



GENERAL ORDER

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June 5, 2020

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June 5, 2020

No.
W-03



Subject
USE OF FORCE

Distribution
A

Amends
W-03, issued 03/01/20

Reference

General Orders P-06, W Series – Generally
ILCS 720 5/7-5, ILCS 720 5/7-5.5
CALEA 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.3,
4.2.4, 4.2.5, 4.3.2, 4.3.4, 4.1.1.4, 4.1.1.5

Rescinds

W-03, issued 03/26/86, 10/15/91, 08/01/93, 06/10/94, 03/09/95,
10/17/96, 10/23/00, 05/01/00, 03/26/01, 09/17/01, 07/03/02,
09/30/02, 03/13/03, 05/20/03, 04/05/10, 07/22/10, 01/01/11,
01/07/13, 01/01/16, 02/01/18, 07/01/18, 01/01/19
W-04, issued 05/17/93

PURPOSE:

The purpose of this policy is to provide guidelines in respect to the use of deadly and non-deadly force to officers of this department.

DEFINITIONS:

Deadly Force: Any response to resistance that is likely to cause death.

Force: Any compulsion, or constraint physically exerted by any means upon or against a person or thing. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

Reasonable Belief: An imprecise term to define that which a prudent individual, in light of his or her training and experience, would believe under similar circumstances.

Objectively Reasonable: In determining the necessity for and the appropriate level of response, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject and the danger to the community.

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 of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

Serious Physical Injury: A bodily injury to a human being that creates a substantial risk of death; causes serious, permanent disfigurement; and or results in long term loss or impairment of the function of any bodily member or organ.

Probable Cause: Facts and circumstances, which a reasonable person in the officer's position would understand and accept.

Imminent Danger: Immediate danger, likely to happen without delay.

Violent Felon: A person to be arrested that has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

Choke Hold: Applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Choke hold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.

Intervene: To come between, whether verbally or physically, so as to prevent or alter a result or course of events.

Warning Shot: The discharge of a firearm into the air or the ground in an attempt to warn that additional force may be imminent.

Response to Resistance Model: The Response to Resistance Model, also known as the Confrontational Continuum, is defined as that necessary degree of response to be used by police as determined by an assessment of the subject's threat/resistance level. An officer's ability to disengage or escalate is imperative in using the model. The model contains seven levels.

Level I: Uses the presence of legal authority and verbal direction, warnings, or dialogue to achieve compliance. Verbal communication/de-escalation can be effective to reduce anxious, aggressive, or violent behavior. The appropriate use of verbal persuasion can in some cases prevent or minimize the need for physical force.

Level II: Uses hands-on escort and/or handcuffing to achieve compliance.

(NOTE: OC/Pepper Spray, Conducted Energy Weapons (CEWs) and remote restraint devices may be used in cases where weaponless control, mechanical techniques or impact weapons would be justified in order to gain compliance, defend oneself, or to overcome real or threatened resistance.)

Level III: Weaponless control consists of control techniques tactics (holds, pressure point control, come-along).

The Field Supervisor or Watch Commander will respond to the scene of any use of force incident above Level III.

Level IV: Mechanical techniques are impact techniques such as strikes or kicks; techniques designed to stun (pressure, blows, etc.) and opposing prohibitive techniques applied to jointed parts of the body as a means of gaining compliance. Level IV includes forcibly taking a subject to the ground. Participation of the department canine also applies to this level.

Level V: Impact tools (baton) used at the appropriate level of intensity to gain compliance.

Level VI: Less-Lethal Impact projectiles (Beanbag rounds) may be deployed in circumstances in which the subject presents an imminent threat of serious physical injury or death to self or others.

Level VII: The discharge of a firearm, which is considered deadly force, intended to stop the subject.

Physical force shall not be used against individuals in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, another person, or property damage. In these situations, only the minimal amount of force necessary to control the situation shall be used.

DISCUSSION:

Buffalo Grove Police Officers will only use a reasonable response to accomplish lawful objectives. Physical force by an officer is a response to some action demonstrated by an individual the officer is attempting to control and/or arrest. Officers are justified in the use of force only that they believe reasonable to affect an arrest. An officer is also justified in responding to another's behavior when the officer believes that it is objectively reasonable and necessary to defend the officer, or another person, against imminent use of unlawful force. Officers should continually assess when possible every situation in order to increase an officer's ability to bring the situation to a peaceful result. This may be accomplished by using time, distance, information, isolation, teamwork, force option, coordination, or other techniques to maximize an officer's advantage. When a response to resistance is necessary, officers shall, to the extent possible, use an escalating scale of response options, and only the degree of response necessary to control and take custody of the subject(s). It is also understood that not all response situations will necessarily begin at Level I of the Confrontational Continuum and escalate step-by-step. Officers must evaluate each situation and use a response that appears reasonable to effectively bring an incident under control, while protecting the lives of the officer and others.

ORDER:

A. Use of Deadly Force

1. Law Enforcement officers are authorized to use deadly force:
 - a. When the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury; and/or
 - b. It is necessary to prevent the escape of a fleeing violent felon whom the officer has probable cause to believe will pose a significant threat of death or serious physical injury to the officer or others.

B. Deadly Force Restrictions

1. Officers may use deadly force to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured. Using deadly force on an injured animal is allowable only when the officer reasonably believes that deadly force can be used without harm to the officer or others and with authorization from the Watch Commander. This type of incident need only be documented in the narrative section of an offense report and does not require the use of force report.
2. At no time will a "warning shot" be fired;
3. Decisions to discharge a firearm at or from a moving vehicle shall be governed by this policy and is prohibited if it presents an unreasonable risk to the officer or others.

4. Officers shall not use a choke hold in the performance of his or her duties, unless deadly force is justified.

C. Less-Lethal Response

1. Where deadly force is not authorized, officers may use that level of response that is objectively reasonable to bring an incident under control.
2. Officers are authorized to use department approved, less-lethal force techniques and issued equipment to
 - a. Protect the officer or others from physical harm;
 - b. Restrain or subdue a resistant individual; and/or
 - c. Bring an unlawful situation safely and effectively under control.
3. Officers may use force options readily at hand as weapons, because of a rapidly evolving situation. These weapons of opportunity should be used within the guidelines contained within and the objective reasonableness standards set by this agency.

D. Duty to Intervene and Report

An officer has a duty to intervene to prevent or stop the use of excessive force by another officer when it is safe and reasonable to do so. If an officer intervenes, they shall promptly report the incident to a supervisor for documentation and investigative purposes.

E. Medical Aid

The intent of medical aid is to reduce the severity posed by obvious injuries or non-visible trauma commonly associated with some weaponless or hand-to-hand tactics. Such tactics may include hard punches to the head or other vital organs, or restricting respiratory functions. Appropriate medical aid should include increased observation to detect obvious changes in condition, flushing chemical agents from the eye, applying first aid, as needed, evaluation by paramedics, or for more life threatening incidents (shooting, etc.), immediate aid by medical professionals.

F. Reporting - A Use of Force After Action report must be submitted whenever an employee:

1. Discharges a firearm, OC Spray, or Conducted Energy Weapon (CEW) at, or in the direction of a suspect; or
2. Takes an action that results in, or is alleged to have resulted in injury or death of another person; or
3. Whenever force above Level III of the "Response to Resistance Model" is used.

The Watch Commander will ensure the completion of this report before the end of the Watch Commander's tour of duty and submit a copy to the Chief of Police, the Deputy Chief of Operations, and the officer(s) shift/unit Lieutenant/Commander for administrative review. In addition, the Deputy Chief of Operations will review the report to determine whether there is policy, training, weapon/equipment, or disciplinary issues, which should be addressed. A copy of the after action report will be provided to Command Staff and the Staff Support Sergeant with the outcome of the Deputy Chief's review identified. The Staff Support Sergeant will submit the use of force incident to the National Use-of-Force Data Collection, preferably within 48 hours of occurrence. Each month, the Staff Support Sergeant will ensure all applicable use of force incidents have been entered in the National Use-of-Force database and will enter zero for any months there are no incidents to report.

In cases where a use of force incident occurs when an employee is assigned as a task force member to an outside agency (e.g. NIPAS, ILEAS, DEA, ICE, etc.), a use of force report from that agency will suffice. The employee must report the use of force incident to the on-duty Watch Commander, who will request a copy of the after action report and notify Command Staff.

Annually, the Deputy Chief of Operations will conduct an analysis of the department's use of force activities, policies and practices. The analysis should identify:

1. Date and time of incidents;
2. Types of encounters resulting in use of force;
3. Trends or patterns related to race, age and gender of subjects involved;
4. Trends or patterns resulting in injury to any person including employees; and
5. Impact of findings on policies, practices, equipment, and training.

Included in the use of force annual analysis will be a review of all assaults on Buffalo Grove Police Officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy or address training issues.

If an officer(s) point their firearm at anyone, at anytime, they will document this in a memorandum to the Watch Commander or in the narrative portion of an offense or arrest report. The memorandum will indicate the circumstances surrounding the incident, including the name, DOB, and address of the individual(s) involved. The Watch Commander will ensure that a copy of the report or memorandum is forwarded to the officer(s) Unit Commander/Lieutenant (if applicable) for review.

If an employee accidentally discharges a firearm, in other than a training situation or for recreational purposes, they will document this in a memorandum to the Watch Commander. The memorandum will indicate the circumstances surrounding the incident, including the name of the individual(s) involved. The Watch Commander will ensure that a copy of the report or memorandum is forwarded to the employee's Unit Commander/Lieutenant (if applicable), the Deputy Chief of Operations and the Chief of Police for review.

- G. Any employee, whose action(s) results in death or serious physical injury to another, will be removed from line duty and assigned to the Office of the Chief of Police pending an administrative review of the incident.
- H. Officers of this agency are authorized to use only deadly and less-lethal weapons. It is understood that in exceptional situations, officers may need to use weapons of opportunity. While these are not authorized police weapons, officers may need to employ them provided the use is necessary and objectively reasonable.
- I. Training - At least annually all sworn personnel authorized to carry weapons are required to receive in-service training on the use of force policies and demonstrate proficiency with all approved lethal weapons and the Conducted Energy Weapon (CEW) the employee is authorized to use. In-service training for less lethal weapons, where employees must demonstrate proficiency, should occur at least biennially.

A certified firearm or defensive tactics instructor will conduct all proficiency training and will document the results of such training. Any department employee authorized to carry weapons who fails to qualify will be provided with remedial training in accordance with *General Order W-02*.

All agency personnel authorized to carry lethal or less lethal weapons will be issued a copy of this general order and given instruction concerning the "Discussion" and "Medical Aid" sections of this order before being authorized to carry a weapon. The issuance of this order and the required instruction will be documented in the "Recruit Training Guide" of all new employees.

Steven R. Casstevens
CHIEF OF POLICE