

SKOKIE POLICE DEPARTMENT

USE OF FORCE

General Order: A-15

Replaces:

Effective Date: 01 July 2022

General Order: A-15

Effective Date: 01 July 2021

Indexed As: Deadly Force
De-Escalation
Electronic Control Devices
Oleoresin Capsicum
Use of Force
Warning Shots

POLICY:

The Skokie Police Department is committed to valuing and preserving human life. The protection and preservation of all human life - including the lives of individuals being taken into custody - is the Department's fundamental objective and the primary duty of all SPD employees.

The Department's guiding principle when using force shall be reverence for human life. Officers shall attempt to control an incident by using time, distance, communication, and available resources in an attempt to de-escalate the situation, whenever it is safe, feasible and reasonable to do so. Department personnel may use objectively reasonable force to carry out their duties.

Only the objectively reasonable use of force required to affect an arrest or achieve other lawful objectives, shall be used. Officers are justified in using deadly force only when they reasonably believe that such force is necessary to prevent imminent death to themselves or others, or to defend any person in imminent danger of great bodily harm.

The reasonableness of the use of force must be based on the facts and circumstances known or perceived by the Officer at the time of the incident. Because Police Officers are involved in tense, uncertain, and rapidly evolving circumstances, interpretation of the reasonableness of an Officer's use of force must include consideration of the split-second decisions Officers make in deciding the type and level of force to be employed.

PROCEDURE:

I. Definitions

- A. "Non-deadly force" means any force that can reasonably be anticipated not to result in death or great bodily

harm when applied. Non-deadly force includes, but is not limited to pain compliance, control holds, punches, kicks, open-hand strikes, O.C. spray, baton strikes, extended-range kinetic energy impact munitions, and electronic control devices.

- B. "Deadly force" means any force that can reasonably be anticipated to result in death or great bodily harm when applied.

For the purpose of this General Order, deadly force shall include:

1. A firearm discharge response in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm (except as identified in state statute when the firearm contains less than lethal rounds).
 2. A firearm discharge response at a vehicle in which the person to be arrested is riding.
 3. A firearm discharge response from a moving vehicle in the direction of a person to be arrested. (Note: such a use of force is only authorized when it is objectively reasonable for an Officer to use deadly force and the Officer believes that this is the most reasonable course of action.)
 4. Use of a chokehold which is defined as applying any direct pressure to the throat, windpipe or airway of another. A chokehold does not include any hold involving contact with the neck not intended to reduce the intake of air such as a headlock where the only pressure applied is to the head.
 5. Any response 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.
- C. Physical Response- Use of a physical control technique or physical action applied to the body that is used to take control of or to combat a resistive subject. Examples of control techniques or actions include, but are not limited to, strikes using hands, elbows, knees or feet; control holds in which the Officer's strength overcomes the resister's strength; take downs; and pushing, pulling or tripping a resistive subject.
1. It is not a physical response when a subject allows themselves to be searched, escorted, handcuffed, restrained or carried.

2. The application of a control hold while handcuffing or searching a compliant subject without application of pain is not considered a physical response.
3. The singular act of an Officer using their body weight to hold a resistive subject's body or limbs in place is not a physical response.
4. The use of the hobble restraint as a precautionary securing device on a currently compliant subject is not considered a physical response.

The actions described above which are not considered a physical response shall nevertheless be documented in a General or Supplemental Report. However, such actions do not require that a Use of Force report be completed.

- D. "Physical harm" means any injury, illness or other physiological impairment, regardless of its gravity or duration.
- E. "Great bodily harm" (serious bodily injury), as used in this policy, is defined as any physical harm which carries a substantial risk of death; any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity; any physical harm that involves some permanent disfigurement, or that involves some temporary serious disfigurement.
- F. "Imminent" means 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 serious bodily injury to the peace Officer or another person. An imminent threat is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of the harm, but is one that, from appearances, must be instantly confronted and addressed.

II. De-Escalation

- A. When feasible and safe to do so, Officers should employ de-escalation techniques to attempt to gain voluntary compliance of an individual to reduce or eliminate the need to use force.
- B. De-escalation tactics and techniques are actions used by Officers, when safe and without compromising law enforcement priorities, that seek to reduce the likelihood of the need to use force during an incident by gaining the voluntary compliance of an

individual. It is recognized that de-escalation tactics will not work in every interaction.

- C. De-escalation techniques include, but are not limited to:
 - 1. Use of distance, cover, concealment, and/or time. These techniques allow Officers to assess the situation and their options, bring additional resources to the scene and develop a plan for resolving the incident without using force;
 - 2. Requesting additional personnel, (CIT Officers, SFD, Social Worker, Supervisors, Detectives, Co-Responder Team) and wait for their arrival, when feasible to do so;
 - 3. Using active listening skills to indicate engagement in conversation with an individual.
 - 4. Communicating with the individual(s) in a conversational tone of voice, if feasible; asking questions about the situation.
 - 5. Advising the individual of the actions that Officers will take to end their crisis without the need to use force; warning the individual that disobeying orders and posing an imminent threat to Officers or others may result in the need to use force.
- D. If the individual is reasonably believed to be in a mental or behavioral health crisis, further guidance may be found in Department General Order F-80, Dealing with the Mentally Ill.
- E. Supervisors will become involved as soon as practicable in the management of an overall response to potentially violent encounters by coordinating resources and Officers' tactical response.

III. Objectively Reasonable Response

- A. Graham V. Connor (490 U.S. 386 1989) has established that the test for reasonableness will be based on the following factors:
 - 1. The severity of the crime at issue.
 - 2. Whether the suspect poses an immediate threat to the safety of the Officers or others.
 - 3. Whether the suspect is actively resisting or attempting to evade arrest by flight.

All three factors must be assessed in their totality and considered when the use of force is applied.

- B. Police Officers must frequently employ use-of-force techniques to effect arrests and ensure the public safety. It is not intended that a suspect should ever be allowed to be the first to exercise force, thus gaining an advantage in a physical confrontation. Further, nothing in this order should be interpreted to mean that an Officer is required to engage in a prolonged physical fight before resorting to techniques that will more quickly, humanely and safely bring an arrestee under physical control.

IV. Use of Force

- A. An Officer is justified in the use of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to effect the arrest and of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to defend himself or another from bodily harm while making the arrest. (720 ILCS 5/7-5)
- B. Officers may use force that is objectively reasonable on persons that they reasonably believe are a danger to themselves or others in accordance with Department General Order F-80, Dealing with the Mentally Ill.
- C. The use of force must terminate when it is objectively reasonable that an Officer is fully in control of a subject.
- D. An Officer is justified in using force likely to cause death or great bodily harm only when he reasonably believes, based on the totality of the circumstances, that such force is necessary to prevent death or great bodily harm to themselves or another. In determining whether deadly force is reasonably necessary, Officers shall evaluate each situation in light of the particular circumstances of each case and shall use other available resources and techniques, if reasonably safe and feasible.
- E. Where feasible, an Officer shall, prior to the use of force, make reasonable efforts to identify himself or herself as a peace Officer and to warn that deadly force may be used, unless the Officer has reasonable grounds to believe that the person is aware of those facts.
- F. An Officer shall not use deadly force against a person based on the danger that the person poses to himself or

herself if a reasonable Officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace Officer or to another person.

- G. An Officer 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.
- H. The discharge of a firearm for the purposes of a warning shot is prohibited.
- I. The uses of force listed below are in relative order of least intrusive to most intrusive. The subject's actions/behavior and the use of force used to control it may escalate or de-escalate during any given altercation until complete control of the subject is achieved. Nothing in this policy should be interpreted to mean that an Officer must use force in a lesser intrusive manner first prior to using an escalated level of force.
 - 1. Physical Presence
 - 2. Verbal Tactics
 - 3. Hands-On Techniques (Control Holds, Pressure Points, Etc.)
 - 4. Hands-On Techniques (Palm Strikes, Knee Strikes, Etc.)
 - 5. OC Spray/ECD/Baton
 - 6. Extended Range Impact Munitions (Beanbag, 40 mm)/K9 bite
 - 7. Firearms/Deadly force

V. Shooting At/From Moving Vehicles

- A. Officers shall not discharge a firearm from a moving vehicle, or at the driver or occupant of a moving vehicle, unless the Officer reasonably believes there exists an imminent danger of death or great bodily harm to the Officer or another person.
- B. Officers should make every reasonable effort to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. 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.

VI. Intermediate Weapons

A. The use of intermediate weapons constitutes an intermediate use of force. Consistent with *Graham V. Connor*, the elevated use of force must be reasonable based upon the totality of the three factors associated with that case. Based on court rulings, the defining factor on whether an Officer's use of force was reasonable is the presence of a direct threat to that Officer, another Officer, or a citizen. Absent that factor being present, increased scrutiny should be applied by the Officer to the incident when determining whether to utilize an intermediate weapon. Additional criteria for the Officer to consider prior to utilizing an intermediate weapon are the age, observed mental capacity, and physical capabilities of the resisting subject.

1. The Department-approved police baton, oleoresin capsicum (OC) spray and Electronic Control Devices (ECDs) are the only authorized intermediate weapons for Police Officers. At all times during which the wearing of a duty rig is required, Department-issued OC spray and a Department-issued ECD (if available) shall be carried/worn. In the event an ECD is not available, a Department-approved baton shall be worn. Nothing in this policy would preclude an Officer from carrying a baton in addition to the ECD.
2. An Officer shall not use OC spray for crowd management purposes prior to issuing an order to disperse in a manner sufficient to allow the order to be heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order. This protocol shall be followed unless providing such time and space would unduly place an Officer or another person at risk of death or great bodily harm.
3. An Officer shall not use OC spray prior to issuing an order in a manner sufficient to ensure the order is heard, and repeated if necessary, to allow compliance with the order. This protocol shall be followed unless providing such time and space would unduly place the Officer or another person at risk of death or great bodily harm.

B. Authorized Baton

1. Batons authorized for use are limited to the ASP 16, 21 and 24-inch telescoping batons, and the Monadnock 18, 21, 22 and 24-inch telescoping batons.

2. The PR-24 baton is generally authorized for crowd-control purposes only.
3. Uniformed Officers are authorized to carry the 21, 22 and 24-inch ASP baton or any approved Monadnock baton.
4. Plainclothes Officers may carry any approved baton.
5. The only batons approved for purchase by any Officer are the Monadnock expandable baton and the ASP Talon baton.
6. Because striking an offender in the head with the police baton may cause death or serious physical injury, Officers shall not intentionally do so unless the use of deadly force is warranted.
7. Original and replacement batons must be reviewed, inspected for functionality, and approved by a qualified baton/impact weapons instructor prior to carry.
8. The Defensive Tactics Coordinator shall be responsible for maintaining a record of each baton approved for use, including make, model, date of approval, and the name/star number of both the approving impact weapons instructor and the receiving Officer.
9. All batons shall be re-inspected by a qualified Defensive Tactics instructor at the time of each Officer's proficiency testing and during uniform inspection. The inspection shall be documented. This applies to all Officers, even if they choose not to carry a baton, as discussed in Section VI, paragraph A, of this General Order.
10. The use of a baton must be justified as delineated in Section IV, paragraph A, of this General Order

C. Authorized Oleoresin Capsicum (OC) Spray

1. Original and replacement canisters of OC spray shall be issued by the Department via a qualified Defensive Tactics instructor, only after the canister has been inspected and approved by that instructor.
2. The Defensive Tactics Coordinator shall be responsible for recording the issuance of OC spray to Department personnel, including documentations of the receiving, issuing and approving Officers,

date, make/model and serial number of the canister.

3. The Officer's OC canister shall be re-inspected at the time of each proficiency testing and during uniform inspection. The inspection shall be documented. No Officer may carry OC until they have been trained by a certified Defensive Tactics Instructor and have demonstrated proficiency in its proper use. Training shall include instruction regarding this and other relevant policies.
4. Unless otherwise directed by the Chief of Police, the authorized concentration of OC spray shall generate at least 500,000 Scoville heat units.
5. Appropriate medical aid will be made available to individuals who have been sprayed with OC, if practical. The necessary level of assistance includes exposure to fresh air, flushing with cool water, washing with soap and water, and medical treatment if requested or apparently necessary.
6. The use of OC spray must be justified as delineated in Section IV, paragraph A, of this General Order.

D. Electronic Control Device (ECD)

1. Only Department-issued ECDs and cartridges are approved for use.
2. The use of ECDs must be justified as delineated in Section IV, paragraph A, of this General Order. Officer shall not discharge in a manner that targets the head, chest, neck, groin or anterior pelvis.
3. See Department General Order A-29, Electronic Control Devices.

E. Self-Defense/Exigent Situations

Only those weapons identified as authorized by this policy may be carried by Officers on duty. This section is not intended to limit Officer response options relating to the implements ready at hand, used as defensive weapons, as a result of rapidly evolving situations.

VII. Less-Than-Lethal Weapon System - Extended Range Kinetic Energy Impact Munitions

- A. When used in combination with extended range kinetic energy impact munitions, the Department-issued 12-gauge shotgun and 40mm launcher are approved as a less than lethal weapon system.
- B. The use of less than lethal weapons systems are generally treated by the courts as force that is less than deadly force, but more than the intermediate force applied when using batons, ECDs, and OC spray. In addition, at close range, most courts say that these weapons can constitute deadly force. This, along with Section IV, paragraph A, of this General Order, must be taken into account when using a less than lethal weapon system.
- C. An Officer shall not discharge kinetic impact projectiles and all other non or less-than-lethal projectiles in a manner that targets the head, neck, groin, anterior pelvis or back.
- D. An Officer shall not discharge impact munitions indiscriminately into a crowd.

VIII. Knife

- A. The primary purpose of a knife is for its use as a tool in the performance of an Officer's duties. Except as delineated in paragraph B, knives may be carried provided all of the following requirements are met:
 - 1. Must be a folding knife.
 - 2. The blade length will not exceed three inches.
 - 3. Only one knife may be carried.
 - 4. Must be concealed; a visible clip is allowed.
 - 5. Shall not be exhibited, displayed or handled in a careless manner.
 - 6. Shall be utilized with reasonable care to prevent injury and damage to property.
- B. During TIU Activations and training, TIU members will be allowed to carry an additional fixed blade knife with a blade length not to exceed three inches.

IX. Spit mask

A spit mask is a temporary protective device, which may be used on persons that display behavior or threatening behavior that pose a hazard of exposure to bodily fluids transmitted by spitting, wiping blood from their face/head or wiping/blowing nasal discharge at or onto Officers.

Officers should only use new (from the package) Department-approved, single-use spit masks. Persons wearing the spit mask must be closely monitored and shall not be left unattended due to the potential for vomiting, spitting of blood or other fluids or other medical issues. Officers should also be aware that the spit mask may cause psychological effects such as claustrophobia or extreme anxiety.

If the subject has exhibited proper behavior and it is reasonable to believe that the subject will continue to exhibit proper behavior, the spit mask will be removed from the subject.

Officers shall document the use of a spit mask consistent with Section XI of this General Order.

X. Duty to Intervene

- A. Consistent with Department Rules and Regulations, 370.68 - Duty to Intervene, Officers have a duty to intervene on behalf of any Officer on scene to prevent or stop another Officer in their presence from using any unauthorized force or force that exceeds the degree of force they consider to be objectively reasonable under the circumstances, The Officer who intervenes must report the intervention to their supervisor as soon as practical and subsequently prepare and submit a written report of the event to their supervisor within five days.
- B. When feasible, prevention includes recognizing when another Officer needs to step away, another Officer needs to be substituted, etc. This shall not be interpreted to mean that an Officer can predict the initial unauthorized action of another Officer.
- C. The guidance provided in paragraphs A and B of this section do not apply to an act of intervention made consistent with training to assist another Officer to effect an arrest or otherwise overcome a subject's resistance. Such assistance will not require Supervisor notification nor a special written report. Rather, Officers will document the event as they would any other incident.

XI. Medical Assistance

If a use of force (including lethal weapons, less-than-lethal weapons, intermediate weapons, or physical force) by Department personnel results in an injury to any individual or complaint of injury from the individual, the Officer or Community Service Officer (CSO) on the scene shall render appropriate medical aid and/or shall summon emergency

medical assistance consistent with Department Rules and Regulations, Rule 370.69 - Duty to Render Aid. The patrol supervisor and the Communications Center will be notified as soon as feasible and emergency medical response units shall be directed to respond as deemed necessary.

Absent exigent and articulable circumstances, seriously injured persons shall be taken to a medical facility and shall be transported by ambulance. Secure transportation of arrestees to a medical facility shall be ensured by requiring that at least one Police Officer accompany the prisoner in the ambulance.

XII. Reporting Procedure

- A. Any employee who utilizes deadly force, a less than lethal weapon system, intermediate weapon, or applies a physical response shall notify the Watch Commander as soon as practical.
- B. The Watch Commander or his designee is responsible for conducting a thorough investigation as soon as practical in accordance with Department General Orders A-13, Internal Affairs, and F-93, Officer-Involved Shooting or Death. Supervisors will not conduct investigations of uses of force in which they were personally involved. The investigating supervisor will document the investigation in the Use of Force Module of the Records Management System (RMS) (for each employee using force) under the following circumstances:
 1. An employee discharges a firearm other than in recreation or training. An employee discharges an ECD other than in training.
 2. An employee's response involves the use of a lethal weapon, less-than-lethal weapon system, or an intermediate weapon. For purposes of this section, the term "use" shall include the pointing of an ECD or firearm directly at a subject even though it is not fired.
 3. An application of force or a response to resistance by an employee in an official capacity results in, or is alleged to have resulted in, an injury.
 4. An application of force or a response to resistance by an employee in an official capacity results in, or is alleged to have resulted in, death.

5. An employee applies a physical response as defined in Section I.C. Physical Response of this General Order.
 6. An allegation or complaint is received involving a member's use of force.
- C. Each employee using force will thoroughly document their actions in accordance with Department Rules and Regulations - 320.40 (Department Reports) and will note any BWC or Mobile Video Recording, in accordance with applicable Department General Orders:
1. If the employee is writing the incident report for the event in which force was used, their actions will be documented within the narrative of that report. If the employee is not writing the incident report, their actions will be documented by them in a supplemental report to the incident report. The information detailing the use of force will include but not be limited to the following, if applicable:
 - a) A detailed description of the setting in which force was used (indoor, outdoor, confined area, etc.).
 - b) Weather and visibility, if applicable.
 - c) Employees and other subjects present.
 - d) A detailed description of each subject's actions and subsequent employee response during the incident, as well as any de-escalation techniques that may have been utilized as delineated in Section II, paragraph C, of this General Order. The description may include, as applicable:
 - i. Warning(s) given.
 - ii. Type(s) of force used.
 - iii. Injuries sustained by Officer(s), subject or others involved.
 - e) Witness/Offender statements, if applicable.
 - f) Results of video canvass of incident area, if any.
 - g) Injuries sustained by Officer, offender or other involved parties.
 2. Employees involved in use-of-force incidents that cause them to experience reactions outlined in

Department General Order F-93, Officer-Involved Shooting or Death, (increased pulse, blood pressure, respirations, etc.) should avoid interviews and report writing for at least 72 hours.

3. Any Officers who intervenes during a use of force incident shall document their actions on a supplemental report that includes a description of the intervention actions taken and the identities of the other Officers on scene.
- D. The following guidelines are to be followed when completing Use of Force Reports in RMS:
1. The supervisor investigating the use of force must complete an RMS Use of Force Report for each employee that used force, as defined in this policy.
 2. If an employee uses force on a subject at different times during the duration of an incident (i.e. on the street when taking the person into custody and again in the sally port when removing from the car), one Use of Force Report shall be completed for all the uses of force by the employee on the subject.
 3. If an employee uses force on multiple subjects during the same incident, a single Use of Force Report shall be completed for all uses of force by the employee on all the subjects.
- E. Any employee in an official capacity whose actions or response, or alleged actions or response, result in death or serious physical injury shall immediately be removed from any line duty assignment. The Chief of Police will determine when the employee may return to a line-duty assignment, based on facts, circumstances, investigations and consultation with others. (See Department General Orders P-10, Trauma Counseling and Critical Incident Stress Debriefing, A-31, Peer Support Program, and F-93, Officer-Involved Shooting or Death, for further information.
- F. Refer to Department General Order F-22, Responsibility for Reporting, for further information on notification to the Chief of Police and the appropriate Deputy Chief.
- G. The completed Use of Force Report, and all supporting documents, video, etc., will be forwarded to the Chief of Police via the chain of command.

XIII. Training

- A. No employee may carry any agency-authorized weapon until they have received training and have demonstrated proficiency in its use. This training shall include instruction in the Skokie Police Department General Order A-15, Use of Force, as well as applicable case law including Graham v. Connor.
- B. Police Officers and CSOs shall receive in-service training at least annually on Department General Order A-15, Use of Force, as well as applicable case law including Graham v. Connor.

Police Officers and CSOs shall receive training and demonstrate proficiency with their authorized intermediate weapons and weaponless control techniques at least annually:

1. Proficiency training will be monitored by a certified weapons or Defensive Tactics instructor.
2. The training and proficiency will be documented.
3. Inspections of weapons will be conducted as delineated in Section VI of this General Order.
4. Any Police Officer or CSO failing to demonstrate proficiency with an authorized intermediate weapon shall immediately be provided remedial training and retesting. The Police Officer or CSO may not return to street duty with that weapon until proficiency is demonstrated and documented.
 - a) Continued failure to qualify or otherwise demonstrate proficiency may result in reassignment to an administrative position or a recommendation for, at the discretion of the Chief of Police, a termination.
 - b) Police Officers shall demonstrate proficiency with Department authorized firearms as indicated in Department General Order A-16, Firearms.

XIV. Release of Information

Public release of information following a use of deadly force is dependent on the progress of the investigation and review process. Any public release of information will be made consistent with Department General Order A-10, Media Relations. The release of records will be conducted in accordance with Department General Order S-4, Records, and the Freedom of Information Act.

APPENDIX

APPLICABLE ACCREDITATION STANDARDS

ADM.05.01, ADM.05.02, ADM.05.03