

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

Officers shall submit a written report within five days of the incident (720 ILCS 5/7-16).

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

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Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain, and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons, or methods provided by this department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

An officer may use any force which he/she reasonably believes to be necessary, under the totality of the circumstances, to effect an arrest, or to be necessary to defend him/herself or another from bodily harm while making an arrest (720 ILCS 5/7-5).

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300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.

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- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Evanston Police Department for this specific purpose.

300.3.5 RESPIRATORY RESTRAINTS

A member shall not apply direct pressure to the throat, windpipe, or airway of a person with the intent to reduce or prevent the intake of air (chokehold) unless deadly force is justified (720 ILCS 5/7-5.5). A member shall not use a chokehold or any lesser contact with the throat or neck area of another in order to prevent the destruction of evidence by ingestion (720 ILCS 5/7-5.5). If a respiratory restraint is applied, it is subject to the same guidelines and requirements as a carotid control hold.

300.3.6 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or serious bodily injury.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and (720 ILCS 5/7-5):
 1. The officer reasonably believes that there is an imminent risk of serious bodily injury or death to any other person (except to the subject him/herself) if the individual is not immediately apprehended.

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2. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to immediately use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing serious bodily injury or death without a weapon, and the officer believes the individual intends to immediately do so (720 ILCS 5/7-5).

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps 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 imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the conducted energy device or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.

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- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe (720 ILCS 5/7-15).

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.

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- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Check the immediate vicinity for evidence, including video evidence. Search for and review all pertinent department video (station, in-car, body-worn camera, etc.)
- (g) Review and approve all related reports.
- (h) Determine if there is any indication that the individual may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.
- (i) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.
- (j) Make notification to the Office of Professional Standards via email or telephone, providing the basic information for them to begin documentation and tracking of the investigation.
- (k) Make proper notification through the chain of command if the use of force results in serious physical or death.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

In an effort to mitigate and also ensure that a use of force complies with policy, a supervisor should be proactive in responding to calls and incidents where the chance of a use of force is elevated. The purpose of this response includes, but is not limited to, de-escalation, timely investigation, and requesting necessary assistance. Calls where a chance of use of force is elevated include, but is not limited to, calls involving weapons, in progress domestics, disturbances, and calls where known factors would reasonably lead a supervisor to believe the chance of a use of force is elevate.

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300.7.1 COMMANDER RESPONSIBILITY

The Commander shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 POLICY TRAINING

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 an weapon.

Policy instruction will be documented in the officer's training and evaluation manual.

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.
- (c) Officers will receive training on the use of force at least yearly.

300.8.1 ADDITIONAL TRAINING REQUIREMENTS

At a minimum, officers shall receive training every calendar year in the use of force.

300.9 USE OF FORCE ANALYSIS

At least annually, the Office of Professional Standards should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

300.10 STRESS/TRAUMATIC INCIDENTS

See attachment: SOP 300-1 Traumatic Stress Incidents.pdf

300.11 ANTI-RETALIATION

Retaliation against individuals who report or cooperate with use of force investigations is prohibited.

Evanston Police Department Policy Manual: 1004.3 RETALIATION PROHIBITED

Evanston Police Department Policy Manual: 1004.4 COMPLAINTS OF RETALIATION

Attachments

SOP 300-1 Traumatic Stress Incidents.pdf

DEPARTMENTAL GENERAL ORDER

CITY OF EVANSTON, ILLINOIS			POLICE MANUAL	
Subject: Stress/ Traumatic Incidents	LEXIPOL 300-1	Rev. Jan 18, 2020	Effective Date With LEXIPOL	Page Of 1 4
Index As: Employee Assistance Services, Remove from Duty, Traumatic Incidents			Prepared By Demitrous Cook Chief of Police	

POLICY: The Department recognizes that members, by virtue of their profession, may encounter situations that require them to take a police action which can result in emotional and psychological trauma. It is the policy of the Department to provide professional counseling service to its members to assist them in coping with the impact of any such traumatic incidents as well as providing services for other personal and emotional situations that may impact them. Member may receive voluntary assistance or member may be mandatorily referred.

I. DEFINITIONS

- A. A traumatic incident is any action by any member (sworn or civilian) that results in a death or serious physical injury or any police incident or action (on or off duty) which may result in emotional and psychological anguish. A traumatic incident includes, but is not limited to, the following: police shooting incidents which result in injury or death; situations in which officers are fired upon; police vehicle accidents involving death or serious personal injury; extremely violent scenes, etc.
- B. Stress refers to any mentally or emotionally disruptive influence or distress to a member, on duty or off.
- C. Serious Physical Injury: Injury that creates a substantial risk of death, may cause serious permanent disfigurement, may result in long-term or permanent loss or impairment of the function of any bodily member or organ, or may result in prolonged hospitalization.

II. EMPLOYEE ASSISTANCE SERVICES

- A. The Department has services on a contractual basis with a private referral counseling service.
- B. The service provides services for a wide range of traumatic incidents and personal issues as well as consultation for a member's fitness for duty.

III. INITIATING SERVICES

- A. Any member of the Department, or an immediate family member, may contact the

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service for information or for a counseling appointment.

- B. All command and supervisory personnel have the authority and the responsibility to recommend the program to members under their supervision, when appropriate.
- C. Command staff members may require a member under their command to contact the service and to attend counseling sessions when there is reason to believe a traumatic or stress-related problem exists which currently is interfering, or may in the future interfere, with the member's job performance. The command staff member will initiate the appropriate referral and forward it through the chain of command to the Chief.

IV. REMOVAL FROM DUTY

- A. Any Department member (sworn or nonsworn, full or part-time) whose actions or use of force results in a death or serious physical injury will be removed from line duty assignment pending an administrative review. The administrative review will consist of three parts.

1. Medical Examination/Drug Screening

Physically injured members will not return to line duty assignment until a medical exam determines that the member is physically fit for such duty. Injured and uninjured members may be subject to mandatory drug screening as set forth in City policy, Department policy, or labor union agreement.

2. Psychological Examination

The member will not return to line duty assignment until an emotional stability and psychological fitness examination determines that the member is emotionally and psychologically fit for such duty. The exam will be conducted and assessed by the City's or Department's employee assistance programs or other qualified professional with experience treating law enforcement personnel involved in traumatic/stressful incidents.

3. Preliminary Investigation and Procedural Review

The member will not return to line duty assignment until authorized by the Chief of Police following a preliminary investigation and procedural review of the incident.

- B. A thorough investigation and procedural review of the incident will be conducted as directed by Department and City policy and procedures and/or as directed in writing

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by the Chief of Police.

- C. During the administrative review and investigation following removal from line duty assignment, the Chief of Police will determine and authorize the member's job status, such as temporary assignment to a staff or support position, administrative leave, or other status.
- D. For the good of an employee or the Department, and when authorized by the Chief of Police, the removal-from-duty policy may be applied to actions that result in less serious physical injury, to actions that result in emotional trauma, and to personnel who witness such actions or the aftermath of such actions.
- E. In addition to other required or necessary notifications, on-duty supervisors will consult with command level personnel to determine the applicability of this policy as soon as possible following such actions.

V. **TRAUMATIC INCIDENT -- PROCEDURE**

- A. The ranking member on the scene (or informed of a situation) will assure that the ranking on-duty supervisor is promptly notified.
- B. The on-duty supervisor will take steps to insure for the proper care of the member. If there are obvious symptoms of traumatic stress, the member will be taken to the hospital for evaluation. The on-duty supervisor will assign a support person to the affected member to assist the member during the initial time after the incident.
- C. The on-duty supervisor will immediately notify the appropriate command level members and the Chief. If the incident involves a criminal investigation, the Deputy Chief of Investigative Services will be notified.
- D. The member will complete all investigative and procedural requirements relating to the incident if the member is physically and psychologically able.
- E. The member will be referred to the appropriate counseling/debriefing services as soon as possible after the event. After the member receives such services, the Chief of Police will determine the member's status.
- F. The Northern Illinois Critical Incident Stress Management Team provides assistance to emergency personnel coping with stressful experiences. The Command member in charge may authorize the call-out of this service.

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VI. SUPERVISOR'S RESPONSIBILITY

- A. The procedures contained in this order do not abrogate the responsibility of supervisors to counsel members.
- B. This program will not be used as a substitute for normal disciplinary processes or to delay the normal disciplinary processes.