

SCHAUMBURG POLICE DEPARTMENT

Policy and Procedure Manual



42-10 USE OF FORCE

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This policy provides guidelines in the use of force which may be necessary for police officers and other department members to use in order to effect arrests and ensure public safety.

It is the policy of this department that officers hold the highest regard for the dignity and liberty of all persons, and place minimal reliance upon the use of force. The department respects the value of every human life and that the application of deadly force is a measure to be employed in the most extreme circumstances. This policy will be reviewed annually during in-service training.

I. DEFINITIONS

- A. Chokehold - applying any direct pressure to the throat, neck, windpipe, or airway of another with the intent to reduce or prevent blood flow or the intake of air.
"Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the blood flow or intake of air such as a headlock where the only pressure applied is to the head.
- B. De-Escalation—Taking action or communicating verbally or nonverbally 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.

- C. Deadly Force - force which is likely to cause death or great bodily harm.
- D. Excited delirium is broadly defined as a state of agitation, excitability, paranoia, aggression, and apparent immunity to pain, often associated with stimulant use and certain psychiatric disorders.
 - 1. Excited delirium should be strongly suspected in persons who exhibit extreme paranoia, physical symptoms (profuse sweating, foaming at the mouth, seizures, shaking, inability to breathe, etc.), violent resistance to arrest, little or no reaction to pain, unusual strength, and/or extreme aggression toward objects.
 - 2. Excited delirium is a potentially fatal acute medical condition.
- E. Force - the application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.
- F. Great Bodily Harm - bodily injury that creates a substantial risk of death, or serious injury.
- G. Imminent - A threat of death or serious bodily injury is "imminent" when, based on the totality of the circumstances, a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or great bodily harm to the peace officer or another person. An immediate harm is not merely a fear of future harm, no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.
- H. Objectively Reasonable: The determination that the necessity for using force and the level of force used is based upon the 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. Factors to be considered in determining the objective reasonableness of force include, but are not necessarily limited to:
 - 1. The seriousness of the crime of suspected offense;
 - 2. The level of threat of resistance presented by the subject;
 - 3. Whether the subject was posing as immediate threat to officers or a danger to others;
 - 4. The potential for injury to citizens, police officers, subjects, or other persons;
 - 5. The risk or apparent attempt by the subject to escape;

6. The conduct of the subject being confronted (as reasonably perceived by the officer at the time);
 7. The time available to an officer to make a decision;
 8. The availability of other resources;
 9. The training and experience of the officer;
 10. The possession of weapons or other instruments that could be used as weapon by the subject;
 11. The proximity, access or availability of weapons or other instruments that could be used as a weapon by the subject;
 12. Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion, and the officer to subject ratio;
 13. The environmental factors and/or other exigent circumstances; and
 14. The officer's perception of the subject's cognitive or physical abilities, including any obvious disability.
- I. Positional Asphyxiation - A condition when a person is in a physical position which interferes with the ability to breathe. Most generally, this occurs when the subject is placed in a prone position with hands behind the back thus restricting their breathing and confining their ability to move. In Positional Asphyxia incidents, there are one or more contributing factors that cause the respiratory asphyxiation, including intoxication from drugs or alcohol, physical restraint in a prone position or confined space, physical disability, obesity, and a high expenditure of violent energy.
- J. Serious injury - a bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long-term loss or impairment of the functioning of any bodily member or organ.
- K. Totality of the Circumstances - means all facts known to the peace officer at the time, or that would be known to a reasonable officer in the same situation, including the conduct of the officer and the subject leading up to the use of deadly force.

II. TYPES OF FORCE

- A. It is not the intent of this order to direct department members to attempt each of the options before utilizing higher levels of force. Officers shall utilize the appropriate amount of force that is reasonably necessary, based on the totality of the circumstances perceived by the officer at the time of the use of force.

- B. Good judgment dictated by each situation will determine the force option used by the officer.
- C. Members using any type of force are accountable for its use.

III. REASONABLE FORCE

- A. Police officers and other department members may be required to employ the use of reasonable force to effect arrests and/or ensure the public safety.
 - 1. It is not intended that any subject should ever be allowed to be the first to exercise force thus gaining an advantage in a physical confrontation.
 - 2. A department member is NOT required to engage in prolonged physical combat (with all its risks) before resorting to the use of force that will more quickly and safely bring an arrestee under physical control.
- B. An officer may use deadly force only when the officer reasonably believes that such action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of great bodily harm.
- C. The force options do not change the standards which guide the use of discretion in the field. Options range from officer presence/verbal persuasion through the use of a firearm or deadly force.
- D. Justification for the use of force is limited to what is reasonably known or perceived by the department member at the time of the event and only that which is necessary to accomplish lawful objectives based on the member's training and experience.
 - 1. Facts discovered after the event, no matter how compelling, cannot be considered later in determining whether the force was justified.
 - 2. Justification for the use of force is based on the department member's reasonable perception of the injury or potential injury to the department member or another person, as a result of the subject's illegal action if the action is not stopped in a timely manner.

IV. USE OF FORCE

- A. While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force. Retreat does not mean tactical repositioning or other de-escalation tactics when appropriate and safe to do so.

- B. Members of the department may use force in the performance of their duties in the following circumstances.
 - 1. To prevent commission of a public offense.
 - 2. To prevent persons from injuring themselves.
 - 3. To effect the lawful arrest of persons resisting or attempting to flee from custody.
- C. An officer, or any other person acting under the color of law, shall not use force as punishment or retaliation.
- D. Before using force, a department member shall consider whether the force to be employed is objectively reasonable to obtain control of the subject and, if the force is employed, shall identify themselves as police officers and provide verbal direction to the subject, whenever feasible, unless the totality of the circumstances indicates that such verbalization will otherwise endanger the safety of citizens or officers. The following factors should be considered.
 - 1. Immediacy and severity of the threat to officers and others.
 - 2. Officer/subject factors (age, size, relative strength, skill level, injury sustained, level of exhaustion or fatigue, number of officers versus subjects).
 - 3. Proximity of weapons or dangerous improvised devices.
 - 4. Seriousness of the suspected offense or reason for contact with the individual.
- E. When the officer feels safe under the totality of the circumstances and time and circumstances permit, officers shall use de-escalation tactics in order to reduce the need for force. Officers will be conscious of their positioning in relation to a physical threat, using time, distance, and cover/barrier whenever reasonably practicable.
- F. Force being used must terminate when it is objectively reasonable to determine that the subject is fully under control.
- G. If an officer decides to employ deadly force, whenever feasible, the officer shall identify themselves as police officers and provide verbal direction (e.g.; "stop-police", "police officer, drop it", etc.) and warn that deadly force may be used, unless the totality of the circumstances dictates that such verbalization is impractical or would increase danger to officers and citizens.

- H. Officers, or any other person acting under the color of law, shall not use a chokehold or restraint above the shoulders with risk of asphyxiation in the performance of his or her duties, unless deadly force is justified.
- I. Officers, or any other person acting under the color of law, 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. In instances where an ingestion has occurred, the officers shall request an emergency medical response immediately.
- J. Use of deadly force against individuals who pose a danger only to themselves is strictly prohibited.
- K. Officers shall not use deadly force against a person who is suspected of committing a property offense, unless that offense is terrorism or unless deadly force is otherwise authorized by law.
- L. Officers are justified in using force likely to cause death or great bodily harm only when they reasonably believe, based on the totality of the circumstances, that such force is necessary to prevent death or great bodily harm to himself or such other person, or when they reasonably believe, based on the totality of the circumstances both that;
 - 1. Such force is necessary to prevent the arrest from being defeated by resistance or escape and the officer reasonably believes that the person to be arrested is likely to cause great bodily harm to another; and
 - 2. The person to be arrested 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.
- M. An officer is not justified in using force likely to cause death or great bodily harm when there is no longer an imminent threat of great bodily harm to the officer or another.
- N. Officers shall use deadly force only when reasonably necessary in defense of human life. In determining whether deadly force is reasonably necessary, officers shall evaluate each situation in light of the totality of circumstances of each case, including but not limited to the proximity in time of the use of force to the commission of a forcible felony, and the reasonable feasibility of safely apprehending a subject at a later time, and shall use other available resources and techniques, if reasonable safe and feasible to a reasonable officer.
- O. For persons who are exhibiting signs and/or symptoms of excited delirium:

1. Officers shall request emergency medical services, and
 2. Officers will request a supervisor to the scene.
- P. Positional Asphyxiation - Persons restrained with their hands behind their back may be at a higher risk of death when kept in a prone position. Persons shall not be kept in a prone position for an extended period of time when the incident has been secured, or the person no longer poses a threat to the officer or any other person.
1. Police Officers shall sit the person in an upright position as soon as it is safe to do so.
 2. If it is necessary to leave a restrained person on the ground, immediately position the person so he/she lay on their side.
 3. Additionally, it will not be permitted to transport subjects in the prone position.
 4. Monitor the subject carefully.
 5. A subject who suddenly becomes quiet or who no longer offers resistance should be immediately assessed to ensure adequate breathing and the presence of a pulse.
 6. If necessary, immediately seek medical attention and immediately provide lifesaving measures.
- Q. Reasonable care to protect innocent bystanders should govern all use of force confrontations.
- R. Any officer, or any other person acting under the color of law who has the opportunity to intervene, shall intervene to prevent or stop another peace officer in their presence from using any unauthorized force or force that exceeds the degree of force permitted, without regard for chain of command. Officers shall promptly report these observations to a supervisor.
1. The intervening officer's report shall include the date, time, and place of occurrence, the identity and description of participants and a description of the intervention actions taken and whether they were successful. The report shall not be submitted more than 5 days after the incident.
 2. No discipline or retaliation will be brought to the officer for reporting such conduct or for failing to follow an unconstitutional or unlawful directive.
- S. As soon as the subject and/or situation is secure, it is the arresting officer's or responsible department member's duty to ensure appropriate first aid is

administered to person(s) in custody and/or to a bystander(s) whether as a result of a use of force or otherwise.

- T. Rendering aid includes, but is not limited to, performing emergency life-saving procedures consistent with training, or requesting an emergency medical response for treatment/transport to hospital.
- U. If obvious severe injuries have occurred, medical distress is apparent, or the individual is unconscious, officers will notify dispatch immediately for EMS response to the scene.
- V. Any time a member uses force, or a person in custody and/or a bystander alleges injury due to a member's action, they shall immediately notify a supervisor when the scene is secure. Notification shall be made prior to clearing the scene.

V. SUPERVISOR RESPONSIBILITIES

- A. If the incident results in officer involved shooting or death, refer to Policy 42-20 for supervisor responsibilities.
- B. A police supervisor shall respond to the scene of a use of force by a department member whenever the force used requires reporting in accord with this policy, except that the display of force does not require a police supervisor scene response.
- C. At the discretion of the watch commander, response to the scene of a use of force incident may be waived if factors exist that make it impossible or impractical for a police supervisor to respond.
- D. If a use of force incident occurs outside the jurisdiction of the Village of Schaumburg, then the watch commander shall determine the appropriate police supervisor response.
- E. Supervisor shall obtain basic information from the officers at the scene regarding the offense, types of force used, and identify all involved parties.
- F. Supervisor shall ensure that all injured parties are examined and treated by medical personnel.
- G. Supervisor shall identify and interview potential witnesses; locate any video or other digital evidence near the scene.
- H. The supervisor shall ensure the scene is processed to include collection of all evidence

- I. The supervisor shall ensure photographs of the subject's reported injuries are taken, as well as those areas of impact/use of force even if there are no visible signs of injury.
- J. The supervisor will also ensure photographs of all involved officers are taken to show their conditions immediately after the incident.
- K. The supervisor shall interview the subject whom force was applied. If the interview is conducted without the subject waiving their Miranda rights, the content should not be included in any field reports or criminal charges and only documented in the supervisor's memorandum
- L. Displays of force, use of soft empty-hand control techniques (i.e. holding, gripping, pressure points, joint manipulation, come-along), and non-impact baton techniques do not require a supervisor to complete a memorandum, but the supervisor shall ensure that they are properly documented in the officer's police report and Response to Resistance Form.
- M. In all other forms of physical force as well as any allegations of injury resulting from a member's actions, the supervisor shall document the findings and forward a memorandum through the chain of command, as well as complete any necessary reports, follow ups, and notifications.
- N. Make immediate notifications of any incidents where a department member reported intervening to prevent unauthorized or excessive force being used.

VI. USE OF AUTHORIZED FIREARMS

- A. Authorized firearms shall be employed in the performance of an officer's official police duty.
- B. Officers shall not draw or display his/her firearm except when consistent with policy.
- C. In accordance with 720 ILCS Section 5/7-5, an officer may use deadly force only when the officer reasonably believes that such action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of great bodily harm.
- D. Warning shots are not permitted.
- E. An officer who discharges a firearm while on or off duty, except for training or practice at the range, or while involved in hunting or sporting events, shall make an oral report to the on-duty watch commander as soon as circumstances permit.

- F. If the officer discharges a firearm but does NOT cause death or bodily harm, the officer's duty status should be reviewed immediately by the Chief of Police or designee to determine if the officer should be placed on other than his/her regular duty. The officer shall wear a firearm unless his/her emotional state indicates he/she should be relieved of the weapon, at which time the weapon shall then be taken by a supervisor and placed in the department armory for safekeeping
- G. Officers are authorized to use firearms to stop an animal when the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.
- H. With the approval of a supervisor, an officer may euthanize an animal that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

VII. SHOOTING AT OR FROM A MOVING VEHICLE

- A. For the purposes of this policy, a moving vehicle alone will not presumptively constitute a threat that justifies the use of deadly or potentially deadly force.
- B. Officers will not discharge a firearm at a moving vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force. An officer in the path of an approaching vehicle will make a reasonable attempt to move to a position of safety before making the decision of whether or not to discharge a firearm at the vehicle or any of the occupants of the vehicle.
- C. An officer will not discharge a firearm from a moving vehicle, except in exigent circumstances warranting the immediate defense of life.

VIII. RESPONSE TO RESISTANCE FORM

- A. A Response to Resistance Form, accompanied by an Incident Report with narrative, shall be submitted whenever a department member utilizes any use of force other than for recreational or training purposes.
- B. Whenever a Taser or a firearm is displayed in an attempt to gain compliance, the incident will be documented as above. Such instances include:
 - 1. Unholstering of Taser or firearm while giving commands
 - 2. Pointing a Taser or firearm at someone
- C. The completed form and copies of all field reports will be forwarded to his or her immediate supervisor prior to the end of the officer's tour of duty, unless otherwise authorized by the watch commander.

- D. The supervisor shall review the forms, make a determination on compliance with policy, and then forward the original form and copies of all field reports through the chain of command along with a memorandum as required by policy.
- E. After reviewing the Response to Resistance Form and evaluations, the Chief of Police shall forward copies of all use of force reports as directed in the PEWS policy (16-25) to OPS.
- F. Copies will also be forward to the Training Coordinator for review who will address any potential training related concerns.
- G. The Administration Division Manager or designee shall complete an annual analysis of use of force activities, policies and practices.

IX. COUNSELING

- A. Counseling and therapy are means for helping a member through a crisis and/or reducing stress caused by incidents resulting in serious injury or death. Any department member involved in an action or use of force that results in serious injury or death will be required to attend a minimum of one session of professional counseling as selected by the police department.
- B. The police department may recommend additional professional counseling/therapy that arises out of the original counseling session or if requested by the involved department member.
- C. Supervisors always have the option of recommending counseling through the Employee Assistance Program for other incidents involving the use of force NOT resulting in serious injury or death.