

CHAMPAIGN POLICE DEPARTMENT

POLICY and PROCEDURE

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SUBJECT: USE OF FORCE

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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:

AFID(s): Confetti-like pieces of paper which are expelled from the cartridge of a Conducted Energy Weapon. Each AFID contains an alpha-numeric identifier unique to the cartridge used.

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.

Drive-Stun: The process of using a Conducted Energy Weapon for pain compliance. A drive stun is administered by activating the Conducted Energy Weapon and placing it in contact with an individual's body.

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; 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 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 effect 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 effect 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 effect 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 for use against either unarmed persons or those persons who are armed with weapons or objects not easily capable of spanning the distance between the person and an officer employing a Conducted Energy Weapon and who officers reasonably believe have indicated, either verbally or physically, that they intend to assault an officer or other person, resist arrest, or do serious harm to themselves.
- a. While the Champaign Police Department does not deploy Conducted Energy Weapons, other law enforcement agencies within Champaign County do. Accordingly, the Champaign Police Department recognizes the possibility that an agency deploying Conducted Energy Weapons could be called to assist the Champaign Police Department through an emergency mutual aid request.
 - b. The Department also recognizes that it may from time to time be reasonable for a supervisor from the Champaign Police Department to request the assistance of an agency which does deploy Conducted Energy Weapons in attempting to successfully resolve a unique incident.
 - c. The department will provide the guidelines below to all departments reasonably anticipated to be called upon for the deployment of a Conducted Energy Weapon and reach a common understanding as to usage.
 - d. The following guidelines shall be considered prior to such a request:
 - i. Conducted Energy Weapons are not intended for use against a person armed with a firearm or other weapon that places the officer or others in imminent or immediate threat to life.
 - ii. "Drive Stuns" shall not be utilized for pain compliance. "Drive Stuns" may be utilized only to create distance between an officer and a subject when necessary to enable the officer to fully deploy the probes of a Conducted Energy Weapon.
 - iii. Conducted Energy Weapons should not normally be used in an environment where an officer reasonably believes that flammable, volatile, or explosive material is present, including, but not limited to, OC spray with volatile propellant.
 - iv. Conducted Energy Weapons should not normally be used in any environment where the subject would be reasonably likely to fall, and when such a fall could result in death or serious physical injury.
 - v. Conducted Energy Weapons should not normally be used on a handcuffed or secured prisoner, absent overtly assaultive, self-destructive, or violently resistive behavior that cannot be reasonably addressed by other readily available means.
 - vi. Officers shall be aware of the general concerns raised when a Conducted Energy Weapon is used on a member of a High Risk Population. High Risk Populations include small children, elderly persons, those who are visibly frail, and those who are obviously pregnant. Conducted Energy Weapons may be used on members of High Risk Populations, but such use is limited to those circumstances where the need to use the device reasonably outweighs the risk(s) to those involved.
 - vii. Conducted Energy Weapons should not be used against suspects in physical control of a motor vehicle in motion, to include automobiles, trucks,

motorcycles, ATVs, bicycles, and scooters unless exigent circumstances exist.

- f. The probes of a Conducted Energy Weapon shall be removed as soon as possible after deployment. Probes that are imbedded in a subject's skin shall be removed by medical personnel.
 - g. When a Conducted Energy Weapon has been deployed in the field, the location of the AFIDs shall also be noted in the corresponding police report.
 - h. Upon booking, the transporting officer shall advise the intake officer of the fact that the arrestee was subjected to the use of a Conducted Energy Weapon.
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 personnel assist with the photo documentation. Injuries shall also be documented in appropriate Departmental reports.

1.3.6 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).

1.3.7 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.

1.3.8 REMOVAL FROM LINE DUTY

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

1.3.9 AUTHORIZED WEAPONS AND AMMUNITION

1.3.10 WEAPONS QUALIFICATION

1.3.11 PROFICIENCY TRAINING

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

1.3.12 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.

1.3.13 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 Cobb
Chief of Police
Champaign Police Department