



# GENERAL ORDER

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<u>SUBJECT</u> <b>Use of Force (UOF) / UOF Reporting</b>	<u>NUMBER OF PAGES</u> <b>14</b>
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<u>CALEA REFERENCE</u> <b>4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.3.2, 4.3.4</b>	<u>OTHER REFERENCE</u> <b>GO 400.36, 400.15, 400.37, 400.96, 401.09, 50 ILCS 727/1-1 et seq</b>
<u>AUTHORITY</u>	<b>Eric P. Echevarria Chief of Police</b>

## I. PURPOSE

The purpose of this order is to establish guidelines in the use of intervention or force to ensure it is reasonable and necessary under the circumstances. The use of alternative categories of officer intervention or force must be appropriate to the category of offender or assailant resistance in the confrontation. The essence of this policy is that intervention or use of force is assessed under the totality of the circumstances. This order sets forth departmental policy and procedures for use of force and the reporting, investigating, reviewing and managing use of force (UOF) incidents involving department personnel. For the purpose of this policy, references to the use of force by an “officer” or “personnel” applies to all commissioned personnel.

This policy is not intended to limit the ability of department personnel to use force, including deadly force, when objectively reasonable. Department personnel are expected to retain the right to defend themselves and others with as much force as is objectively reasonable based upon the totality of the circumstances.

## II. POLICY

The reality of police work is that not all individuals comply with lawful directives given by officers. A degree of force is occasionally necessary to lawfully apprehend individuals. However, a police officer is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary to prevent death or imminent great bodily harm to himself or to another person. Officers shall only use reasonable force to accomplish lawful objectives, and shall apply de-escalation techniques when possible. When it is objectively reasonable that a subject is fully in law enforcement’s control, then the force must terminate.

### III. DEFINITIONS

*Excessive Force:* Force in excess of what a reasonable police officer would believe is necessary given the facts and circumstances confronting the officer at that time. ([Graham vs. Connor](#))

*Great Bodily Harm:* Bodily injury which creates a high probability of death, or which causes permanent disfigurement, or which causes a permanent or protracted loss of impairment of the function of any bodily member or organ or other serious bodily harm. Permanent scarring, loss of a body part, or collection of injuries that, when viewed together, constitutes a high level of harm.

### IV. TRAINING

At least annually, all officers authorized to carry weapons are required to receive in-service training on deadly force policies and demonstrate proficiency with all approved lethal weapons that the member is authorized to use. Officers will also receive annual in-service training for less-than-lethal weapons and any weaponless control technique that has potential for serious injury. Annual training shall include a review of the use of force policy, control tactics, case law updates, and definitions of conditional terms such as “reasonable belief” and “serious physical injury”.

#### A. (UOF) Weapons

Personnel shall carry only authorized weapons, and only after having successfully completing the department’s required training for those weapons.

#### B. (UOF) Reporting and Investigation

Supervisors shall complete a department approved training course for the Departmental Use of Force (UOF) policy prior to conducting any use of force investigation.

##### 1. Medical Aid

Any time a member uses force, deadly or non-deadly, appropriate medical aid will be provided for any person involved when there is a request for medical assistance, complaint of injury, obvious severe injuries have occurred, medical distress is apparent, the individual is unconscious, or there is reasonable expectation that the person needs medical care. Personnel shall activate the emergency medical system and request a professional medical service (i.e. ambulance, paramedic, fire dept.) without delay. If unsure, officers should contact a supervisor.

2. Notification

Personnel shall notify their supervisor immediately or as soon as practical of any actual or alleged UOF, or an allegation of excessive force. If the immediate supervisor is unavailable, another field supervisor or commander shall be notified.

A supervisor shall not investigate their own use of force. A Lieutenant shall investigate use of force incidents involving Sergeants, including circumstances in which the Sergeant ordered the use of force. However, a UOF by any supervisor may be investigated by another supervisor of equal rank, at the discretion of a Captain or above.

**V. USE OF FORCE CONTINUUM**

**The Peoria Police Department's Use of Force Continuum is founded upon the model researched and designed by the Federal Law Enforcement Training Center (FLETC) and the University of Illinois Police Training Institute.**

The following specific force options covers five different categories, which include techniques that the officer may use at the different categories in response to the person's action. Even though these techniques are listed at a certain category, some of these techniques will be found to apply at multiple categories. As the person to which the officer is responding moves from one category to another, the officer's technique changes. Simply stated, the officer's response is not sequential (category 1, then 2, then 3), but rather the officer changes as the person's action changes.

Force applications are grouped in the following force categories:

**A. *Category I:* Cooperative controls for **compliant persons****

Compliant persons are those individuals who offer no verbal or physical resistance to the officer and demonstrate their cooperation by responding to directions. Cooperative controls used by the officer at this category include:

- Verbal directions
- Handcuffing techniques
- Cuffed search
- Basic escort

1. Category I Supervisor Responsibilities

- a. Supervisor is only required to respond to a Category I UOF when that category UOF causes an injury or the person is alleging that force was used and officer denies using force.

- b. If notified of an allegation of unreasonable force, the supervisor shall conduct a preliminary investigation and ensure there is no injury requiring medical treatment. Photographs will be taken of the person's alleged injury whether visible or not.
- c. Absent corroborating evidence to substantiate excessive force occurred, the supervisor shall document the results of the preliminary complaint investigation in a Special Report, if no UOF report is completed.

**B. *Category II:* Control techniques for **passive resistant persons****

Passive resistant persons are those individuals that refuse to comply with the officer's verbal direction but are not attempting to physically prevent or defeat the officer's contact controls. Contact controls techniques include but are not limited to:

- Soft empty hand controls:
  - High gooseneck
  - Hand rotation position
  - Rear wristlock
  - Arm lock
- A firearm is intentionally pointed at a person for purposes of compliance:
  - "Felony" stops
  - Building or room clearing during incidents involving felony activity.

An officer may draw their weapon only when the action is reasonably necessary, based on his experience, training, and information available at the time prior to and at the time of the incident.

**1. Category II Supervisor Responsibilities**

- a. Supervisor is only required to respond to a Category II UOF when that category UOF causes an injury or the person is alleging that force was used and officer denies using force.
- b. If notified of an allegation of unreasonable force, the supervisor shall conduct a preliminary investigation and ensure there is no injury requiring medical treatment. Photographs will be taken of the person's alleged injury whether visible or not.
- c. Absent corroborating evidence to substantiate unreasonable force occurred, the supervisor shall document the results of the

preliminary complaint investigation in a Special Report, if no UOF Supervisor Investigation Report is completed.

C. **Category III:** Compliance techniques for **active resistant persons**

Active resistant persons are those individuals who refuse to comply with the officer's verbal direction and physically resist an officer's control techniques, or individuals whose combination of words and actions may present a physical threat to themselves or others. Compliance techniques include:

- Pressure points/distracters (can constitute Category 2 without potential injury)
- Category II techniques, with torque
- Takedowns with force
- Oleoresin Capsicum (OC/Pepper Spray, Pepper ball) is applied and makes contact with a person.
- Chemical Munitions deployment

**Note:** Prior to use of Chemical munitions, OC/Pepper Spray, or pepper ball for **crowd control**, the officer shall issue an order to disperse in a sufficient manner to allow for the order to be heard, and repeated if necessary, followed by sufficient time and space to allow compliance with the order unless providing such time and space would unduly put an officer or another person at risk of death or great bodily harm.

- An Electronic Control Device (ECD) (CEW/Taser) (as defined in [General Order 400.96](#))
- A strike is applied other than soft empty hand contact control techniques.
- Impact weapon for pain compliance/come-along techniques
- A police K-9 causes injury (by bite or otherwise), while off duty and not in performance of a police action (on-duty or as part of a police action is a Category IV or V).

1. Category III Supervisor Responsibilities

- a. Respond to the location of the incident unless circumstances make response impracticable. In such instances, an alternate safe location (command post) shall be arranged.
- b. Discuss the general circumstances of the incident with the involved personnel and witnesses to assess the appropriate reporting category and to assess whether injuries, if present, are consistent with the force applied.

- c. Conduct a personal interview with the person(s) upon whom the force was used, to include a written or recorded statement, when possible.
- d. Take photographs to the extent of the person and involved officer to record the presence or absence of injuries, the location of the incident, and other relevant evidence. If photos are not taken, document the reason why.
- e. Interview available witnesses at the scene.
- f. Ensure personnel who assisted at the scene or who witnessed the UOF complete the appropriate report(s). When an officer is directed not to complete a required report, the reason shall be documented by the supervisor in the UOF report (e.g., an officer is incapacitated from an injury during an incident).
- g. Collect credible video evidence related to the UOF incident.
- h. Prepare a UOF Supervisor Investigation Form and narrative. **See Command Review and Endorsement procedures: Section- VII**

B. ***Category IV: Tactics against assaultive persons***

Assaultive persons are those individuals who attempt to defeat an officer's compliance techniques, in that they are resistant, combative, or overtly attempting harm and/or overpower the officer.

- Any UOF (under **Category V**) which results in serious injury to a person requiring medical treatment.
- Any strike to the head (except for an intentional strike with an impact weapon which constitutes a **Category V**);
- Impact weapons use for nonlethal strikes
- Any unintentional firearms discharge outside of the firing range, that does not result in injury, *and* occurs in the presence of civilians (injuries constitutes a **Category V**, regardless of location). This provision is applicable to on-duty instances, or on/within city owned property, or while off-duty **and** performing police action.
- Police K-9 bites or causes injury while on-duty or in performance of a police action.
- Intentional firearms discharge to stop a vicious/ aggressive animal
- Extended Range Impact Weapons (with Kinetic energy impact projectiles) as defined by [General Order 400.37](#) (may constitute **Category V** depending on injury)

- 12 gauge shotgun (bean-bag round)
- 37 mm and 40 mm baton round

1. Category IV Supervisor Responsibilities

- a. Respond to the location of the incident unless circumstances make response impracticable. In such instances, an alternate safe location (command post) shall be arranged.
- b. Discuss the general circumstances of the incident with the involved personnel and witnesses to assess the appropriate reporting category and to assess whether injuries, if present, are consistent with the force applied.
- c. Conduct a personal interview with the person(s) upon whom the force was used, to include a written or recorded statement, when possible
- d. Ensure photographs are taken of the person and involved officer to record the presence or absence of injuries, the location of the incident, and other relevant evidence. If photos are not taken, document the reason why.
- e. Interview available witnesses at the scene
- f. Ensure officers who assisted at the scene or who witnessed the UOF complete the appropriate report(s). When an officer is directed not to complete a required report, the reason shall be documented by the supervisor in the UOF report (e.g., an officer is incapacitated from an injury during an incident)
- g. Collect any creditable video evidence related to the UOF incident.
- h. Ensure proper medical treatment is provided and documented. Ensure the person is transported to a medical facility in cases of: K-9 bites or less-lethal (kinetic energy round) impacts.
- i. Assign any uninvolved personnel who did not witness the UOF to conduct a canvass and obtain names, statements or other pertinent information from witnesses to allow for follow-up.
- j. Contact medical personnel, when practical, who evaluated and/or provided treatment to the person for available information on the person's injuries or condition.
- k. Prepare a UOF Supervisor Investigation Form and narrative. **See Command Review and Endorsement procedures: Section- VII**

C. **Category V: Deadly Force or In-Custody Death Incidents**

- Any UOF resulting in death.
- Any intentional firearm discharge at a person, regardless of injury.
- Any force which creates a substantial risk of causing death.
- Serious bodily injuries, to include loss of consciousness; protracted loss impairment, or serious disfigurement; or loss of any organ or bodily function (including paralysis).
- Any unintentional firearms discharge when a person is injured as a result.
- Any intentional impact weapon strike to the head.

1. **Deadly Force Situations**

In order to accomplish lawful objectives in a deadly force confrontation, officers are authorized to use force likely to cause death or great bodily harm:

- a. To protect the officer or others from what is reasonably believed, based on the totality of the circumstances, to be immediate threat of death or great bodily harm.
- b. To prevent the escape of a fleeing forcible felon the officer reasonably believes, based on the totality of the circumstances, will pose an immediate threat of death or great bodily harm to himself or such other person should escape occur.
- c. Where feasible, a peace 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.

**In the event of an officer involved shooting resulting in death or injury or an in-custody death, an outside agency shall be called in to conduct an investigation. Professional Standards shall still conduct the internal investigation.**

2. **Deadly Force Guidelines**

In deadly force situations where a firearm is necessitated, officers shall shoot as per firearm instructions.

- a. The firing of shots from a moving vehicle is prohibited unless objectively reasonable considering the totality of the circumstances.



- b. The firing shall be allowed only when objectively reasonably considering the totality of the circumstances.
- c. The discharge of any firearm (other than with approval of a supervisor), whether intentional or accidental, other than at training or sporting events, shall be reported through the chain of command to the Chief of Police and documented in an appropriate report.
- d. Firearms may be used to dispatch sick or damaged animals with the approval of a supervisor, and shall be documented in a non-crime report (not a UOF report).
- e. The firing of warning shots is prohibited.
- f. Professional Standards must be notified whenever a firearm is discharged, except when dealing with animals.

3. Category V Supervisor Responsibilities

These incidents require concurrent investigations by CID or an outside agency as appropriate and Professional Standards. In addition to the response requirements for a **Category IV** UOF as listed above, the following shall apply.

- a. On Scene Sergeant
  - 1) Maintain a Crime Scene Log as per [GO 400.09](#).
  - 2) Notify the shift commander and Professional Standards.
  - 3) The supervisor shall not ask the involved personnel to provide a step-by-step narrative of the incident or to provide a motive for their actions.
  - 4) Coordinate the preliminary investigation with Professional Standards and CID investigators.
  - 5) Separate and prohibit communication between involved personnel and witnesses.
  - 6) Ensure involved personnel limit any discussion of the incident to information necessary for the investigation or the press release.
  - 7) Prepare a UOF Report.
- b. Follow-Up Investigators Responsibilities
  - 1) CID shall conduct a follow-up investigation and make all related reports available to Professional Standards.

- 2) Notify the State's Attorney's Office (SAO) as soon as practical.
  - 3) Professional Standards shall conduct a concurrent but independent investigation and prepare a Use of Force/In-Custody Death Report.
- c. Shift Lieutenant Responsibilities
- 1) Respond to the scene and take command of the incident.
  - 2) Ensure proper scene management and a thorough preliminary investigation.
  - 3) Ensure to that the appropriate incident notifications as soon as possible.

## **VI. DOCUMENTATION AND RESPONSE TO UOF**

Reports related to a UOF shall be completed and submitted prior to the end of the tour of duty unless otherwise directed.

### **D. Officer UOF Documentation**

1. Officers will complete the UOF Module in the reporting system for use of force including Categories **II**, **III**, **IV** or **V**. (Category **V** incidents may be at the discretion of a division commander dependent on the circumstance)

Category **I** incidents will not be completed on the UOF Module in the reporting system by officers unless the person is alleging a higher category of force by an officer.

2. All officers taking part of an UOF shall complete the applicable documentation from their viewpoint. Group UOF reporting (one report for multiple officers) is prohibited
3. All uses of force stemming from a single incident shall be documented on one UOF report, and shall be conducted at the highest category of force used
4. Officers will document their UOF in narrative form on an original or supplementary police incident report.

### **E. Supervisor UOF Documentation**

1. Sergeants will complete a UOF Supervisor Investigation Module in the reporting system, and narrative for incidents regarding use of force including Categories **III**, **IV**, or **V**.
2. Reports shall contain descriptive or explanatory details of the action.
3. Supervisors shall be held accountable for the timely, accurate, and thorough required documentation of all UOF incidents.
4. Supervisors have the discretion to elevate any level of force investigation when necessary.
5. The Use of Force Board shall identify any training and/or tactical deficiencies based on the circumstances of a use of force or supervisor's response to a UOF. If a deficiency or training issue needs immediate adjustment, the UOF coordinator and a division commander shall be notified by the reviewing supervisor.

Immediate compliance with the provisions of this order may be delayed if circumstances require; however, such circumstances shall be documented in the report and are reviewable by the Use of Force Board.

F. Sergeants Must Respond When:

1. Notified of a **Category III, IV or V** UOF. Supervisory response to a Category I or II is only required when that category UOF causes an injury or the person is alleging that force was used and the officer denies using force.
2. A person has an injury requiring more than basic first aid, and there was a UOF, regardless of whether the injury was a result of the UOF.

D. Lieutenants Must Respond When:

1. Notified of any **Category V** UOF.
2. Notified of a **Category III, IV, or V** UOF involving a Sergeant.
3. Any UOF action involving unusual circumstances at the request of on scene officers.
4. Advised the incident involves significant department resources or is likely to generate unusual public interest.

## **VII. DUTY TO INTERVENE**

Employees of the Peoria Police Department have an obligation within their individual scope of authority and training to protect the public and other employees. It shall be the duty of every police department employee present at any scene where physical force is being applied to either stop, or attempt to stop, another employee when their observations lead them to believe that the use of force being applied is inconsistent with this general order. Employees shall notify a supervisor any time they observe another agency employee or public safety associate engage in any unreasonable use of force, violation of department policy, state/provincial or Federal law, or local ordinance.

Non-Sworn Employees of the Peoria Police Department who are not trained in UOF shall not physically intervene when their observations lead them to believe that a sworn employee's use of force is improper. However, the employee shall immediately notify their immediate supervisor of their observations.

In no event shall the report be submitted more than 5 days after the incident. ([720 ILCS 5/7-16](#))

## **VIII. PROHIBITED USE OF FORCE**

([720 ILCS 5/7-5.5](#))

Sec. 7-5.5. Prohibited use of force by a peace officer.

(a) A peace officer, or any other person acting under the color of law, shall not use a chokehold or restraint above the shoulders with risk of asphyxiation in the performance of his or her duties, unless deadly force is justified under Article 7 of this Code.

(b) A peace officer, or any other person acting under the color of law, shall not use a chokehold or restraint above the shoulders with risk of asphyxiation, or any lesser contact with the throat or neck area of another, in order to prevent the destruction of evidence by ingestion.

(c) As used in this Section, "chokehold" means applying any direct pressure to the throat, windpipe, or airway of another. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air such as a headlock where the only pressure applied is to the head.

(d) As used in this Section, "restraint above the shoulders with risk of positional asphyxiation" means a use of a technique used to restrain a person above the shoulders, including neck or head, in a position which interferes with the person's ability to breathe after the person no longer poses a threat to the officer or any other person.

Vascular neck restriction techniques are prohibited unless the use of deadly force is justified in accordance with this policy and applicable laws.

## **IX. COMMAND REVIEW AND ENDORSEMENT**

### **A. UOF Review (Sergeants) Responsibilities**

1. Review the UOF packet and evaluate the UOF Report and ancillary documents for completeness, accuracy, and quality to ensure reports contain descriptive or explanatory details of the action. Return any reports that are incomplete or inadequate and ensure corrections are made.
2. Evaluate and document the UOF, and comment on any training and tactical issues, when appropriate.
3. Ensure the UOF Report has a UOF incident number.
4. If a deficiency or training issue needs immediate adjustment, the UOF coordinator and a division commander shall be notified by the reviewing supervisor.

### **B. UOF Review (Lieutenant) Responsibilities**

1. Supervisors shall review the circumstances of the incident with the involved personnel as necessary, and ensure the facts are consistent with the reporting level.
2. Order further investigation if necessary.
3. Conduct a thorough review of all documents to ensure completeness, accuracy, and quality, as required per this policy.
4. Prior to reducing a Category UOF to a lower Category UOF, a Lieutenant shall ensure there is no injury requiring medical treatment (beyond first aid), or allegation of misconduct, and there is no indication the use of force was out of policy.

If notified of an allegation of excessive force, a supervisor shall conduct a preliminary investigation. If it is determined that excessive force occurred, the Lieutenant shall initiate an internal investigation. Absent corroborating evidence to substantiate excessive force occurred, a supervisor shall document the results of the preliminary complaint investigation in a Special Report, if no Use of Force Report is completed.

### **C. Force Review Responsibilities (Training)**

1. If a training issue arises from an incident, the shift Lieutenant shall coordinate and/or direct training and a training memorandum should be completed and forwarded to the Training Unit and Use of Force Coordinator.
2. The Training Unit will arrange and document any training that cannot be accomplished at the division level.
3. If a recommendation (e.g., policy revision, equipment evaluation, new department publication) arises from a UOF incident, the Use of Force Coordinator shall prepare and forward a recommendation memorandum through the chain of command to the Support Services Captain who shall forward it to the Assistant Chief of Police.

D. Category V Force Review Responsibilities

1. The CID Captain shall conduct or require:
  - a. A follow-up investigation is conducted and proper reports are completed unless the incident is being investigated by an outside agency.
  - b. Review and forward reports to Professional Standards within 45 calendar days of the incident, unless extended by the Chief or Assistant Chief of Police.

E. UOF Coordinator Responsibilities

1. Track UOF incidents using the UOF Module Reports.
2. Notify the appropriate commander if the UOF Report packet has not been received within 16 calendar days of the incident.
3. Review the UOF Report and if it is returned for additional follow-up or clarification, the due date may be extended, as needed and documented.
4. Track the UOF report due date to ensure the timeliness of the investigation, and ensure the division commander has received the UOF Report packet. Contact Support Services Captain and ascertain the delay if not received within 75 calendar days of the incident and notify the Assistant Chief of the delay.

*This directive provides general guidelines to personnel regarding proper practices and is for internal use only. It is not intended to enlarge an officer's criminal or civil liability in any way, except as to any disciplinary action that might arise. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in an employment related proceeding.*