

# SPRINGFIELD POLICE DEPARTMENT

<input checked="" type="checkbox"/> <b>DEPARTMENT DIRECTIVE</b> <input type="checkbox"/> <b>DIVISION DIRECTIVE</b>		<b>DIRECTIVE NUMBER</b> 20-058	<b>UOF-02</b>
<input checked="" type="checkbox"/> <b>GENERAL ORDER</b> <input type="checkbox"/> <b>NOTICE</b> <input type="checkbox"/> <b>SPECIAL ORDER</b> <input type="checkbox"/> <b>LEGAL NOTICE</b>			<b>ISSUE DATE</b>
<b>SUBJECT:</b> <b>USE OF DEADLY FORCE</b>	<b>DISTRIBUTION</b> A,B	<b>REVISION DATES</b> 06/05/00, 06/01/01, 08/01/01, 08/07/01 11/06/08, 08/19/09 05/13/10, 02/25/16, 01/17/18, 10/21/19	<b>EFFECTIVE DATE</b>
<b>REFERENCES:</b> 720 ILCS 5/7-5, General Orders ADM-33, ADM-37		<b>RESCINDS:</b> UOF-02/19-016	

## I. PURPOSE

This General Order will:

- A. State department policy on a police officer's use of deadly force;
- B. Establish policy under which use of deadly force by police officers is permissible;
- C. Establish policy and procedure concerning the welfare of officers directly involved in a deadly force incident;
- D. Establish procedure regarding the investigation subsequent to any use of deadly force incidents.

## II. POLICY

It is the policy of the Springfield Police Department to:

- A. Authorize an officer to use deadly force as defined in this order only when it is objectively reasonable under the totality of the circumstances. All officers will comply with existing law regarding the use of lethal force.
- B. Have the affirmative duty to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control, while protecting the safety of the officer and others.
- C. Use deadly force only when it is objectively reasonable under the totality of the circumstances as allowed by law.
- D. Have the affirmative duty to intervene to prevent or stop any unreasonable force being used by another officer whenever it is safe and reasonable to do so. All instances of unreasonable force will be immediately reported to a supervisor irrespective to the success or failure of the intervention.
- E. Use 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. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary. Examples of de-escalation techniques include but are not limited to:
  - 1. Providing a warning and exercising persuasion and advice prior to the use of force
  - 2. Determining whether the member may be able to stabilize the situation through the use of time, distance, or positioning to isolate and contain a subject.
  - 3. Requesting additional personnel to respond or make use of specialized units or equipment including crisis-intervention-team trained officers, as necessary and appropriate.
- F. Protect the rights of all person regardless of the relationship (i.e. victim, complainant, suspect, or arrestee) between the officer and the citizen.
- G. Accord equal treatment to any person regardless of color, ethnic origin, political philosophy, race, religion, sex, sexual preference, social status, or physical or mental disability.
- H. Make support services available to any officer, and his immediate family, who is directly involved in an incident involving the use of deadly force, in order to preserve and enhance their welfare at a time when such services may provide maximum benefit to the officer and family.
- I. Provide an accurate account of deadly force incidents, keeping in mind the welfare of the officer, the Department and the community.
- J. Require that a police report be completed whenever an officer discharges a firearm for other than ballistics testing, training, maintenance, or recreational purposes.

- K. Ensure that all Officer-Involved Deaths are investigated by the Illinois State Police or another outside law enforcement agency.
- L. All or portions of this General Order may be followed in cases where interactions between an officer and a civilian results in serious bodily injury or death to the civilian, irrespective of whether deadly force was utilized by the officer.

### III. DEFINITIONS

- A. **Chokehold** – applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air. The use of any Chokehold is prohibited unless the use of deadly force is justified.
- B. **Deadly Force** - The use of any force that is likely to cause death or great bodily injury
- C. **Objectively Reasonable**: The determination that the necessity for using force and the level of force used is based upon an officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.
- D. **Officer-Involved Death** - Any death of an individual that results directly from an action or directly from an intentional omission, including unreasonable delay seeking medical attention for a subject when the need for medical treatment is apparent, of a law enforcement officer while the officer is on duty, or otherwise acting within the scope of his or her employment. "Officer-involved death" also includes any death resulting from a motor vehicle accident, if the law enforcement officer was engaged in a law enforcement activity involving the individual or the individual's vehicle in the process of apprehension or attempt to apprehend.
- E. **Serious Bodily Injury** - Injury that involves a substantial risk of death, protracted and obvious disfigurement, or extended loss or impairment of the function of a body part or organ.
- F. **Vascular Restraint** – Conduct that applies pressure to the side(s) of the neck, rather than the trachea to create venous compression which results in congestion of the vascular bodies in the head and neck. This alone can cause unconsciousness.
- G. **Watch Command Officer**-The command officer, of the rank of Lieutenant or above, who is responsible for the field operations of the Department on a particular watch.
- H. **Watch Supervisor** - Personnel holding the rank of Sergeant who is assigned to work a particular watch.

### IV. PROCEDURES

- A. Use of Deadly Force:
  - 1. An officer is authorized to use deadly force when it is objectively reasonable under the totality of the circumstances. Use of deadly force is justified when one or both of the following apply:
    - a. to protect the officer or others from what is reasonably believed to be an immediate threat of death or serious bodily injury
    - b. to prevent the escape of a fleeing subject when the officer has probable cause to believe that the person has committed, or intends to commit a felony involving serious bodily injury or death, **and** the officer reasonably believes that there is an imminent risk of serious bodily injury or death to the officer or another if the subject is not immediately apprehended
  - 2. Verbal warnings: Before using deadly force, if feasible, officers will audibly command a subject to submit to their authority. Implicit in this requirement is the concept that officers will give the subject an opportunity to submit to such command unless danger is increased by giving a verbal command;
  - 3. An officer is not required to place himself, another officer, a subject or the public in unreasonable danger of death or great bodily harm before using deadly force, nor is he required to retreat or desist because of resistance or threatened resistance;

4. Deadly Force Restrictions: The use of a firearm and discharge thereof shall be governed by the following department guidelines:
  - a. Deadly force should not be used against persons whose actions are a threat solely to themselves or property and not to other members of the public or to officers
  - b. Firearms shall not be discharged at a moving vehicle unless
    - 1) a person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
    - 2) the vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted (or are not present or practical), which includes moving out of the path of the vehicle.
  - c. Choke holds and vascular restraints are prohibited unless deadly force is authorized
  - d. Firing into a crowd or over the heads of persons in a crowd is prohibited;
  - e. Warning shots are prohibited.
5. An officer may fire into buildings or through doors, windows or other openings at a subject when the officer has reason to believe the subject inside poses an imminent threat of death or great bodily harm to the officer or another and the subject is clearly visible;
6. An officer is authorized to use deadly force against dogs or other vicious animals when necessary in self-defense or defense of another;
7. Injured animals not posing an immediate threat may be destroyed only after attempts to contact the appropriate animal control agency (animal control, Department of Natural Resources Conservation Officer, humane society, etc.) have failed. A watch supervisor will authorize humane euthanization of injured animals.

B. Officer Welfare:

1. It is the policy of this Department to make support services available to any officer, and his immediate family, that is directly involved in an incident involving the use of deadly force in order to preserve and enhance their welfare at a time when such services may provide maximum benefit to the officer and his or her immediate family.
2. Ecclesiastic Services:
  - a. The services of a member of the clergy will be made available to the involved officer and his family upon the officer's request; and
  - b. The ecclesiastical services will not be related to any Department investigation of the incident and nothing discussed will be divulged to the Department. Any consultation session with a member of the clergy will remain protected by their privileged relationship.
3. Restricted Duty Assignment:
  - a. If the officer's actions or use of force results in shots fired, a death or serious physical injury, the officer will be placed on restricted duty status assignment, for a period of time as deemed appropriate by the Chief of Police or his designee, pending an administrative review.
  - b. Prior to returning to duty, upon completion of the investigation, the officer will re-familiarize with a weapon according to Department standards.

4. Psychological/Psychiatric Services:

- a. The services of a psychologist/psychiatrist at Department expense and at the direction of the Chief of Police or his designee will be provided to the officers involved in a shooting incident. In a shooting incident involving death or injury, the involved officer will be required to:
  - 1) Undergo a debriefing with a psychologist/ psychiatrist as soon as possible and practical;
  - 2) Submit to a psychological/psychiatric evaluation prior to returning to duty.
- b. The psychologist/psychiatrist will make recommendations to the Chief of Police or his designee pertaining to the officer's duty status, assignment, or the need for further counseling;
- c. The debriefing and subsequent counseling sessions will remain protected by their privileged relationship.

C. Investigations Subsequent to Use of Deadly force Incidents:

General Responsibilities:

- a. Officer(s) involved will:
  - 1) Secure the scene, handcuffing the suspect when possible;
  - 2) Determine the physical condition of any injured person and render first aid when appropriate;
  - 3) Notify Sangamon County Combined Dispatch System (SCCDS) personnel of:
    - a) Location of incident,
    - b) Need for emergency medical aid,
    - c) Pertinent facts of the incident,
    - d) Request additional units as required;
  - 4) Remain at the scene until the arrival of a supervisor or appropriate investigator; unless the officer's presence at the scene is creating a hazardous situation or if the officer is in need of medical attention;
  - 5) Prepare and forward a Police Report or Supplemental Report as applicable within 48 hours, unless otherwise directed by the Chief of Police or his designee; and
  - 6) Refrain from discussing the incident with anyone not directly involved, except those who are authorized by the Chief of Police or his designee and be available for official interviews regarding the case when requested by the Department.
- b. Sergeant(s) assigned will:
  - 1) Take the necessary actions to secure the scene;
  - 2) Protect the involved officer(s) weapon(s) for evidentiary purposes and submit it/them to the appropriate personnel;
  - 3) Separate all participants/witnesses and officers so that subsequent interviews may be conducted by investigators;
  - 4) Provide for the presence of only assigned or essential members;
  - 5) Conduct a preliminary field investigation;
  - 6) Provide for the presence of a second or available supervisor in the officer's chain of command to respond to the scene and attend to the personal needs of the involved member(s);
  - 7) Keep the Watch Command Officer informed of the situation;
  - 8) Coordinate the preparation of a Police Report by the appropriate personnel, and review all reports after they are completed;
  - 9) Submit a Supplemental Report to the Watch Command Officer.

c. Watch Command Officer assigned will:

- 1) Take steps to secure violators/suspects, and prevent additional injuries as applicable to his responsibilities at this level of the investigation;
- 2) Take command of the scene;
- 3) Contact the CID Command Officer in order to begin the notification process to the Illinois State Police investigative team or other approved outside law enforcement investigative team as directed by the Chief or his designee;
- 4) Monitor all aspects of the preliminary investigation;
- 5) Take the necessary actions to ensure that all members who responded to, or had any part in the investigation, complete a Supplemental Report;
- 6) Take actions to contact the Chief of Police or his qualified designee, and have him dispatched to the scene to inspect the weapons of all officers initially at the scene;
  - a) Weapons will be inspected to determine if they have been discharged; and
  - b) At an appropriate time, the officer(s) discharged weapon(s) will be secured, and a replacement weapon and ammunition will be issued, unless circumstances dictate otherwise;
- 7) Keep the Commanding Officer of Field Operations Division or his designee informed of the situation as it progresses, and submit to him a report upon its completion;
- 8) Make, or cause to be made, the required notifications outlined in General Order ADM-33.

d. Investigative Team

The investigative team will consist of the following personnel, a Criminal Investigations Division (CID) command officer appointed by the Chief of Police or his designee; and any additional personnel deemed necessary.

- 1) CID Command Officer:
  - a) The Command Officer will make contact with the Illinois State Police investigation team or other approved outside law enforcement investigative team as directed by the Chief, that will be responsible for the investigation of the officer-involved deadly force incident;
  - b) The Command Officer will take actions to gather all reports that have been submitted by personnel required to prepare such reports;
  - c) The Command Officer will take all necessary steps to provide for the documentation of any alleged violations of Department policy or Rules and Regulations and forward the documents to the Chief of Police or his designee for disposition.
- 2) The investigative team may:
  - a) Investigate the criminal portion of the incident leading up to the deadly force incident and coordinate with the Illinois State Police investigative team or other approved outside law enforcement investigative team as directed by the Chief;
  - b) Assemble all pertinent documentation of the incident for both the Deadly Force Review Board and for future legal review;
  - c) Submit a preliminary report to the Chief of Police or his designee within 24 hours, or as soon as practical.

e. Field Operations Division

Field Operations Division personnel will be responsible for the completion of initial reports of the incident.

f. Criminal Investigations Division

Criminal Investigations Division personnel will be responsible for follow-up investigation reports to document their involvement in the deadly force incident.

g. Deadly Force Review Board:

- 1) The Deadly Force Review Board will consist of personnel designated by the Chief of Police, to include a training officer with a background in the type of force used, and an uninvolved officer of the same rank or appointed position, selected by the involved officer;
- 2) The Board will:
  - a) Review the circumstances surrounding the use of deadly force by an officer of the Department;
  - b) Convene within 15 working days;
  - c) Review all reports and, if necessary, hear direct testimony from officers and witnesses; (All officers involved in a shooting incident that is brought before the Deadly Force Review Board are mandated to speak to this Board).
  - d) Conclude and report findings to the Chief of Police concerning each aspect of the incident, and report whether the deadly force was within Department policy, or accidental, and recommend any training or equipment considerations to be drawn from the incident.

h. Case Documentation Disposition

After final disposition by the Chief of Police, the complete file, with all supporting documentation, will be forwarded to the Administrative Services Division to be secured and stored in the Department archives of the Records Section.

i. Mandatory Reporting to be conducted by Records Personnel

“Section 5-12. Monthly Reporting. All law enforcement agencies shall submit to the Department of State Police on a monthly basis the following:

- 1) A report on any arrest-related death that shall include information regarding the deceased, the officer, any weapon used by the officer or the deceased, and the circumstances of the incident.
- 2) A report on any instance when a law enforcement officer discharges his or her firearm causing a non-fatal injury to a person, during the performance of his or her official duties or in the line of duty;”

j. Voluntary Records reporting to be conducted by Records Personnel

On a monthly basis Records Personnel will report to the FBI’s Criminal Justice Information Services:

- 1) When a fatality occurs to a person in connection to use of force by a law enforcement Officer.
- 2) When there is serious bodily injury to a person in connection with use of force by a law enforcement Officer.

The definition of serious bodily injury is based, in part, on 18 United States Code 2246 (4). The term “serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.”

- 3) In the absence of either death or serious bodily injury, when a firearm is discharged by a law enforcement Officer at or in the direction of a person.

- D. Pursuant to state law (50 ILCS 727/1-25), any law enforcement officer who is involved in an officer-involved shooting that discharges his or her firearm causing injury or death to a person or persons during the performance of his or her official duties or in the line of duty, shall be subjected to drug and alcohol testing, in accordance with City Policy and the PBPA 5 contract, to be completed as soon as practicable after the Officer involved shooting incident but no later than the end of the involved Officer's shift or tour of duty.

The officer will complete drug and alcohol testing at a medical facility.

A member of the command staff and a union representative may be present.

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KENNETH D. WINSLOW, CHIEF OF POLICE

Reviewed for Legal Sufficiency: \_\_\_\_\_  
Assistant Corporation Counsel