Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force and recognizes managing uses of force by officers is one of the most difficult challenges facing law enforcement agencies. The ability of police officers to enforce the law, protect the public, and guard their own safety is very challenging. Interactions with uncooperative subjects who are physically resistant or aggressive present extraordinary situations which may quickly escalate. Ideally, an officer is able to gain cooperation in such situations through the use of verbal persuasion and other de-escalation skills. However, if physical force is necessary, an officer's use of force to gain control and compliance of subjects in these and other circumstances must be objectively reasonable. While the public generally associates law enforcement use of force with the discharge of a firearm, use of force includes a much wider range of compliance techniques and equipment. These less intrusive, but more common uses of force may range from hand control procedures to electronic control weapons, pepper aerosol spray, or various other equipment and tactics.

It is the policy of the Carbondale Police Department to value and preserve human life. Officers shall use only the force that is objectively reasonable to effectively bring an incident under control and overcome the force or resistance with which they are faced, while protecting the safety of the officer and others. Officers shall use force only when no reasonably effective alternative appears to exist and shall use only the level of force which a reasonably prudent officer would use under the same or similar circumstances. The decision to use force "requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officer or others, and whether he is actively resisting arrest or attempting to evade arrest by flight." In addition, "the 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight...the question is whether the officers' actions are 'objectively reasonable' in light of the facts and circumstances confronting them." (*Graham v. Connor, 490 U.S. 386 (1989*).)

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 Handcuffing and Restraints, Officer Involved Shootings and Deaths, Control Devices and Techniques and Electro-Muscular Disruption Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

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

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.

Objectively Reasonable - The determination that the necessity for using force and the level of force used is based upon the officer's evaluation of the situation in light of the totality of the circumstances known to the officer at the time the force is used and upon what a reasonably prudent officer would use under the same or similar situations.

Exigent Circumstances - Those circumstances that would cause a reasonable person to believe that a particular action is necessary to prevent physical harm to an individual, the destruction of relevant evidence, the escape of a suspect, or some other consequence improperly frustrating legitimate law enforcement efforts. (Based on the definition from *United States v. McConney*, 728 F.2d 1195, 1199 (9th Cir.), cert. denied, 469 U.S. 824 (1984).)

De-escalation - Taking action or communicating verbally or non-verbally during a potential force encounter in an attempt to stabilize the situation and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. De-escalation may include the use of such techniques as command presence, advisements, warnings, verbal persuasion, and tactical repositioning.

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.

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.

Chokehold - As defined in Illinois Compiled Statutes, 720 ILCS 5/7-5.5, applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. Chokeholds are prohibited unless deadly force is justified.

Hogtying - The handcuffing of a detainee and securing of the detainee's legs to the hands by means of a rope, flex-cuffs, another set of handcuffs or other device. It is generally recognized that hogtying detainees poses an unreasonable risk of serious bodily injury or death. Hogtying is prohibited.

Vascular Restraint – Conduct that applies pressure to the side(s) of the neck, rather than the trachea to create venous compression which results in congestion of the vascular bodies in the head and neck. Vascular restraints are prohibited unless deadly force is justified.

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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.

Officers must understand their role and realize every action and statement which is made reflects not only on the officer, but the profession as a whole. The Department embraces De-escalation and Crisis Intervention Team training tactics and its goal is to train every officer in these concepts in order to provide advanced verbal communication skills with the goal of being able to resolve more incidents without force. The Department also recognizes that not every subject an officer encounters is able or willing to de-escalate, but an ethical commitment does exist to avoid using force when possible.

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.

300.2.1 DUTY TO INTERVENE 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, intervene 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.

300.3 USE OF FORCE

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

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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, or necessary to defend him/herself or another from bodily harm while making an arrest.

300.3.2 USE OF DE-ESCALATION

An officer shall use de-escalation techniques and other alternatives to higher levels of force consistent with his or her training whenever possible and appropriate before resorting to force and to reduce the need for force.

Whenever possible and when such delay will not compromise the safety of the officer or another and will not result in the destruction of evidence, escape of a suspect, or commission of a crime, an officer shall allow an individual time and opportunity to submit to verbal commands before force is used.

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). The goal is to create time and distance to allow for additional resources and planning.

300.3.3 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.

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(b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.

(c) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).

(d) The effects of drugs or alcohol on the subject.

(e) Subject's mental state or capacity.

(f) Proximity of weapons or dangerous improvised devices.

(g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.

(h) The availability of other options and their possible effectiveness.

(i) Seriousness of the suspected offense or reason for contact with the individual.

(j) Training and experience of the officer.

(k) Potential for injury to officers, suspects and others.

(l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.

(m) The risk and reasonably foreseeable consequences of escape.

(n) The apparent need for immediate control of the subject or a prompt resolution of the situation.

(o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.

(p) Prior contacts with the subject or awareness of any propensity for violence.

(q) Any other exigent circumstances.

300.3.4 RESPIRATORY RESTRAINTS

An officer 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). An officer 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).

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained and/or provided 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 he/she can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

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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 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 (sometimes called "excited delirium"), 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 until the scene is safe.

300.6.1 HOGTYING PROHIBITION

Hogtying is specifically prohibited as it is recognized that hogtying detainees poses an unreasonable risk of serious bodily injury or death. Hogtying is defined as the handcuffing of a detainee and securing of the detainee's legs to the hands by means of a rope, flex-cuffs, hobble, another set of handcuffs or other device and is specifically prohibited. (Also see Handcuffing and Restraint Devices policy)

300.5 SPECIAL GUIDELINES ON THE USE OF FORCE

300.5.1 DEADLY FORCE APPLICATIONS

When reasonable, an 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, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

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 the officer

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reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the individual is not immediately apprehended. 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 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 do so.

300.5.2 FIREARMS

(a) Officers are discouraged from discharging firearms when it appears likely that an innocent person may be injured, but the department recognizes active shooter or hostage situations may necessitate the discharge of a firearm to protect the lives of others.

(b) Officers are prohibited from discharging a firearm for the express purpose of destroying property.

(c) Moving Vehicles - Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

1. 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.
2. An officer should only discharge a firearm at or from a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of a vehicle, or if deadly force other than the vehicle is directed at the officer or others.
3. Officers should not shoot at any part of a vehicle solely in an attempt to disable the vehicle.

(d) The discharge of a firearm for the purpose of a "warning shot" is prohibited without exception.

(e) Officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy.

(f) Officers shall not use a weapon mounted light to illuminate an area where there is no reason to believe that they may be required to use their weapon and must instead use a stand-alone flashlight or other alternative light source.

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300.5.4 DESTRUCTION OF ANIMALS

(a) The use of deadly force on an animal is justified for self-defense, to prevent substantial harm to another, or when the animal is so badly injured that humanity requires the relief from further suffering.

(b) Consideration should be given to requesting assistance from the Animal Control Officer.

(c) Only a supervisor or commander can authorize use of force for humane destruction of animals.

300.8 SUPERVISOR REVIEW/INVESTIGATION REQUIREMENTS

A supervisor or commander shall respond to all reported applications of force, 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.
(c) 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.

(d) Identify any witnesses not already included in related reports.
(e) Review the incident with all involved officers and complete use of force review forms for each officer present or involved by the end of their shift, unless delay is authorized by a commander.
(f) Determine if there is any indication that the individual may pursue civil litigation.
(g) 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.

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 all of the above items as circumstances permit.

300.8.1 WATCH COMMANDER RESPONSIBILITY

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

300.9 REPORTING THE USE OF FORCE

Any officer who uses force shall notify a supervisor as soon as practical.

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Any use of force by an officer of this department shall be documented promptly, completely, and accurately. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

The reviewing supervisor shall meet with, and complete a department Use of Force Review form for each officer who used force, or was present during the use of force prior to the end of shift to be forwarded to the appropriate Watch Commander, unless delay is authorized by a Watch Commander.

300.10 TRAINING

Officers will receive at least quarterly training on this policy and demonstrate their knowledge and understanding.

Officers will be issued copies of, and be trained in, this policy before being authorized to carry a firearm or less lethal weapon.

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.

300.10.1 TRAINING REQUIREMENTS

Required annual training shall include:

(a) Legal updates.

(b) De-escalation tactics, including alternatives to force.

(c) The duty to intervene.

(d) The duty to request and/or render medical aid.

(e) Warning shots (see the Firearms Policy).

(f) All other subjects covered in this policy (e.g., use of deadly force, chokeholds and carotid holds, discharge of a firearm at or from a moving vehicle, verbal warnings).

(g) Training on the use of force.

300.11 USE OF FORCE ANALYSIS

At least annually, the Deputy Chief of Operations 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 officers.
(b) Training needs recommendations.
(c) Equipment needs recommendations.

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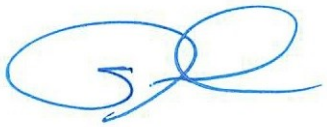
(d) Policy revision recommendations.

300.12 ISSUING AUTHORITY

Effective: December 18, 1989

Revised: 07/23/21

By Authority of: Stan Reno, Chief of Police



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