



MEMORANDUM

To: Chief Anthony Cobb
From: Deputy Chief Joe Gallo
Date: April 11, 2016
Subject: Use of Force Analysis – Calendar Year 2015

Per Champaign Police Department Policy Statement 1.3 “Use of Force”, I have conducted an annual review and analysis of all use of force reports submitted by members of the Champaign Police Department during calendar year 2015. The purpose of this policy [Attachment A: Use of Force Policy 1.3] is to establish procedures for the use of force and the review of use of force incidents, to ensure adherence to Department policy, and to ensure that the use of force is based upon reasonableness in accomplishing a lawful task. This memorandum serves as a summary of my review and analysis.

In 2015, the Champaign Police Department handled 68,897 calls for service and made 4,770 arrests. Of those 4,770 arrests

- 2,112 were for felony and misdemeanor offenses
- 1,873 were for ordinance violations
- 785 resulted from the service of arrest warrants

An independent review is performed for each officer involved in a use of force incident, and each incident is reviewed, at minimum, by a Sergeant, a Lieutenant, and a Deputy Chief.

At each level of review, the reviewing supervisor is responsible for ensuring that any force used was in conformance with Policy Statement 1.3 and State law 720 ILCS 5/7-5, “Peace Officer Use of Force in Making Arrest.”

In 2015, there were 229 incidents during which force was applied by one or more Champaign Police Officer. The supervisory review of these use of force incidents resulted in one internal investigation in which the officer involved was exonerated. In addition, there was one citizen complaint that resulted in an internal investigation in which the officer involved was exonerated.

The following tables summarize the percentage of incidents and the percentage of arrests in which force was applied.

USE OF FORCE INCIDENTS FOR ALL CALLS FOR SERVICE

Year	Use of Force Incidents	Total Incidents	Percentage of Incidents Involving Force	Percentage of Incidents Without Force
2015	229	68,897	0.33%	99.67%
2014	211	71,308	0.3%	99.70%
2013	195	75,147	0.26%	99.74%

USE OF FORCE INCIDENTS FOR ARRESTS

Year	Use of Force Incidents	Total Arrests	Percentage of Arrests Involving Force	Percentage of Arrests Without Force
2015	229	4770	4.8%	95.20%
2014	211	4,628	4.56%	95.44%
2013	195	5,317	3.67%	96.33%

There were a total of 229 use of force incidents in 2015 resulting in 486 total actions taken. Please note that there is discrepancy between the total number of incidents and the total actions taken as:

1. A single officer may take two or more different actions in making a single arrest.
2. Two or more officers making a single arrest might each take an action.
3. Two or more officers making two or more arrests during a single incident might each use force in accomplishing the arrests.

An arrest counts as a single incident, but each action taken counts separately/cumulatively. Thus, a single use of force incident can, and often does, result in more than one “action.”

In 2015, there was an increase in the overall number of actions taken by officers from 2013 and 2014. The majority of the actions are in the category of “physically restrained.” CPD changed its use of force policy where Sergeants are required to review and include any force beyond normal handcuffing techniques in use of force reporting. This would include force to secure an offender that is tensing up or pulling an arm away during the arrest. The change in reporting requirements occurred in 2013; however, 2014 was the first year that captured 12 full months under the new definition.

**RESPONSE SUMMARY TOTALS
ACTIONS INVOLVED IN USE OF FORCE INCIDENTS**

Officer Action	2015 Number	2015 %	2014 Number	2014 %	2013 Number	2013 %
Physically Restrained	208	42.8	194	40.5%	126	31.9%
Other (tackled, taken to ground, used pressure point)	19	3.9	11	2.3%	13	3.3%
Leg Restraints	17	3.5	18	3.8%	15	3.8%
Passive Restraint/Spit Hood	15	3.1	8	1.7%	3	0.8%
Chemical Spray Used	27	5.6	33	6.9%	74	18.7%
Deployed Less Lethal Round	1	0.2	0	0.0%	0	0.0%
Deployed Spike Strips	0	0.0	1	0.2%	0	0.0%
Taser Deployed by other agency at Our Direction	0	0.0	1	0.2%	0	0.0%
Struck Subject with Hands-Fists	11	2.3	15	3.1%	21	5.3%
Struck Subject with Knee Strikes	5	1.0	8	1.6%	5	1.3%
Struck Subject with Baton/ASP	1	0.2	1	0.2%	3	0.8%
K-9 Released to Bite Subject	0	0.0	0	0.0%	0	0.0%
Struck Subject with Other	0	0.0	5	1.0%	3	0.7%
Drew Weapon and Pointed	180	37.0	184	38.4%	130	32.9%
Drew Taser and Pointed	1	0.2	0		0	
Weapon Discharged/Shot Animal	0	0.0	0	0.0%	2	0.5%
Weapon Discharged/Shot Subject	1	0.2	0	0.0%	0	0.0%
Total Actions Taken	486		479		395	

OTHER NOTABLE FACTS

In October of 2014, Champaign Police Department established a Use of Force Review Board as additional accountability to determine whether an officer's use of force was consistent with departmental training and best practices. The board meets once a month to review use of force reports in an effort to provide training recommendations to the department's use of force instructors.

There was one incident during calendar year 2015 which resulted in an officer discharging a fatal round from his weapon. The incident occurred on August 4, 2015 in Rantoul, Illinois where the METRO SWAT team was called to assist with an armed and barricaded subject. After protracted negotiations the METRO SWAT team requested assistance from the Champaign SWAT team to provide relief to their officers. As a result, CPD SWAT officers were deployed at the scene.

During the encounter, the subject exited the hotel room and ran towards officers that were on the perimeter while pointing a silver object that was in his hands. Believing the subject was armed and a deadly threat to the perimeter officers and the community, a CPD officer discharged his weapon resulting in a fatal injury to the subject.

The incident was investigated by the Multi-Jurisdictional Investigative Team which was led by the Illinois State Police. The facts from the investigation were reviewed by the Champaign County State's Attorney who ruled that the use of deadly force by the officer was authorized under State law. The Champaign Police Department conducted an internal review of the incident, finding the discharge of the weapon to be consistent with policy, case law and Illinois Statutes.

In closing, the Champaign Police command staff will continue to closely monitor and analyze every use of force incident to ensure compliance with case law, Illinois statutes, and that actions are consistent with our Department policies and the City's values. In line with our commitment to transparency to the community we serve, the data from this report will also be shared with the public on the City of Champaign website.

CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

POLICY NUMBER: 1.3

SUBJECT: USE OF FORCE

EFFECTIVE DATE: 10/01/09

REVISED DATE: 02/11/16

REFERENCE ILEAP: ADM.05.01
ADM.05.02
ADM.05.03

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PURPOSE:

The purpose of this policy is to establish procedures for the use of force and the review of use of force incidents, to ensure adherence to Departmental policy, and to ensure that the use of force is based upon reasonableness in accomplishing a lawful task.

DEFINITIONS:

Deadly Force: The Illinois Compiled Statutes define deadly force as force which is likely to cause death or great bodily harm; the firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and the firing of a firearm at a vehicle in which the person to be arrested is riding. However, per 720 ILCS 5/7-8(b), a peace officer's discharge of a firearm using ammunition designed to disable or control an individual without creating the likelihood of death or great bodily harm shall not be considered force likely to cause death or great bodily harm.

Force: Any physical strike or instrumental contact with a person, any intentional attempted physical strike or instrumental contact that does not take effect, or any significant physical contact that restricts the movement of a person. This term includes discharge of a firearm; pointing a firearm in the direction of a human being; the deployment of a Taser; use of chemical spray, chokeholds or hard hands; taking a subject to the ground; or, the deployment of a canine. This term does not include escorting or handcuffing a person with no resistance.

Non-Deadly Force: Force which is not likely to cause death or great bodily harm. Non-deadly force options

include but are not limited to Taser deployment, hands-on defensive tactics, impact tools, Oleoresin Capsicum (OC) spray, canine apprehension, and less lethal impact munitions.

Reasonable Belief: The United States Supreme Court in *Graham v Connor* 490 U.S. 386 (1989) stated "the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on scene, rather than the 20/20 vision of hindsight". The totality of information known to the officer at the time of action, not what is learned thereafter, is the basis upon which such police use of force actions shall be reviewed. Factors that will typically be reviewed in determining reasonableness will include the seriousness of the alleged offense, whether or not the subject posed an immediate threat to the officer or another, and whether or not the subject was actively resisting the officer.

Great Bodily Harm: Serious physical injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long term loss or impairment of the function of any bodily member or organ.

Forcible Felonies: Under the Illinois Compiled Statutes, the following offenses are considered forcible felonies: Treason; First Degree Murder; Second Degree Murder; Predatory Criminal Sexual Assault of a Child; Aggravated Criminal Sexual Assault; Criminal Sexual Assault; Robbery; Burglary; Residential Burglary; Arson; Aggravated Arson; Kidnapping; Aggravated Kidnapping; Aggravated Battery resulting in great bodily harm or permanent disability or disfigurement, and; any other felony which involves the use or threat of physical force or violence against any individual.

POLICY:

- A. It is the policy of the Champaign Police Department to accomplish its law enforcement mission as efficiently and effectively as possible.
 - 1. The mission of the police department is to preserve peace and order within the City.
 - 2. The values of the department are Respect and Service. The department respects human life and recognizes that the use of force must be used only in support of its mission and values.
 - 3. The use of force must be in conformance with both the law and this policy.
 - 4. Officers must de-escalate their level of force as the suspect/offender de-escalates their level of resistance or threat, or as circumstances otherwise warrant.
- B. The use of force, whether in defense of the officer or others or to accomplish arrest, often occurs in

circumstances that are tense, uncertain, and rapidly evolving. Such situations involve the need for decisions that may affect the safety of the public, the officers involved, and suspects/offenders. As such, use of force decisions shall be based upon the following safety priorities as applied to those persons at risk:

1. Victims and other persons.
 2. Police Officers.
 3. Suspects / Offenders.
- C. When feasible, the safety of a criminal offender or suspect will be considered and alternatives may be utilized. However, the safety of a criminal offender or suspect will not take precedence over the safety of a victim, other person, and/or a police officer.

1.3.1 FORCE NECESSARY TO ACCOMPLISH LAWFUL OBJECTIVES

A. State law and the City of Champaign have entrusted its police officers with the unique powers and authority designated to assist them in performing their duties. Officers, under certain circumstances, have the right to apply force, including lethal force, on another human being. Such application will be based upon the reasonable belief that such force is warranted and justified based upon current laws and the policies of this Department.

B. Use of Force Principles.

1. An officer may use force in the performance of his duties under the following circumstances:
 - a. To prevent or terminate the commission of an offense.
 - b. In self defense or the defense of another.
 - c. To affect the arrest of an offender, including those resisting arrest or attempting to flee from arrest or custody.
 - d. To prevent a person from injuring themselves.
2. The use of force continuum, in order of escalation, is as follows:
 - a. Verbal Persuasion.
 - b. Non-Deadly Force.
 - c. Deadly Force.
3. Verbal Persuasion as a means of effecting custody.
 - a. The practice of courtesy and dialogue may encourage understanding and cooperation on the part of the public and those who are to be arrested.
 - b. Verbal commands which result in compliance are the desired method of

gaining cooperation from the public, taking an offender to be arrested into custody, and defusing potentially violent situations. However, recognizing that not all persons will comply with lawful verbal commands and submit to arrest and/or cease aggressive or violent actions, the use of force by police may be necessary to affect an arrest and to protect the officer or others during the arrest process.

i. 720 ILCS 5 / 7-5, Peace Officer Use of Force in Making Arrest, sets out the following; (a) A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force which he reasonably believes to be necessary to affect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only as permitted under **Section 1.3.2.**

4. It is not intended that any suspect or offender should ever be allowed to be the first to exercise force, thus allowing them to gain an advantage in a physical confrontation. Nothing in this policy should be interpreted to mean that an officer is required to resort to a lesser level of force to defend against a threat of violence that places the officer or others at greater risk or to engage in prolonged physical confrontation before resorting to a use of force that will more quickly and safely bring the arrestee under physical control.

1.3.2 USE OF DEADLY FORCE

A. Officers may use lethal force against another human being when the officer, or another person, is in imminent and otherwise unavoidable danger of death or great bodily harm from the individual(s) against whom the officer is applying or is about to apply deadly force.

B. Illinois Compiled Statutes (720 ILCS 5/7-5) define the parameters of a police officer's use of force in making an arrest, including the use of deadly force, as follows:

1. A peace officer is justified in using deadly force only when:
 - a. He reasonably believes that such force is necessary to prevent death or great bodily harm to himself or another; **or**,
 - b. Such force is necessary to prevent the arrest from being defeated by resistance or escape; **and**,
 - i. The person to be arrested has committed or has attempted to commit a forcible felony which involves the

infliction or threatened infliction of great bodily harm; **or**,

- ii. Is attempting to escape by use of a deadly weapon; **or**,
 - iii. Otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.
2. Use of deadly force against fleeing felons:
- a. Officers are prohibited from using deadly force against “fleeing felons” when the only condition for the application of deadly force is that the individual is a “fleeing felon”.
 - b. A “fleeing felon” should not be presumed to pose an immediate threat to life in the absence of actions or circumstances that would lead one to believe that a threat to life exists.
 - c. Officers are authorized to use deadly force against “fleeing felons” only under the specific circumstances and conditions as stated in this policy.
 - d. If an officer faces a lethal force situation and his firearm is not reasonably available to him at the time, any force used by the officer in defense of his or a citizen’s life would be justified.
3. Use of force to prevent escape:
- a. A peace officer, or other person who has an arrested person in his custody, is justified in the use of such force to prevent the escape of the arrested person as he would be justified in using if he were arresting such person.
 - b. A guard or other peace officer is justified in the use of force, including force likely to cause death or great bodily harm, which he reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.
4. When feasible, and where such action does not increase the level of danger to the officer or others, a verbal warning or command should be given before deadly force is used (Tennessee v. Garner).
5. Officers shall not discharge a firearm at or from a moving vehicle unless there exists an imminent or immediate threat of death or great bodily harm offered by the driver or occupants of the vehicle to the officer or others, or where the escape of an offender(s) otherwise indicates that he/they will endanger human life or inflict great bodily harm unless arrested without delay. This may include

the offender’s use of a vehicle as a deadly weapon NOT solely as means of escape.

6. Where the offender is not visible, firing into a building, through doors, or other barriers behind which an offender is hiding is prohibited unless the offender offers an imminent or immediate threat of death or great bodily harm and the offender’s location can reasonably be identified.
- C. Deadly force may be used to kill an animal that either presents an imminent threat of death or great bodily harm to a person or is so severely injured that humanity requires its disposal to prevent further suffering.

1.3.3 USE OF FIREARMS

- A. Officers are authorized to draw and/or point their firearms at a person (or persons) when circumstances create a reasonable belief that it may be necessary to use the firearm, including unknown or unsecured situations where an officer may draw and/or point his weapon in order to maintain a tactical advantage and preserve the safety of himself or others.
- B. Warning shots are prohibited.
- C. Officers will not fire into the air, ground, or any other location in an attempt to halt a fleeing offender.

1.3.4 USE OF LESS LETHAL WEAPONS

- A. Department members may respond to resistance or aggression by use of physical control tactics based upon reasonable belief that the tactics are necessary.
- B. Department members may have at hand certain less lethal defensive weapons, including but not limited to:
 1. ASP Baton/Baton: The baton is intended to be used against unarmed aggressive suspects or when lesser levels of control have failed or been determined to be inadequate.
 - a. The use of the baton shall follow Department training guidelines. Baton training and re-certification will be conducted as directed by the Department’s Training Unit.
 - b. Officers may carry only batons authorized by the Department after completing initial academy training or other Department authorized training.
 - c. Flashlights are not intended to be used as primary defensive tools. If an officer is forced to use a flashlight as a defensive tool, it will be used in accordance with Department baton training guidelines.
 2. Less Lethal Impact Munitions: Less Lethal Impact Munitions are used in an attempt to de-escalate potentially dangerous situations. Such situations may include, but are not limited to, suicidal subjects, crowd control, and subjects armed with edged or impact weapons. Less Lethal Impact Munitions are intended to be used where time and tactics permit.

- a. Officers may utilize Department approved Less Lethal Impact Munitions after completing Department approved training.
 - b. Less Lethal Impact Munitions training and re-certification will be conducted as directed by the Department's Training Unit.
 - c. Less Lethal Impact Munitions will be used consistent with Department approved training.
3. Oleo Resin Capsicum (OC) Spray: The Use of OC Spray is intended to be used primarily against unarmed subjects who officers reasonably believe have indicated physically and/or verbally that they intend to resist arrest or assault an officer or other person.
- a. Officers must complete OC Spray training prior to carrying or using OC Spray. OC Spray Training and re-certification will be conducted as directed by the Department Training Unit.
 - b. Every uniformed officer assigned to patrol duties will be issued and shall carry OC Spray while on duty. This includes supervisors and School Resource Officers (SROs).
 - i. Medical exemptions to this requirement may be granted by the Chief of Police.
 - c. Officers shall decontaminate or flush the eyes of a subject against whom OC has been deployed as soon as feasible following the deployment.
 - d. OC Spray may be used for animal control or attack prevention.
 - e. Only Department approved OC Spray may be carried and used.
4. Conducted Energy Weapons: Conducted Energy Weapons are intended to be used against individuals who are violent, actively resistant, actively aggressive, or those who present a potential to harm themselves, officers, or others. The requirements of this standard are delineated in **Policy 1.10**.
5. The use of any instrument or equipment not authorized and trained in as a defensive tool by the Department, including edged weapons, is prohibited unless used as a defensive tool of last resort in an extreme emergency.
- a. Any edged weapon carried by an on duty officer shall be carried securely (i.e. in a pocket or in duty gear designed specifically to secure it). Edged weapons shall either be completely encased or of the folding type where the blade is stored within the handle of the knife.

1.3.5 MEDICAL AID AFTER USE OF FORCE INCIDENTS

- A. After any use of force incident, if an officer observes any injury or the person arrested or seized complains of injury then the officer shall obtain medical assistance as soon as reasonably possible. Photos shall be taken of all observable injuries. In the event the injuries are in sensitive or private areas of the body, the shift supervisor shall request that appropriate medical personal assist with the photo documentation. Injuries shall also be documented in appropriate Departmental reports.

1.3.6 USE OF FORCE NOTIFICATION AND FOLLOW-UP INVESTIGATION

- A. It is in the best interest of involved subjects, officers, and the Champaign Police Department to insure the proper response to Use of Force incidents. As a result, the Department shall proactively gather information in Use of Force incidents. In any of the following circumstances, Officers will notify an on-duty supervisor who will initiate the follow-up investigative process:
 - 1. When any injury requiring medical treatment occurs to a subject, officer, third party or bystander from a use of force situation.
 - 2. When the Champaign County Jail refuses to accept a prisoner because of a medical condition that occurred during an interaction with an officer.
 - 3. When any type of strike (hand, knee, baton or other) to a subject occurs.
 - 4. When an individual has been subjected to the electric discharge of a Taser.
 - 5. When Oleoresin Capsicum (OC) is used on a subject.
 - 6. If after the completion of the event, a subject communicates verbally, or in writing, an allegation of misuse of force by an officer to an officer or supervisor.
- B. The on-duty shift supervisor will gather additional information about the incident, specifically related to the use of force, including any or all of the following:
 - 1. Identify involved officers.
 - 2. Direct all involved officers to complete a written report.
 - 3. Take a statement from the involved officer(s) if injured or unable to complete a report.
 - 4. Take a statement from the suspect addressing the criminal act and the act of resistance (Miranda applies).

5. Identify witnesses and take initial statements.
6. Take photographs of officer and subject, when appropriate.
7. Collect evidence when appropriate, including video recordings.
8. Conduct a canvass for potential witnesses.
9. Obtain medical release from subject if treated at the hospital.

C. The on-duty shift supervisor will prepare a supplemental report on the information gathered on the incident. Should the on-duty supervisor be involved in the incident, another supervisor shall be called to the scene to initiate the follow-up investigation. If another supervisor is not available, a patrol Lieutenant will be contacted for further direction.

1.3.7 USE OF FORCE REPORTING

- A. The following shall be documented in an offense report any time an officer applies non-deadly or deadly force:
1. The facts and circumstances of the arrest, including the level and type of threat, passive or overt resistance, or violence directed against the officer or others that required the officer to employ defensive measures and / or use force in making an arrest and / or in defense of the officer or other persons.
 2. A description of type of force used and any defensive tools employed.
 3. The effectiveness of the force employed against the offender(s).
 4. Any injury to the arrestee(s).
 5. Any known pre-existing injuries to the arrestee.
 6. Any verbal statements made by the offender.
 7. All injuries to officers or others, whether minor or serious.
 8. Any known consumption of alcohol or controlled substances by the arrestee.
 9. The names and identifiers of any witnesses to the incident/arrest.
- B. It is the responsibility of the reviewing shift supervisor to ensure that all the above elements are included in the offense report(s).

1.3.8 REVIEWING USE OF FORCE INCIDENTS

A. Each police report involving the use of force shall have a "Use of Force Incident Report" cover sheet attached to it. The cover sheet will be completed by

the reviewing supervisor, and a copy of the report and cover sheet will be forwarded to the appropriate Deputy Chief through the chain of command and reviewed at each step.

1. The report will be reviewed for any policy, training, weapon, or equipment issues related to the incident.
2. A copy of all Use of Force Incident Reports will be retained for annual analysis.

1.3.9 REMOVAL FROM LINE DUTY

A. The requirements of this standard are delineated in **Policy 1.5**.

1.3.10 AUTHORIZED WEAPONS AND AMMUNITION

1.3.11 WEAPONS QUALIFICATION

1.3.12 PROFICIENCY TRAINING

A. The requirements of these standards are delineated in **Policy 1.4**.

1.3.13 POLICY TRAINING

- A. All personnel authorized to carry lethal and less-lethal weapons shall be issued copies of and receive instruction regarding this policy before being authorized to carry any weapon.
- B. Officers will receive training on the use of force at least yearly.
- C. Policy instruction will be documented in the officer's field training and evaluation program.

1.3.14 ANNUAL ANALYSIS OF USE OF FORCE INCIDENTS

- A. All reports required by **Section 1.3.6** will be reviewed and analyzed on an annual basis to determine any trends, patterns, training needs, or needs for policy modification.
- B. Copies of the annual analysis will be provided to members of both the Champaign City Council and the City of Champaign Human Relations Commission.

ISSUING AUTHORITY:



Anthony D. Cobb
 Chief of Police
 Champaign Police Department