

	<h1>ELGIN POLICE DEPARTMENT</h1> <p>151 Douglas Avenue Elgin, Illinois 60120</p>			
Effective Date: 04/10/03	STANDARD OPERATING PROCEDURE	Revised Date: 11/02/20		
Chief of police: 	Response to Resistance, 1.3			
<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> Cross Reference: SOP 1.5 Deadly Force/Firearms Discharge SOP 17.5, Agency Owned Property SOP 42.2 Responding to Persons with Mental Illness SOP 46.2 Special Weapons and Tactics Team 720 ILCS 5/2-19 720 ILCS 5/7-5 720 ILCS 5/7-8 </td> <td style="width: 50%; vertical-align: top;"> Policy Sections: 1.3.1 Response to Resistance 1.3.2 Deadly Force 1.3.3 Duty to Intervene 1.3.4 Warning Shots 1.3.5 Use of Authorized Less Lethal Weapons 1.3.6 Medical Assistance Procedures 1.3.7 Reporting Requirements when Force is Used 1.3.8 Administrative Review of Response to Resistance 1.3.9 Procedures Pertaining to Deadly Force/Firearms Discharge 1.3.10 Authorized Firearms 1.3.11 Authorized Ammunition 1.3.12 Wearing of Handguns 1.3.13 Care and Maintenance of Duty Weapons 1.3.14 Security of Duty Handguns 1.3.15 Displaying, Loading and Inspection of Duty Handguns 1.3.16 Off-Duty Handguns 1.3.17 Response to Resistance/Less Lethal Weapons Training 1.3.18 Firearms Proficiency/Qualifications 1.3.19 Firearms Proficiency/Qualifications for Qualified Retired Officers 1.3.20 Policy Distribution </td> </tr> </table>			Cross Reference: SOP 1.5 Deadly Force/Firearms Discharge SOP 17.5, Agency Owned Property SOP 42.2 Responding to Persons with Mental Illness SOP 46.2 Special Weapons and Tactics Team 720 ILCS 5/2-19 720 ILCS 5/7-5 720 ILCS 5/7-8	Policy Sections: 1.3.1 Response to Resistance 1.3.2 Deadly Force 1.3.3 Duty to Intervene 1.3.4 Warning Shots 1.3.5 Use of Authorized Less Lethal Weapons 1.3.6 Medical Assistance Procedures 1.3.7 Reporting Requirements when Force is Used 1.3.8 Administrative Review of Response to Resistance 1.3.9 Procedures Pertaining to Deadly Force/Firearms Discharge 1.3.10 Authorized Firearms 1.3.11 Authorized Ammunition 1.3.12 Wearing of Handguns 1.3.13 Care and Maintenance of Duty Weapons 1.3.14 Security of Duty Handguns 1.3.15 Displaying, Loading and Inspection of Duty Handguns 1.3.16 Off-Duty Handguns 1.3.17 Response to Resistance/Less Lethal Weapons Training 1.3.18 Firearms Proficiency/Qualifications 1.3.19 Firearms Proficiency/Qualifications for Qualified Retired Officers 1.3.20 Policy Distribution
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PURPOSE

The purpose of this policy is to establish specific guidelines concerning the use of force by authorized personnel of the Elgin Police Department.

POLICY STATEMENT

It is the policy of the Elgin Police Department that officers hold the highest regard for the sanctity of human life, dignity, and liberty of all persons. The department recognizes that there are circumstances where individuals will not comply with the law unless compelled or controlled by the use of force. To accomplish lawful objectives, officers shall use the level of force that is proportionate and objectively reasonable. When time permits and the scene is safe, officers should also consider de-escalation strategies to bring the situation under control. Officers will not unreasonably endanger themselves or another person to conform to the restrictions set forth in this policy. In all situations, officers must remain cognizant that their authority is derived from the law; unreasonable use of force degrades the legitimacy of that authority.

Furthermore, the department provides training in use of force and de-escalation strategies to ensure personnel are aware of the legal, moral and ethical considerations concerning response to resistance situations. The department also specifies which weapons are authorized and ensures employees undergo training and demonstrate proficiency prior to being authorized to carry any weapon(s).

DEFINITIONS

Active Aggression: Includes physical action/assault against the officer or another person with less than deadly force which includes, but is not limited to: advancing, challenging, punching, kicking, grabbing and wrestling.

Cartridge: A gas-powered cartridge produced by the manufacturer, which is used to propel the TASER probes.

Chokehold: Applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. This does not include any hold involving contact with the neck that is not intended to reduce the intake of air, 720 ILCS 5/7-5.5.

Crisis Negotiations Unit: Team of specially trained officers who are tasked with resolving critical incidents that exceed the capabilities of first responders and/or investigative units through the use of negotiation skills.

Collaborative Crisis Services Unit (CCSU): Unit responsible for conducting follow-up visits for individuals who could benefit from mental or behavioral health services. The unit utilizes community resources, including the department's Social Services Unit, to connect individuals with appropriate services. The unit has three primary areas of focus: mental and behavioral health, substance use disorder services, and homelessness issues.

Deadly Force Assault: Any force used against an officer and/or another person which the officer believes may result in great bodily harm or the loss of human life.

Deadly Force: The Illinois Compiled Statutes state in 720 ILCS 5/7-5, that a police officer is justified in using deadly force only when the officer reasonably believes that such force is necessary to prevent death or great bodily harm to the officer or other person. Deadly force is any force used by an officer that may result in great bodily harm or the loss of human life which includes: (1) the firing of a firearm in the direction of any person, even though no intent exists to kill or inflict great bodily harm and (2) the firing of a firearm at a vehicle in which any person is riding (720 ILCS 5/7-8) or any force applied in any manner by any means, by any member of the department, that could reasonably be expected to cause death or great bodily harm. However, a member'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 the above mentioned statute.

De-escalation: Actions used by officers when safe and feasible, without compromising law enforcement priorities, that seek to minimize the likelihood of the need to use force and to increase the likelihood of voluntary compliance.

Defensive Resistance: Any action by a subject that attempts to prevent an officer from gaining control of the subject which includes, but is not limited to: pulling/pushing away to defeat the escort position. It is not an attack on the officer, but a physical act designed to prevent the officer from gaining control.

Directed Fire: A limited technique in which deadly force is aimed at a specific known threat in order to stop incoming fire from the threat; this is limited to officers who have received law enforcement training in this tactic.

Drive Stun: Contact made by pressing the front of the TASER into the body of a subject. The drive stun causes significant localized pain in the area touched by the TASER, but does not have a significant effect on the central nervous system.

Emergency Services Detail: The use of SWAT officers in the resolution of violent or armed emotionally distressed persons (EDP).

Emotionally Distressed Persons: A person who appears to be mentally ill or demonstrates emotional instability and is conducting themselves in a manner in which a police officer believes is likely to result in serious injury to themselves or others.

Great Bodily Harm (aka serious bodily injury): 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 body part or organ.

Hard Empty Hand Control: Designed to control active aggression, but may be used to control defensive resistance when lower forms of control have failed or when the officer believes lower forms of control will fail.

Integrating Communications, Assessment, and Tactics (ICAT): Training that is designed for situations involving persons who are unarmed or are armed with weapons other than firearms, and who may be experiencing a mental health or other crisis. The training program is anchored by the Critical Decision-Making Model that helps officers assess situations, make safe and effective decisions, and document and learn from their actions. The training incorporates different skill sets into a unified training approach that emphasizes scenario-based exercises, as well as lecture and case study opportunities.

Less Lethal Weapon: The application/use of any weapon/object that is not part of the human body to control resistance or an assault. These weapons have the potential to be lethal and includes the following type of weapons, but are not limited to: chemical agents, impact weapons or emergency/improvised impact weapons or electrical weapon devices such as TASERS.

Imminent: An event that a reasonable person anticipates will take place at any moment if action is not taken.

Long Gun: A rifle, carbine (shortened barrel rifle) or sub-machine gun.

Objectively Reasonable: Term used by the courts to ascertain whether the actions of an officer were reasonable in light of the facts and circumstances confronting him/her without regard for his/her underlying intent or motivation.

Officer Presence: The identification of the police officer's authority, either by the uniformed presence or the verbal identification of being a police officer.

Passive Resistance: Any type of resistance where the subject does not attempt to defeat the officer's attempt to touch or control him/her, but the subject will not voluntarily comply with verbal or physical attempts of control which includes, but is not limited to dead weight and negative reaction to verbal commands.

Physical Force: Any force involving the use of holds or defensive tactics outside of that force needed to effect normal arrestee hand cuffing or escorting.

Probable Cause: In reference to the use of deadly force, means facts and circumstances known to the officer which would warrant a prudent and cautious person with the knowledge, training, and experience of the police officer, to believe that a suspect has committed a crime involving the infliction or threatened infliction of great bodily harm.

Probes: Small, barb-like projectiles fired from the TASER which are connected to the TASER by wires and used to attach the subject to the electrical signal.

Psychological Intimidation: Nonverbal cues indicating a subject's attitude, appearance and physical readiness. This may include, but is not limited to: blank stare, clenching of fist(s), tightening of jaw muscles, etc. The subject may comply with verbal attempts at control but displays visual nonverbal cues that indicates potential physical resistance.

Reasonable Belief: Under Illinois law, reasonable belief means that the person concerned, acting as a reasonable person, believes that the described facts exist, 720 ILCS 5/2-19.

Soft Empty Hand Control: Designed to control passive or defensive resistance. They are used when verbal direction/commands are not effective and there is noncompliance.

Special Weapons and Tactics Team: Team of officers who are recruited, selected, trained, equipped and tasked with resolving critical incidents that exceed the capabilities of first responders and/or investigative units.

TASER: The only department authorized conductive electrical weapon (CEW) designed to disrupt a subject's neuro-muscular system by means of deploying battery powered electrical energy sufficient to cause uncontrolled muscle contractions and temporarily override an individual's voluntary motor responses. This electrical impulse causes an uncontrollable contraction of the muscle tissue, allowing the

TASER to cause temporary physical debilitation to a person. This can occur regardless of pain tolerance or mental focus, but officers must be aware that no technology is guaranteed to stop a violent and persistent offender.

Vascular Neck Restraint: Applying pressure to the carotid neck arteries with the intent to reduce or prevent blood flow to the brain.

Verbal Direction: Commands of direction or arrest.

Verbal Non-compliance: Any verbal response indicating the subject's unwillingness to obey command of detainment, arrest or to stop unlawful or dangerous behavior. Verbal non-compliance may come in the form of a quiet statement that refuses to comply with order to threatening verbal statements directed at the officer.

PROCEDURES

1.3.1 RESPONSE TO RESISTANCE

- A. When reasonable under the totality of the circumstances, officers should gather information about the incident, assess the risks, assemble resources, attempt to slow momentum, communicate and coordinate a response during those situations that do not pose an immediate threat. Officers should consider using de-escalation strategies and request the use of other resources such as supervisory support, the Emergency Services Detail, officers trained in crisis intervention, and the Crisis Negotiations Unit (CNU) when appropriate. However, a situation may require officers to exercise control of a violent or resisting subject to make an arrest, or to protect the officer and others from harm and de-escalation strategies may be ineffective.
- B. When feasible, during interaction with subjects, officers should use advisements, warnings, verbal persuasion, and other tactics and alternatives to higher levels of force. Officers may withdraw to a position that is tactically more secure or allows them greater distance in order to consider or deploy a greater variety of force options.
- C. Officers shall utilize de-escalation in a manner that avoids unduly jeopardizing their own safety or the safety of others.
- D. The Illinois Compiled Statutes state in 720 ILCS 5/7-5, "a police officer need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. Police officers are justified to use non-deadly force techniques and equipment when the officer reasonably believes it to be necessary to effect an arrest, restrain or subdue a resistant individual, bring an unlawful situation under control, defend the officer and/or others from bodily harm and protect property."
- E. In utilizing the force continuum, officers will determine the most effective and safest level of force necessary to mitigate the threat and shall ensure that the force used is proportional to the threat and objectively reasonable based on the totality of each situation. It is not intended that any suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Nothing in this directive restricts the officer's use of discretion in the field.
- F. All options in the force continuum are immediately available if a lower force level would not be adequate or if it was attempted and found to be ineffective in handling a situation. The force continuum, in order of increasing severity, is summarized as follows:
 - 1. Subject(s) Behavior: *Psychological Intimidation*
Officer(s) Response: *Officer Presence*
 - 2. Subject(s) Behavior: *Verbal Non-compliant*
Officer(s) Response: *Verbal Direction*

3. Subject(s) Behavior: *Passive Resistance*
Officer(s) Response: *Soft Empty Hand Techniques*
 4. Subject(s) Behavior: *Defensive Resistance*
Officer(s) Response: *Hard Empty Hand Techniques/Pepperball Launcher*
 5. Subject(s) Behavior: *Active Aggression*
Officer(s) Response: *Intermediate Weapons*
 6. Subject(s) Behavior: *Deadly Force Assaults*
Officer(s) Response: *Deadly Force*
- G. Factors to consider in determining the necessary and objectively reasonable level of force to be employed include, but are not limited to:
1. The severity of the crime.
 2. Whether the suspect poses an immediate threat to the safety of the officers or others.
 3. Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
 4. The suspect's access to weapons, use or threatened or perceived use of a weapon.
 5. The influence of drugs/alcohol or the mental capacity of the subject.
 6. The time available to an officer to make a decision.
 7. The comparative strength of the officer in relation to the suspect such as size and numbers, etc.
 8. The availability of officers/resources to de-escalate the situation.
 9. The environmental factors and/or other circumstances.
 10. History of violence or criminal acts by subject.
- H. Whenever possible, supervisors shall respond to all use of force incidents. In situations where a supervisor has not responded, the officer shall notify the supervisor when the scene is secure.
- I. Pursuant to 720 ILCS 5/7-5.5, the use of chokeholds is not authorized except when the use of deadly force is justified. Additionally, officers shall not use a chokehold, or any lesser contact with the throat or neck area of another, in order to prevent the destruction of evidence by ingestion.
- J. Officers shall not use vascular neck holds or similar tactics in the performance of their duties, unless deadly force is justified.

1.3.2 DEADLY FORCE

- A. Deadly force is that degree of force which is likely to cause death or serious bodily injury. The department respects the value of human life and the application of deadly force is a measure to be employed in the most extreme circumstances.
- B. Extreme circumstances in which deadly force may be proportionate and objectively reasonable include:
1. To protect the officer or others from an imminent threat of death or great bodily harm.

2. To apprehend a suspect who the officer reasonably believes has committed a violent crime and who, through a demonstrated wanton and reckless disregard for human life, poses an imminent threat to human life if allowed to escape.
- C. Officers shall, to the best of their ability, prevent the unnecessary loss of life. In this regard, they shall:
1. Use deadly weapons in such a manner as not to endanger innocent bystanders or fellow officers.
 2. When appropriate, identify themselves as police officers and give warning of the imminent use of deadly force prior to such use.
 3. Not fire into buildings or through doors, windows, or other openings unless the person being fired at is visible, except in situations where directed fire is warranted.
 4. Move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. Shots fired at or from a moving vehicle are rarely effective. An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.
 5. Not shoot at any part of a vehicle in attempt to disable the vehicle.
- D. Officers are prohibited from using deadly force against individuals who pose a danger only to themselves. In situations where officers are confronted with a person suspected of having a mental illness or a mental breakdown, officers should consider requesting additional resources and follow the procedures outlined in Standard Operating Procedure 42.5 Responding to Persons with Mental Illness.
- E. Directed fire, as defined in this policy, is deadly force and is used to stop incoming fire from a known threat. This tactic may only be used by officers that have received law enforcement training in this approach. Refer to Standard Operating Procedure 46.2 Special Weapons and Tactics Team for more information.

1.3.3 DUTY TO INTERVENE

- A. Any officer present and observing another officer using force that is clearly outside what is considered to be objectively reasonable or proportionate under the circumstances shall, when appropriate, safely intervene to prevent the use of such force.
- B. Officers shall promptly report their observations to a supervisor in those instances when it is not clear that the use of force was outside the scope of objectively reasonable; the supervisor shall determine if the force used was objectively reasonable and proportionate.

1.3.4 WARNING SHOTS

Officers shall not fire warning shots.

1.3.5 USE OF AUTHORIZED LESS LETHAL WEAPONS

- A. Authorized personnel may use less lethal weapons only in those instances where previous alternatives have been deemed ineffective, inappropriate, or have been tried and failed.
- B. Authorized less lethal weapons, including those weapons used by members of the SWAT Team or other specialized personnel, are listed in the Uniform and Appearance Guidelines Manual.

- C. Personnel must receive training prior to being authorized to carry any weapon.
- D. Flashlights are for illumination purposes only. Their use as a weapon is prohibited, except in emergency circumstances.
- E. Use of batons.
 - 1. The use of these weapons are authorized for defensive purposes.
 - 2. Batons may be used by all trained officers to subdue a violently resisting subject, assist in the officer's defense or assist in the defense of another person in accordance with department training.
 - 3. The baton may also be used as a barricade or repelling device in crowd control situations, or as a temporary restraining device.
 - 4. Animal control and community service officers, trained in the use of a baton, may utilize the baton as a bite stick to control animals.
- F. Use of Oleoresin Capsicum (OC)
 - 1. While on-duty and in uniform, personnel who are trained in the use of OC shall carry OC on their person. Personnel should periodically inspect their OC for operational readiness. The chief of police may authorize an exemption to carry OC for those who work in administrative positions.
 - 2. Some potential uses of OC include, but are not limited to:
 - a. Effect an arrest.
 - b. Dealing with subjects that are combative, resisting control or whose conduct presents a potential threat to themselves or another person, whether or not a subject is ultimately arrested.
 - c. Control of animals that present a potential risk to the safety of the employee and others.
 - 3. The following procedures apply to the use of OC:
 - a. When practical, personnel should issue a verbal warning to subjects, arrestees and other officers prior to using OC. This warning should not be given when the employee believes that the warning would have a negative impact on officer safety.
 - b. Whenever any person is exposed to OC, that person shall be given the opportunity to go through decontamination as soon as practical.
 - c. Subjects exposed to OC who are being held in custody, shall be observed and inspected for a period of not less than thirty (30) minutes. Personnel exposing the subject to OC shall ensure said observation occurs.
 - 4. The following restrictions apply to the use of OC:
 - a. Do not use in the vicinity of infants. The formula may cause damage to the respiratory system of infants because infants are particularly sensitive to vapors.
 - b. The use of OC in situations involving confined areas and crowded business establishments is discouraged.

- c. OC should not be discharged directly into the face or eyes of a person from distances of three feet or less, unless the situation presents an extreme hazard to the officer or some other person is in immediate danger of bodily harm.
- d. The prolonged discharge of OC into a person's face who does not respond to the normal application of OC should be avoided.
- e. The use of OC spray will not be immediately deployed where a person or group of persons are participating in a passive non-violent protest or demonstration, unless there is an imminent threat to the officer or another person and the use is objectively reasonable, necessary and proportional. In these situations, when safe, officers should attempt to obtain permission from a supervisor prior to the use of OC spray.

G. Use of Pepperball Launchers.

- 1. Pepperball launchers shall only be utilized by personnel who have received training and have qualified with the weapon.
- 2. If assigned, pepperball launchers shall be checked out at the beginning of each shift. Personnel utilizing the launcher shall perform a basic inspection and ensure that the air tank has at least 2200 PSI of air.
- 3. Pepperball launchers shall be transported in a case and secured in a locked trunk or other secured area in vehicles without a trunk.
- 4. Pepperball launchers shall be returned to the storage area at the end of the officer's shift. Personnel shall ensure the air source for the launcher is fully charged and the pepper balls are contained within the portable storage unit in the case and not in the launcher hopper.
- 5. Pepperball launchers may be used for the defense of officers and others, control of violently resisting or aggressive suspects, suspects with deadly weapons, violent or aggressive animals or prevent the destruction of evidence.
- 6. Pepperball launchers will not be immediately deployed where a person or group of persons are participating in a passive non-violent protest or demonstration, unless there is an imminent threat to the officer or another person and the use is objectively reasonable, necessary and proportional. In these situations, when safe, officers should attempt to obtain permission from a supervisor prior to the use of the pepperball launcher.
- 7. Personnel shall give an appropriate warning prior to launching pepperballs, except in cases where the safety of officers or citizens prohibits such a warning.
- 8. When pepperball launchers are used in situations where the suspect(s) is/are utilizing a deadly weapon, at least one back up officer shall be prepared for possible deployment of their firearm, as authorized in section 1.3.2.
- 9. Pepperballs shall not be targeted to the head, neck or spine of any person except where deadly force is authorized.
- 10. Personnel shall assist subjects that have been struck with pepperballs as outlined in section 1.3.5. The employee shall attempt to remove OC powder from the affected subject by brushing the powder from the skin or clothing. If water or other solutions are used for the decontamination of a subject, care should be given not to allow the solution to get excess powder into the eyes or mucus membranes.

11. Areas contaminated with pepperball OC powder shall be washed with soap and water or similar cleaning solution.
12. The range master shall ensure that the pepperball systems are inspected at least bi-annually.

H. Use of Less Lethal Impact Projectiles.

1. Less lethal impact projectiles are primarily designed for use against subjects who appear to pose a threat of death or serious bodily injury to themselves or others.
2. Less lethal impact projectiles shall only be used by those officers that have been trained to use this weapon.
3. Officers authorized to deploy impact projectiles shall receive the designated training, obtain certification, and qualify annually. Training shall be designed to simulate actual deployment situations and conditions to enhance officer discretion and judgement in using impact projectiles in accordance with this policy.
4. Impact projectiles shall be directed at subject target areas based upon the circumstances at hand, established safety priorities, the exigency of the situation, and the level of force that is objectively reasonable.
5. Subjects who are struck with a projectile should be restrained as necessary and transported to a medical facility for an examination.

I. Use of the TASER.

1. TASERS shall only be utilized by officers who have completed the department's TASER training program.
2. Authorized personnel shall only utilize department issued TASER and TASER cartridges.
3. Only a properly functioning and charged TASER may be carried.
4. The TASER shall not be displayed or used in an unnecessary or unprofessional manner.
5. The TASER may be used to display the TASER "test arc" or for "painting" the subject with the unit's laser to gain compliance of a subject where physical resistance, assault and/or violence is reasonably anticipated.
6. The TASER shall be carried in a specially designed holster. Officers electing to carry the TASER on their protective vest shall ensure the holster and holster supports match the officer's vest. The TASER shall be in a fully loaded condition with at least one extra cartridge in the holster or an extended digital magazine.
7. When not in use, the TASER shall be properly secured and will only be removed from the holster or other secured location when it is to be checked, discharged or taken in/out of service. The TASER should not be subjected to prolonged heat, cold or moisture.
8. Personnel are prohibited from carrying a TASER off-duty.

J. TASER Accountability.

1. The commander for operations shall designate a sworn supervisor to serve as the department's TASER coordinator. The TASER coordinator shall report to the commander for operations on issues pertaining to the department's TASER program.

2. The TASER coordinator shall maintain a record of all issued TASER and TASER cartridges to include the make, model and serial numbers.
3. TASER cartridges must be replaced prior to their expiration date. All expired cartridges shall be forwarded to the TASER coordinator.
4. Prior to their shift, officers carrying a TASER shall "arc test" and inspect the CEW in accordance with the manufacturer's recommendations and training.
 - a. Expiration dates must be checked on cartridges and batteries replaced when the DPM power is less than 20%.
 - b. On a quarterly basis, the TASER coordinator shall download all issued TASERS.

K. TASER Deployment.

1. Trained officers may utilize the TASER against subjects who demonstrate a threat towards others, display active aggression or are resisting the officer and the risk associated with closing in on the subject to take control make other options or alternatives unsafe.
2. The TASER may also be deployed in situations where a person poses an immediate threat to self and de-escalation and unarmed tactics have been exhausted, would be ineffective, or unsafe given the circumstances known to the officer at that time.
3. Mere passive resistance does not permit use of the TASER absent words or actions showing intent to actively resist or cause harm to self, the officer or others.
4. TASERS are most effective at overcoming resistance and assisting officers with subject control when used in probe mode, which is the preferred deployment technique, when practical.
5. Use of the drive stun is prohibited, except in exigent circumstances or when the officer needs to achieve neuromuscular incapacitation (NMI).
6. Fleeing should not be the sole justification for using a TASER against a subject. Personnel shall consider the severity of the offense, the subject's threat level to others, and the risk of serious injury to the subject before deciding to use the TASER.
7. TASERS shall not be used against subjects in use of a vehicle such as an automobile, truck, motorcycle, ATV, bicycle or scooter, unless exigent circumstances exist.
8. When possible, have back-up present to effect physical apprehension or use other force options as appropriate and necessitated by the situation. The suspect should be restrained under power, if practical.
9. Officers shall not simultaneously activate their TASER against the same subject, unless the first activation did not strike the subject's body or was otherwise ineffective
10. The TASER should not be deployed at distances beyond 15 feet due to separation distance between the probes.
11. When reasonable and tactically appropriate, the officer should notify others on the scene that use of the TASER is imminent. The use of verbal commands and a warning shall be provided to the suspect that he/she will be shot with the TASER. If the suspect does not comply with the officer's orders, point the laser sight at the suspect before firing.

12. When practical, use cover and distance to ensure officer safety.
13. The officer deploying the TASER must keep their hands away from the front of the weapon (discharge area) at all times.
14. To reduce the risk of injury, whenever possible:
 - a. Use preferred target areas. The preferred target areas are below the neck area for back shots and the lower center mass, below chest, for front shots. The preferred target areas increase dart-to-heart distance and reduce cardiac risks. Back shots are preferable to front shots when practicable.
 - b. Avoid sensitive areas. When practicable, avoid intentionally targeting the CEW on sensitive areas of the body such as the face, eyes, head, throat, chest area (area of the heart), breast, groin, genitals, or known pre-existing injury areas.
15. Initial activation of the TASER should consist of one standard cycle, five seconds, and then evaluate the situation to determine if subsequent cycles are necessary. Officers should consider that exposure to the TASER for longer than 15 seconds, whether due to multiple applications or continuous cycling, may increase the risk of death or serious injury. Subsequent activations should be independently justifiable and the risks should be weighed against other force options.
16. Additional cartridges or a second TASER should be available in the event the probe(s) miss the target or the device malfunctions.
17. In certain circumstances, the risks of foreseeable direct or secondary injuries are elevated. These are known as elevated TASER application risk factors. In such cases, an officer's justification(s) for TASER application/use shall be evaluated. Such risk factors can only be given consideration when the factors are reasonably perceived by the officers. These include:
 - a. **Presence of flammable liquids/fumes or explosive environments:** The discharge of TASER may ignite flammable liquids/fumes. A TASER deployed at subjects who are reasonably perceived by the officer(s) to have recently come into contact with flammable liquids/fumes, or in environments where flammable liquids/fumes are known to be present, may result in secondary injuries/burns. However, the totality of the circumstances may justify the use of a TASER.
 - b. **Elevated positions:** Officers should exercise caution when considering the use of a TASER on a subject who is in or on an elevated position where a fall from that elevation resulting from the TASER application is reasonably foreseeable.
 - c. **Person operating a moving vehicle or machinery:** The use of a TASER on a person operating a moving vehicle (car, truck, motorcycle, ATV, bicycle or scooter) or machinery could result in severe secondary consequences. Therefore, any application of a TASER on a person operating a moving vehicle or machinery is likely to require elevated justification(s) for using a TASER.
 - d. **Visibly pregnant female:** Use of a TASER on a visibly pregnant female may cause unintended injury to the fetus. Therefore, officers deploying a TASER on a female that they reasonably believe to be pregnant, greater justification for the TASER application will be required. However, officers are not prohibited from using a TASER on a pregnant female.

- e. **Deep bodies of water:** If a person could foreseeably fall into a deep body of water due to application of a TASER, officers need to have elevated justification for the TASER application.
 - f. **Elderly persons/young children/visibly frail persons:** Use of a TASER on persons in this category may cause a more serious injury. Officers shall evaluate whether use of the TASER is reasonable, based upon the totality of the situation. In some cases, other control techniques may be more appropriate as determined by the subject's threat level to others.
 - g. **Handcuffed subjects:** Officers should not deploy the TASER against a handcuffed subject, unless it is necessary to prevent them from causing serious bodily harm to themselves or others and when lesser attempts of control have been ineffective.
 - h. **Non-standard repeated TASER applications:** The use of a TASER on a person results in some degree of physical exertion or stress. Repeated TASER discharges could result in additional exertion and stress. An incident where a person receives multiple TASER discharges may require elevated justification.
18. When warranted, TASERS may be used against aggressive animals if the officer has reasonable belief that the animal is going to attack.

L. Post TASER Deployment.

- 1. Appropriate post-incident action should be taken to care for the injured, to apprehend suspects and to secure and protect the scene.
- 2. A TASER should not be left unattended except in exigent circumstances.
- 3. All accidental discharges shall be immediately reported to a supervisor who shall forward a memorandum to the TASER coordinator outlining the circumstances of the accidental discharge. The TASER coordinator shall determine if remedial training, removal of the TASER or if discipline shall be instituted.
- 4. Once the subject is restrained, the probes shall be removed in accordance with training.
- 5. After the probes are removed, photographs of the probe impact sites and other related injuries shall be taken. In some instances, due to the sensitive nature of an impact site, photographs may not be taken, such as when the probes impacted the genitals or female's breasts.
- 6. Emergency medical care is recommended for the following:
 - a. Subjects exhibiting any kind of medical distress.
 - b. Subjects who are hit in a sensitive area such as the face, head, genitals and female breasts.
 - c. Subjects from whom officers have difficulty in removing the probes due to probe-barb separation.
 - d. Subjects who do not appear to be fully recovered within 10 minutes after being hit.
 - e. Subjects who are vulnerable due to a medical condition known to the officer present, such as women who are pregnant, persons with pacemakers, those suffering from debilitating illnesses.

- f. At the request of subjects that were affected by use of the TASER.
- 7. All deployed cartridges, probes and wires shall be handled as a biohazard and disposed of in a suitable container at the police department, fire department or hospital.
- 8. Subjects should be regularly monitored, while in police custody, following TASER activation.
- 9. As soon as reasonably practical, the deployed TASER shall be submitted to the TASER coordinator for downloading into TASER.com.

1.3.6 MEDICAL ASSISTANCE PROCEDURES

- A. After any use of force application, when personnel observe injuries on a suspect or if the suspect complains of injuries, medical assistance shall be obtained without unnecessary delay and a supervisor shall be notified.
- B. When appropriate and safe to do so, personnel shall render temporary medical assistance to the suspect until additional medical assistance can be provided. The extent of such aid should take the following factors into account:
 - 1. The suspect's continued ability to inflict harm on the officer.
 - 2. The security of the scene.
 - 3. The possible presence of blood borne pathogens.
- C. For information on medical assistance due to use of a TASER, refer to section 1.3.4 (L) and for less lethal impact projectiles, refer to section 1.3.4 (H).

1.3.7 REPORTING REQUIREMENTS WHEN FORCE IS USED

- A. Personnel shall notify their supervisor or on-duty supervisor, when practical, anytime force was used.
- B. Personnel shall complete a written report and a response to resistance report form whenever any of the following activities have occurred, except during department authorized training activities:
 - 1. Take action that results in or is alleged to have resulted in injury or death of another person.
 - 2. Apply force through the use of lethal or less lethal weapons, except for the use of force exclusively involving a sick, injured or dangerous animal.
 - 3. Apply physical force as defined in the definitions section of this directive.
 - 4. Point a firearm or pepperball launcher at any person or occupied vehicle.
 - 5. Send a canine with specific instructions for the purpose of apprehending a suspect or anytime a canine bites a suspect.
 - 6. Draw a baton, TASER or firearm to gain the compliance of the resisting person and other show of force situations as specified on the response to resistance form.
 - 7. Discharge of a firearm; however, the officer discharging the firearm shall not complete the response to resistance report form. Refer to Standard Operating Procedure 1.5 Deadly Force/Firearm Discharge for more information.

- C. The circumstances shall be fully documented and explained in the incident report.
- D. All response to resistance report forms and required documentation shall be submitted electronically to the employee's supervisor prior to the end of his/her shift, unless waived until a later time by a shift supervisor.

1.3.8 ADMINISTRATIVE REVIEW OF RESPONSE TO RESISTANCE

- A. Response to resistance report forms and supporting documents shall be reviewed through the employee's chain of command, to include the TASER coordinator when appropriate.
- B. The following situations are exempt from this protocol and do not require the full chain of command review beyond that of the initial reviewing supervisor.
 - 1. Arm/wrist controls with no injury to the suspect.
 - 2. Show of force applications only.
- C. The administrative review shall include, but is not limited to a review of video recordings, Response to Resistance Report Form, and police reports associated with the incident. The review may also encompass an evaluation of training needs, policy updates, equipment issues and disciplinary or corrective measures.
- D. Personnel responsible for conducting use of force investigations receive training commensurate with the types and levels of investigations to be conducted. Refer to Standard Operating Procedure 1.5 Deadly Force Firearms Discharge to view information pertaining to those tasked with investigating a deadly force incident.
- E. The police department utilizes a use of force committee to provide an additional review of response to resistance documentation. The deputy chief appoints a lieutenant to serve as the committee's chairperson. When possible, the committee meets on a monthly basis. When appropriate, the committee shall make recommendations concerning corrective or adverse actions, to include non-disciplinary actions such as training or tactical improvements.
- F. The deputy chief ensures an annual documented analysis of use of force activities, policies, and practices is completed. The analysis may summarize the observations and recommendations from the use of force committee and possible trends.

1.3.9 PROCEDURES PERTAINING TO DEADLY FORCE/FIREARMS DISCHARGE

Refer to Standard Operating Procedure 1.5 Deadly Force/Firearms Discharge for information on the department's protocol following a deadly force/firearms discharge incident.

1.3.10 AUTHORIZED FIREARMS

- A. Duty Handgun.
 - 1. Only authorized sworn officers may carry firearms. The make and model of the regular duty handgun, including those used by officers of the SWAT Team or other specialized assignment shall be in accordance with the Uniform and Appearance Guidelines Manual.
 - 2. The range master shall maintain an inventory of handguns issued to officers. The inventory shall be reviewed annually. Cross reference SOP 17.5, Agency Owned Property.
 - 3. Upon termination, separation or by order of the chief of police, an issued handgun shall be returned immediately to the range master.

B. Self-Purchase Duty Handgun.

1. Only authorized sworn officers may purchase, qualify with and carry an approved alternative handgun for duty use.
2. The approved alternative handguns are limited to the following list. This applies to uniformed and plain clothes assignments.
 - a. Double single or double action only handguns.
 - b. Officers specifically authorized by the range master shall be authorized to carry single action handguns. Generally, this authorization will only be extended to members of the SWAT Team.
 - c. The barrel length shall be a minimum of 3.5 inches and a maximum of 6 inches.
 - d. They may be chambered in 9mm, or .45 caliber. Officers in possession of the .40 caliber are authorized to continue its use until they are no longer available.
 - e. The handgun must have a trigger pull which measures no less than 5 pounds.
 - f. These handguns may have factory sights or night sights.
 - g. The range master shall be responsible for all record keeping related to this issue.
3. The officer shall bear all costs associated with the purchase, use and maintenance of the handgun and related equipment. All equipment shall conform to department guidelines.

C. Long Guns.

Department owned long guns may be carried by authorized sworn officers under the following conditions:

1. The officer has qualified, receives training and has been authorized to carry the long gun.
2. Shotguns shall be deployed with 1 oz rifled slugs unless otherwise permitted by a sworn supervisor. Shotguns are used by the SWAT and for ceremonial purposes and animal destruction only.
3. Long guns shall only be deployed with department owned ammunition which has been authorized by the range master.
4. Long guns shall be secured in a rack or cased in a locked trunk.
5. Long guns shall be transported with the magazine fully loaded, no round in the chamber, and the safety in the on position.
6. Long guns shall only be deployed when officers believe that there is a risk which reasonably justifies its use.
7. Long guns shall be fully cleaned after being discharged. Maintenance problems shall be immediately brought to the attention of a range officer and the weapon taken out of service.
8. No modification shall be made to any long gun unless authorized by the range master.
9. Long guns shall not be taken off the safe position unless the officer is on target with justification to discharge the weapon

D. Self Purchased Duty Long Guns.

1. Only authorized sworn officers authorized to carry long guns may purchase a department authorized long gun for use on-duty. The long gun must be similar to the department issued long gun and approved by the range master.
2. Officers carrying self purchased long guns must have appropriate training and qualify annually.
3. Officers carrying self purchased long guns must provide complete identifying information including the serial number to the range master.
4. Only department authorized ammunition will be used in self purchased long guns.
5. The officer shall bear all costs associated with the purchase, use, and maintenance of the long gun and related equipment.
6. Self purchased long guns will be carried as outlined in section 1.3.9.C.

E. Secondary Duty Handguns.

1. Any officer wishing to carry a secondary duty handgun must meet the following requirements:
 - a. The handgun's make, model, caliber, barrel length and serial number must be registered with the department.
 - b. The handgun must be double action or double single, with a minimum caliber of .25 and a maximum of .45 caliber and have a barrel length not exceeding 4.25 inches.
2. Secondary duty handguns must be concealed and secured in a holster equipped with a safety strap.
3. Secondary duty handguns are to be loaded with bonded factory ammunition.
4. For practice and qualification, officers carrying secondary handguns shall be required to supply ammunition at their own expense.
5. Secondary handguns are authorized as a back-up weapon for those instances where an officer's primary handgun is unavailable or inaccessible.

1.3.11 AUTHORIZED AMMUNITION

The types and specifications of authorized ammunition carried both on and off-duty, including ammunition used in specialized weapons by members of the SWAT Team or other specialized personnel, are listed in the Uniform & Appearance Guidelines Manual.

1.3.12 WEARING OF HANDGUNS

- A. Officers shall carry the department issued handgun or approved secondary duty handgun while on-duty, except as follows:
1. When an officer is within the lockup area.
 2. When the presence of such weapon might jeopardize the outcome of a covert operation or investigation.

3. When other special circumstances prevail, which in the opinion of supervisory personnel, render execution of the requirement impractical or undesirable.
 4. Special exceptions as deemed appropriate by the chief of police.
- B. Duty handguns are to be holstered and secured when carried on-duty, unless they are being used by an officer in the performance of duties.
 - C. A bonded factory cartridge shall be the standard issued authorized ammunition for duty handguns carried by officers. Ammunition shall be replaced bi-annually by the department.
 - D. Duty handguns shall be fully loaded when carried meaning a round in the chamber and a fully loaded magazine in the weapon.

1.3.13 CARE AND MAINTENANCE OF DUTY WEAPONS

- A. Officers shall regularly inspect weapons to ensure that they are in proper working order, clean and free of signs of corrosion or deterioration.
- B. Officers needing repairs on any department issued weapon shall promptly report this information to their supervisor.
- C. Repairs to department issued weapons shall be performed only by a department approved armorer, the manufacturer or a factory authorized service location. In all cases, department armorers shall receive handguns or long guns and evaluate the best course of action.
- D. Officers are to clean duty handguns after practice or qualification. Each duty handgun shall be cleaned within 48 hours after a department qualification and shall be subject to inspection. Officers who practice on their own shall ensure that duty handguns are cleaned prior to reporting to duty on their next scheduled working day.
- E. Duty weapons deployed in deadly force situations or by accident shall not be cleaned without the specific authorization of the chief of police.
- F. Any firearm which is found to be unsafe or not functioning properly shall be immediately reported to a sworn supervisor. The weapon shall be taken out of service and, where appropriate, a replacement firearm issued. The supervisor shall notify the range master.

1.3.14 SECURITY OF DUTY HANDGUNS

- A. Officers are responsible for the security of their duty handgun.
- B. Adequately securing duty handguns to ensure their safety when not in use shall include any of the following procedures:
 1. Use of a trigger lock.
 2. Locking a padlock or handcuff behind the handgun's trigger.
 3. Placing the handgun in a locked storage container.

1.3.15 DISPLAYING, LOADING AND INSPECTION OF DUTY HANDGUNS

- A. Officers shall refrain from displaying any handgun or other weapon to anyone, except as requested by a supervisor or inspecting officer or in the performance of their official duties.
- B. All loading of semi-automatic handguns shall be done through the administrative loading

technique. This consists of the following:

1. Fully load a magazine.
2. Point the muzzle of the handgun in a safe direction, either down range or into the sand or clearing barrel.
3. With the slide locked to the rear, insert the loaded magazine into the handgun.
4. With the support hand grasping the slide and not covering the ejection port or muzzle, move the slide to the rear and release the slide, allowing the slide to close under spring tension, chambering a round.
5. With finger off the trigger, depress the magazine release and remove the magazine.
6. Insert a round into the magazine resulting in full capacity.
7. Re-insert the magazine into the handgun.
8. Never load a cartridge directly into the handgun's chamber without using a magazine.

1.3.16 OFF-DUTY HANDGUNS

- A. The Elgin Police Department does not require officers to carry a handgun while off-duty. Officers that choose to carry a handgun while off-duty must keep it concealed, and have police credentials with them.
- B. Officers electing to carry a handgun off-duty outside of the city of Elgin must do so in compliance with the laws of the state of Illinois, other states and federal statutes, whichever may apply.
- C. Officers shall not carry any handgun off-duty while consuming or after having consumed alcoholic beverages, drugs or medication that has the propensity to impair their judgment.
- D. Officers electing to carry an off-duty handgun must undergo initial qualification and qualify annually; the officer shall also supply the ammunition.
- E. All firearms carried by officers for law enforcement purposes must be registered with the range master.

1.3.17 RESPONSE TO RESISTANCE/LESS LETHAL WEAPONS TRAINING

- A. Annually, the department shall conduct a mandatory response to resistance training session for designated personnel. Training shall include the following, but is not limited to:
 1. De-escalation tactics which support the department's emphasis on the sanctity of all human life which may include a refresher or updates on use of the following resources:
 - a. Crisis intervention strategies
 - b. Crisis Negotiations Unit
 - c. Collaborative Crisis Services Unit
 - d. Emergency Services Detail
 - e. ICAT (Integrating Communications, Assessment, and Tactics)
 - f. Special Weapons and Tactics Team

2. A review of the laws concerning the use of authorized lethal weapons.
 3. The department's policy on response to resistance which includes use of force, the legal, moral and ethical considerations.
- B. The training shall also include a refresher on the following less lethal weapons.
1. Baton
 2. OC Spray
 3. Pepperball
 4. TASER
- C. Officers that have been assigned a TASER shall be required to complete an annual re-certification conducted by a certified TASER instructor.
- D. As mentioned in section 1.3.4(H), the SWAT Team and designated officers trains and qualifies with less lethal impact projectiles annually.
- E. All training is documented and conducted by a certified weapons or tactics instructor. Documentation is maintained by the Training Division.

1.3.18 FIREARMS PROFICIENCY/QUALIFICATIONS

- A. The department shall conduct a minimum of one (1) mandatory firearm qualification session annually for each officer.
- B. Firearm qualifications shall be documented and monitored by a certified firearm instructor.
- C. Officers shall attend all assigned firearms qualification sessions.
- D. In order to demonstrate proficiency, officers must:
1. Achieve at least minimum qualifying scores on a prescribed course.
 2. Demonstrate safe handling procedures for the use of authorized weapons during proficiency training.
- E. Officers carrying secondary or off-duty handguns must qualify annually on the prescribed course of fire with each handgun.
- F. Remedial training shall be provided officers who fail to qualify prior to allowing the officer to continue to carry their firearm.
1. When remedial training is ineffective and the officer is still unable to qualify, the officer may be relieved of police powers by the chief of police.
 2. Officers who have been on an extended leave or suffered an injury, either of which may affect the use of a firearm(s), must demonstrate proficiency with authorized firearm(s) prior to returning to duty.
 3. The chief of police shall determine the appropriate action to take in each case.
- G. During qualifications, firearms shall undergo a documented inspection by department authorized range officers. Firearms shall be inspected for proper operation to ensure it meets with

department specifications. All problems should be reported in writing to the range master.

1.3.19 FIREARMS PROFICIENCY/QUALIFICATIONS FOR QUALIFIED RETIRED OFFICERS

- A. To qualify for concealed carry certification as a retired police officer, a retired police officer must meet the following guidelines:
 - 1. The retired officer must have retired in good standing.
 - 2. The retired officer was authorized to perform law enforcement functions, prior to retirement, for which powers of arrest were granted by statute.
 - 3. The retired officer was regularly employed as a law enforcement officer for an aggregate of 10 years or more before his or her retirement, or retired from service with the Elgin Police Department (after completing any applicable probationary period of service) due to a service-connected disability as determined by the City of Elgin.
 - 4. During the most recent year, has met state firearms training and qualifications that are the same as the training and qualifications for active duty officers.
 - 5. Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
 - 6. Is not prohibited by federal law from carrying a firearm.
- B. "Good standing," as indicated above, shall be determined on an annual basis by the chief of police, in his or her sole discretion. The following circumstances must not be associated with the retired police officer's separation from the department in order to be considered to have retired "in good standing":
 - 1. There was a determination made or action initiated by the City of Elgin or the police department to remove, or proposing to remove, the officer from employment from of the City of Elgin.
 - 2. The officer was the subject of a pending psychological fitness for duty evaluation or had been found to be not fit for duty for psychological or psychiatric reasons.
- C. A qualified retired police officer shall undergo all of the aforementioned proficiency/qualification process annually; the criteria for passing shall be the same as for on-duty officers, in line with the State of Illinois' and the Elgin Police Department's standards for training and qualification. Failure to successfully meet the aforementioned qualifications on an annual basis shall result in the revocation of the retired officer's certification.
- D. If the retired police officer qualified under the instruction of certified Elgin Police instructors, the police department will issue a photographic qualified retired police officer identification card, which shall be valid for one year. Said card certifies the holder is a qualified retired police officer, but provides the holder with no law enforcement powers or authority.

1.3.20 POLICY DISTRIBUTION

- A. Prior to being authorized to carrying any type of weapon, personnel shall be issued a copy of this policy and complete the appropriate training.
- B. Documentation verifying the distribution of the department's response to resistance policy and all other records pertaining to the use of force shall be maintained.