

DOWNERS GROVE WRITTEN DIRECTIVE

USE OF FORCE

4.1

4.1.2 USE OF DEADLY FORCE

PURPOSE

The Downers Grove Police Department understands that the authority to use physical force, which is conferred on peace officers by the laws of the State of Illinois, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life.

The decision by an officer of the Downers Grove Police Department to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by an officer, in order to ensure the officer's use of force is consistent with law and this policy.

The decision by an officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time of the decision, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

DEFINITIONS

Deadly Force - Force that creates a substantial risk of causing death or great bodily harm. This shall include, but not limited to, those acts specifically enumerated in 720 ILCS5/7-8 of the Illinois Compiled Statutes.

- A. The firing of a firearm in the direction of a person to be arrested, even though no intent exists to kill or inflict great bodily harm; and
- B. The firing of a firearm at a vehicle in which the person to be arrested is riding.

Great Bodily Harm - A 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 a bodily member or organ.

Reasonable Belief – When facts or circumstances the officer knows, or should know, are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

Totality of the Circumstances – Everything the officer knew or reasonably believed at the time the officer decided to use force, or that would be known to a reasonable officer in the same situation, including the conduct of the officer and the subject leading up to the use of deadly force. The totality of the circumstances can include, but is not limited to:

- A. The immediate threat to the safety of the officer or others;
- B. Whether the subject is actively resisting;
- C. The time available for the officer to make decisions in circumstances that are tense, uncertain, and rapidly evolving;
- D. The seriousness of the crime(s) involved;
- E. Whether the subject is attempting to evade or escape;
- F. The danger the subject poses to the community;
- G. Prior law enforcement contacts with the subject or location;
- H. The number of officers versus the number of subjects;
- I. Age, size, and relative strength of the subject versus the officer;
- J. Specialized knowledge, skills or abilities of the officer;
- K. Injury or level of exhaustion of the officer;
- L. Whether the subject appears to be affected by mental illness or under the influence of alcohol or other drugs;
- M. Environmental factors such as lighting, terrain, radio communications, and crowd-related issues; and
- N. The subject's proximity to potential weapons.

Imminent – likely to occur at any moment, ready to take place, or happening soon. A threat of death or serious bodily injury is “imminent” 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 great bodily harm to the officer or another person. An imminent harm 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.

I. USE OF DEADLY FORCE

Deadly force may be used by officers of the Downers Grove Police Department only when they reasonably believe that, based on the totality of the circumstances:

- A. Deadly force is necessary to prevent death or great bodily harm to the officer or such other person, or when he reasonably believes, based on the totality of the circumstances, both that:
 - a. Such force is necessary to prevent the arrest from being defeated by resistance or escape and the officer reasonably believes that the person to be arrested is likely to cause death or great bodily harm to another,
 - b. The person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm

or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

- B. Once an officer has a person in their custody, they are no longer justified in using deadly force to prevent their escape unless, based on the totality of circumstances, deadly force is necessary to prevent death or great bodily harm to him/herself or such other person.
- C. An officer is not justified in using force likely to cause death or great bodily harm when there is no longer an imminent threat of great bodily harm to the officer or another.
- D. Where feasible, an officer shall, prior to the use of deadly force, make reasonable efforts to identify as a peace officer and to warn that deadly force may be used.
- E. An officer shall not use deadly force against a person based on the danger that the person poses to the officer if a reasonable officer would believe the person does not pose an imminent threat of death or great bodily harm to the officer or to another person.
- F. 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.
- G. Officers shall use deadly force only when reasonably necessary in defense of human life. In determining whether deadly force is reasonably necessary, officers shall evaluate each situation in light of the totality of circumstances of each case, including but not limited to:
 - a. Proximity in time between the officer's use of force and the commission of a forcible felony;
 - b. The reasonable feasibility of safely apprehending the subject at a later time, and
 - c. If other available resources and techniques are available and reasonably safe and feasible for a reasonable officer to deploy.
- H. Officers will not unreasonably or unnecessarily endanger themselves or the public in applying this policy
- I. The use of warning shots are prohibited under any circumstances.

II. ANNUAL IN-SERVICE TRAINING

1. Officers are required to complete an annual in-service review of agency policy and definitions on use of force, including the use of deadly force.