm, it is required that any member of the Department involved in the intentional or accidental discharge of a firearm file a report of discharge of firearm to the Director of Public Safety through an immediate superior.
 - 1. Exception - no report is required for discharge of firearm for recreation or approved training purposes; either on the Department range or at an approved course outside this Department unless requested by a Firearm Instructor or a supervisor.
- E. A report of discharge of firearm will be required whether occurring on or off duty. This report must be submitted to the Director or his/her designee within a reasonable period of time following the shooting, depending on circumstances.
- F. An officer reporting a discharge of a firearm will include in the report to the Director, or his/her designee, the following information:

1. The type of firearm.
2. The make of firearm.
3. The type of ammunition fired.
4. The case report number.
5. The date of discharge.
6. The time of discharge.
7. The location and position of the officer when the firearm was discharged.
8. The direction fired including the estimated degree of elevation
9. The reason for discharging the firearm.
10. The names of other officers and civilians present.
11. Complete information regarding anyone or anything the discharge was directed at and/or hit.

VII. INVESTIGATION

- A. The Director of Public Safety shall, at his/her discretion, investigate instances of discharge of firearm.
- B. In cases of injury or death involving officer discharge of firearm, the Director shall conduct a fact finding investigation to determine the situations surrounding the shooting incident.
- C. The States Attorney of Cook County (or the States Attorney of the County in which the incident occurred) shall be advised of any shooting incident through either Felony Review or the Supervisor of the appropriate Municipal District. The investigation of the State's Attorneys Office will determine whether the circumstances of the shooting complied with State Law regarding the use of force.
- D. The investigation conducted by the Director of Public Safety shall be made to:
 1. determine whether the circumstances of the shooting complied with Department Policy and regulations regarding the use of force
 2. make changes regarding training and implementation of policy and procedures for effective use of force.
- E. Any officer involved in an incident whose use of force **or any critical or traumatic incident which may include, but not be limited to, fatal traffic crashes**, results in a death or serious physical injury will be removed from their line-duty assignment pending administrative review of the incident. When the scene is secure, the officer will be taken to a hospital for a full medical evaluation. The Director of Public Safety will determine when it is appropriate for the involved officer to return to line duty assignment.
- F. Any officer involved in a use of force incident, investigated by the Director, should be advised of the possible implications of any statements made during the course of the investigation regarding the incident. Although the Department is endowed with the mandatory requirements to determine the facts of the incident, consideration has to be given to the implications an officer assumes under the Civil Rights Act of 1871, 42 U.S.C., Section 1983.
- G. Any officer involved in a shooting situation resulting in injury or death, will be required to attend a minimum of one counseling session with a qualified mental health professional. No officer will be permitted to return to a line-duty assignment without fulfilling this counseling assignment.

VIII. TRAINING AND IMPLEMENTATION

- A. The issuance of this section pertaining to all elements regarding the use of force and firearms regulations, and training and evaluation of weapon use by this Department is to be known by each member of this Department.
- B. Each officer will be required, through Department training sessions, to have knowledge of these requirements and guideline.
- C. Each newly appointed officer will be required to have full understanding of these requirements and Guideline before being issued any weapons. This information will be presented to each new officer through the appointed field training officer.
- D. This Guideline will be reviewed annually upon date of issue, with notations made of any changes or updates, and reissued under the same provisions ***with training performed at the annual qualifications.***

Michael Volling
Director