



Village of Schaumburg Police Department

Policies and Procedures Manual

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<i>Chapter :</i>	42 Use of Force	Issued:	03/02/2005
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42-10 USE OF FORCE

DEFINITIONS

1. **Deadly Force**--force which is likely to cause death or great bodily harm.
2. **Reasonable Belief**--what an ordinary and prudent person, in the same or similar circumstances, would believe based upon his/her knowledge of the facts surrounding the event as they existed at the time of the event.
3. **Great Bodily Harm**--bodily 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.
4. **Shooting Review Board**--A board selected by the Director of Police consisting of two division commanders, a lieutenant of police, a sergeant of police, and a police officer and may be activated by the Director of Police to review training needs, policy compliance and changes, and equipment needs arising from the discharge of a firearm by a department member.
5. **Objectively Reasonable**--what an ordinary and prudent person, in the same or similar circumstances, would consider to be reasonable as determined by an objective assessment of a situation or event.

I. LEVELS OF FORCE

- A. When the use of force is objectively reasonable, personnel shall, to the extent possible, utilize an escalating scale of options and shall not employ a more forceful measure than is necessary to accomplish lawful objectives unless it is determined that a lower level of force would not be adequate, or such a level of force is attempted and actually found to be inadequate. (Refer to the Use of Force Model [Appendix A]). The scale of options, as described in the Use of Force model (Appendix A) is set forth below:

1. Social control (presence/verbal persuasion)

2. Physical control (e.g., holding, stunning, direct mechanical control, etc.)
 3. Control instruments
 4. Chemical agents
 5. Impact weapons
 6. K-9
 7. Firearm.
- B. It is not the intent of this order to direct officers to try each of the options before escalating to the next.
1. Good judgment dictated by each situation will determine where an officer will start on the use of force paradigm.
 2. Officers using any type of force are accountable for its use.

II. REASONABLE FORCE

- A. Police officers must frequently employ the use of force to effect arrests and ensure the public safety.
1. 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.
 2. An officer is **NOT** required to engage in prolonged physical combat (with all its risks) before resorting to the use of force that will more quickly, humanely, 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 immediate danger of serious physical injury.**
1. Deadly force may only be used against a "**fleeing felon**" when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or,
 2. In defense of any person in immediate danger of serious physical injury.
- C. The escalating scale of options does not change the standards which guide the use of discretion in the field.
1. Options range from social presence/verbal persuasion to
 2. The use of the officer's firearm.
- D. Justification for the use of force is limited to what is reasonably known or perceived by the officer at the time of the event and only that which is necessary to accomplish

lawful objectives based on the officer's training and experience.

1. Facts discovered after the event, no matter how compelling, cannot be considered in later determining whether the force was justified.
2. Justification for the use of force is based on the officer's perception of the totality of injury to the officer or another person, as a result of the subject's illegal action if the action is not stopped in a timely manner.

III. USE OF FORCE

- A. 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.
- B. Before using force, an officer shall consider whether the force to be employed is objectively reasonable to obtain control of the subject and, if the force is employed, shall provide verbal direction to the subject, whenever possible.
- C. If an officer decides to employ deadly force, whenever possible, the officer shall identify him/herself and provide verbal direction (e.g.; "stop-police", "police officer-drop it", etc.)
- D. Reasonable care to protect innocent bystanders should govern all use of force confrontations.
- E. When practical and with consideration given to officer safety, it is the arresting officer's responsibility to ensure that appropriate first aid is administered to a person(s) in custody and/or to a bystander(s) when injury is alleged to have resulted from the officer's actions.

IV. VERBAL PERSUASION AS A MEANS OF EFFECTING CUSTODY

- A. The practice of courtesy in all public contacts encourages understanding and cooperation; lack of courtesy arouses resentment, and often physical resistance.
- B. Simple directions which are complied with while merely accompanying the subject are by far the most desirable methods of dealing with an arrest situation. (Control may be achieved through advice, persuasion, and/or warnings before resorting to actual physical force.)
- C. The above should **NOT** be construed to suggest that an officer should ever relax and lose control of a situation, thus endangering his/her personal safety or the safety of others. Officers are permitted to use that force which is objectively reasonable to

protect themselves or others from bodily harm.

V. CONTROL MODES TO ACCOMPLISH CUSTODY

- A. Frequently, subjects are reluctant to be taken into custody and offer some degree of physical resistance, requiring the following for an officer to overcome:
 - 1. Physical strength and,
 - 2. Skill in control tactics (holding, stunning, direct mechanical control).
- B. Control tactics are those physical techniques intended for use when weapons are not available or their use is inadvisable or unreasonable under the circumstances.
 - 1. The force used must be objectively reasonable.**
 - 2. An officer must be capable of utilizing physical skills chosen to subdue a person.
 - 3. Good judgment is extremely important in deciding which tactics to use and how much force to apply.
 - 4. Control modes without weapons may be employed in a manner consistent with the Use of Force model (Appendix A).
- C. When confronted with a situation which may necessitate the use of physical force, consideration should be given to requesting additional officers prior to the application of force, whenever possible.

VI. USE OF THE BATON TO ACCOMPLISH CUSTODY

- A. Only batons authorized by the Director of Police may be used.
- B. Authorized batons shall be used in accordance with the Use of Force Model (Appendix A).
- C. Only those officers trained and/or certified in the use of the baton shall be authorized to use batons.
 - 1. While on duty, the baton should be carried at all times, except when the officer is out of service in the police building.
 - 2. Department issued batons shall not be altered in any way unless authorized by the Director of Police.

VII. CHEMICAL AGENTS

- A. Only those chemical agents authorized for use by the Director of Police and issued by the Schaumburg Police Department may be used.
- B. The authorized chemical agents shall be used in a manner consistent with the Use of

Force Model (Appendix A).

- C. Only those personnel who have been properly trained and certified in the use of chemical agents may utilize them.
- D. Personnel shall carry the authorized chemical agent in the prescribed manner.
- E. It is the arresting officer's responsibility to ensure that appropriate neutralizing steps are taken for a person in custody or person affected by the chemical discharge, as soon as practical, with consideration given to officer safety.
- F. Whenever chemical agents are discharged, except for training purposes, the appropriate Confrontational Evaluation Form and field report(s) shall be submitted to the Director of Police, through the chain of command.

VIII. USE OF FIREARMS

Personnel shall not draw or display his/her firearm except for legal use or official inspection.

- A. Authorized firearms (in accordance with Policy 8-20 and Policy 40-200) shall be employed in the performance of an officer's official police duty in accordance with the Use of Force Model (Appendix A).
- B. 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 immediate danger of serious physical injury.**
- C. Warning shots are not permitted.
- D. No department issued firearm shall be used for any purpose not permitted in this general order.
- E. Notifications: An officer who discharges a firearm on or off-duty within or outside his/her jurisdiction accidentally or intentionally, except for training or practice at the range, or while involved in hunting or sporting events, shall make an oral report to his/her supervisor as soon as circumstances shall permit.
 - 1. The Director of Police shall be notified of the circumstances as soon as practical, but in every case within twenty-four (24) hours of the incident.
 - 2. The officer shall also complete a Confrontational Evaluation Form-Firearms and forward it to his/ her supervisor as soon as practicable and, upon completion of review by the chain of command:
 - a. The original form shall be forwarded to the Planning, Research and Development section for analysis and,
 - b. A copy of the form shall be forwarded to the Training section for training

purposes.

- F. The officer's duty status should be reviewed immediately by the Director of Police or his/her designee to determine if:
 - 1. The officer should be placed on other than his/her regular duty.
 - 2. 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.

IX. IN CASES OF DEATH OR SERIOUS INJURY

- A. In **all** incidents that result in death or serious injury the following shall apply:
 - 1. The officer shall notify his supervisor immediately who shall notify the watch commander and the Director of Police or his designee.
 - 2. The officer shall be removed from line duty assignment pending an administrative review to be conducted by the Office of Professional Standards. This review shall be completed as soon as feasibly possible and forwarded to the Director of Police.
 - 3. In the event that the Public Integrity Unit of the States Attorney's Office handles the investigation (section IX B1 b below) the following shall occur:
 - a. The Office of Professional Standards shall track the progress of the investigation and,
 - b. OPS shall offer assistance as appropriate.
 - 4. After the Director of Police reviews the results of the investigation, he/she may, as soon as practical, convene a Review Board if he/she believes the circumstances involved require further review.
 - 5. If the investigation and/or review shows there was no violation or no negligence involved, the officer shall be notified as soon as practical.
 - 6. If the investigation and/or review shows there was a violation or negligence involved, appropriate disciplinary action shall be determined by the Director of Police, based upon the recommendation of the involved member's Division Commander, and the officer shall be notified of the decision as soon as practical.
 - 7. NIPAS Emergency Services Team officers will be controlled by NIPAS/EST Policy 47-01 or Policy 47-30, when acting in the capacity of an Emergency Services Team officer.
 - 8. Departmental procedures and investigations for **any incident or firearms**

discharge are independent of any criminal or civil prosecution which may be initiated by the State's Attorney's Office or other outside agency.

B. Additional Notifications

1. In addition to the above notifications, whenever an incident occurs, accidentally or intentionally, that results in a serious injury or death, the watch commander shall, after notification to the Director of Police or his designee, notify the following:
 - a. Personnel listed on the Notification Matrix, Policy 24-20 (Appendix A).
 - b. In the event that the incident occurred while the officer was on duty OR working in an official capacity, the State's Attorney's Public Integrity Unit shall be notified and requested to conduct the investigation.**
 - c. Medical Examiner, when applicable.
2. If the incident occurs in a foreign jurisdiction, the involved officer shall contact the police department having jurisdiction of the incident scene.
 - a. In the event the involved officer cannot make the appropriate notification, the Schaumburg supervisor receiving the notification (Section VIII E 1) shall make notification to the appropriate jurisdiction.
 - b. The supervisor shall also request copies of all reports from the foreign jurisdiction and ensure that they are forwarded to the Office of Professional Standards.

X. UNNECESSARY FORCE DEFINED

- A. Unnecessary force occurs when physical abuse of a person being arrested or detained is used or when it is apparent that the type or degree of force employed was not objectively reasonable or exceeded the force necessary to accomplish lawful objectives..
- B. When any degree of force is utilized as summary punishment or for vengeance, it is clearly improper and unlawful.
- C. Every peace officer who, under the color of authority, without lawful necessity, assaults or beats any person, is guilty of gross and unlawful misconduct, a felony.
- D. When the use of force is applied indiscriminately, an officer will be subject to civil and criminal liability, and departmental disciplinary action.

XI. CONFRONTATIONAL EVALUATION FORMS

- A. A Confrontational Evaluation Form (Firearms and/or other), shall be submitted

whenever an officer takes an action that results in or is alleged to result in injury or death of another person and/or when control of a noncompliant subject is obtained through the use of :

1. Empty hands control
 2. Control instruments/Impact weapons
 3. Discharged authorized chemical agent
 4. Discharged firearm
 5. Canine
 6. Weapons of necessity under exigent circumstances (object/s not normally authorized as a weapon by the department).
- B. A copy of the Confrontational Evaluation Form shall be forwarded to the Planning and Research Analyst. The Confrontational Evaluation Forms shall be utilized by the Administration Division to complete the Annual Use of Force Analysis. This analysis shall be in writing and forwarded to the Director of Police detailing patterns, if any, and may include recommendations for policy and/or training improvements. The Planning and Research Analyst shall forward a copy of the Confrontational Evaluation Form to the Office of Professional Standards.

XII. COUNSELING

Counseling and therapy are means for helping a member through a crisis and/or reducing stress resulting from performing certain duties required of a police officer.

- A. Any officer using deadly force that results in injury or death shall 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 is requested by the involved officer.
- 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 injury or death.

By order of:

Director of Police

Appendix A

Use of Force Model

The Use of Force Paradigm for Enforcement and Corrections



