



FAIRVIEW HEIGHTS POLICE

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POLICY 300 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.

The application of use of force, whether lethal or non-lethal, shall be constantly monitored and evaluated. Officers shall only use the reasonable amount of force necessary to stop the threat or resistance and cease all use of force when the suspect is controlled or the threat has ceased.

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, shall intervene to stop and 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 shall report these observations to a supervisor as soon as feasible.

Officers shall notify a supervisor as soon as feasible and submit a written report within five days of the incident (720 ILCS 5/7-16).

300.2.2 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 (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.
- 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.

It is recognized that officers are expected to make split-second decisions and that the amount of an officer's time available to evaluate and respond to changing circumstances may impact his/her decision.

While various degrees of force exist, each officer is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

It is recognized however, that circumstances may arise in which officers reasonably believe that it is impractical or ineffective to use any of the standard tools, weapons or methods provided by the Department. Officers may find it more effective or practical to improvise their response to rapidly unfolding

conditions they are confronting. In such circumstances, the use of any tool, method or weapon of opportunity must nonetheless be objectively reasonable and utilized only to the degree reasonably necessary to accomplish a legitimate law enforcement purpose.

300.2.3 NON-DEADLY FORCE APPLICATIONS

Any application of force that is not reasonably anticipated and intended to create a substantial likelihood of death or serious bodily injury shall be considered non-deadly force. Each officer is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of officers and the public. Non-deadly force applications may include but are not limited to leg restraints and control devices, described in Policy Manual §§ 306 and 308 respectively.

Serious Injury/Serious Physical Harm to Persons means any of the following:

- a. Any physical harm that carries a substantial risk of death
- b. Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity.
- c. Any physical harm that involves some permanent disfigurement or that involves some temporary, serious disfigurement.

An officer's discharge of a firearm using ammunition designed to disable or control without creating the likelihood of death or great bodily harm are not considered deadly force when used in making an arrest (720 ILCS 5/7-8).

300.2.4 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be very effective in controlling a passive or actively resisting individual. Officers may only apply those pain compliance techniques for which the officer has received departmentally approved training and only when the officer reasonably believes that the use of such a technique appears necessary to further a legitimate law enforcement purpose. Officers utilizing any pain compliance technique should consider the totality of the circumstance including, but not limited to:

- a. The potential for injury to the officer(s) or others if the technique is not used.
- b. The potential risk of serious injury to the individual being controlled.
- c. The degree to which the pain compliance technique may be controlled in application according to the level of resistance.
- d. The nature of the offense involved.
- e. The level of resistance of the individual(s) involved.
- f. The need for prompt resolution of the situation.
- g. If time permits (e.g., passive demonstrators), other reasonable alternatives.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved. Pain compliance should not be used as punishment or coercion. It should only be used to gain control over a subject.

300.2.5 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 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 SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers shall not use 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 Fairview Heights Police Department for this specific purpose.

300.3.2 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).

300.3.3 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 or respiratory restraint) 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).

300.4 DEADLY FORCE APPLICATIONS

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

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

- a. An officer may use deadly force to protect themselves or others from what the officer 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 themselves) if the individual is not immediately apprehended.
 2. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

However, an officer shall not use deadly force against a person whose actions are a threat solely to themselves or property unless the person poses an imminent danger of death or serious physical injury to the officer or others in close proximity.

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 are rarely effective and involve considerations and risks in addition to the justification for the use of deadly force.

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.

Use of some Pursuit Intervention Techniques are considered deadly force and officers shall refer to their training and Policy 308 for guidance.

300.4.2 MEDICAL ATTENTION FOR INJURIES SUSTAINED USING FORCE

Prior to booking or release, medical assistance shall be obtained for any person who has sustained visible injury, expressed a complaint of an injury or continuing pain or who has been rendered unconscious. Based upon the officer's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by EMS, hospital staff or medical staff at the jail.

Persons 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 and should be examined by qualified medical

personnel as soon as practicable. Any individual exhibiting signs of distress after such an encounter shall be medically cleared prior to booking.

If any individual refuses medical attention, such a refusal shall be fully documented in related reports and a supervisor should be notified. Whenever practicable, the refusal should be witnessed by another officer and/or medical personnel. If an audio recording is made of the contact or interview with the individual, any refusal should be included, if possible. Any individual who seems to be suffering from excited delirium shall be seen by an emergency room physician.

300.5 REPORTING THE USE OF FORCE

Any use of physical force by a member of this department shall be documented promptly, completely, and accurately in an appropriate police report, including a narrative describing the incident. In addition to documenting the incident thoroughly in a police report, the response to resistance will be reported on the Department's Response to Resistance form (R2R). The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in the departmental policy and/or law. In situations where an officer only displays their duty weapon and or Taser at a subject to gain compliance, the Supervisory Use of Force Form (SUF) may be utilized instead of a full R2R form. Dependent upon the situation, a supervisor or OIC may utilize the R2R form instead of the SUF, but both forms should not be used for the same incident. Below are the links for the R2R and SUF forms.

Application and use of both forms are more detailed in S.O.P. 1.127

[See attachment: Supervisory Use of Force Display Only.pdf](#)

[See attachment: Response to Resistance 10-3-23.pdf](#)

300.6 SUPERVISOR RESPONSIBILITY

Once notified of an incident in which an officer has utilized force, the supervisor will immediately respond to the scene to investigate the incident. If the involved officer's supervisor is not available to respond, another supervisor will be dispatched to complete the R2R. If no supervisor is available, the OIC shall be responsible for the steps described, herein. In the event that an OIC must complete this process, the OIC shall immediately notify the Commander on Call prior to beginning the investigation. The supervisor will accomplish the following investigative steps in conducting the investigation:

- a. Interview the involved subject if they are cooperative, to determine their account of the incident and if they have a complaint. If they do have a complaint the supervisor shall initiate the complaint process in accordance with departmental policy. If there is any injury suffered by the subject or officer, the supervisor will notify the Commander on Call as soon as practical. Additionally, should the supervisor determine that unreasonable force may have been utilized, the Commander on Call or designee will assume control of the investigation at that point.
- b. If a crime scene exists; or police equipment exists, which may contain forensic evidence, the supervisor shall ensure that the scene and evidence is processed, photographed and preserved.
- c. Take photographs of the involved officer(s) and subject(s) depicting any potential injuries or documenting the lack of injuries to the parties involved. The areas to be photographed should include but not be limited to the area described as being injured, struck or causing pain, the face and head, and the wrists of the suspect(s). Photos of wrists are intended to protect against claims of improper handcuffing or intentional infliction of pain, which are common complaints against police officers. Photos should be taken of prior injuries and noted as such in reports.

- d. Interview, preferably utilizing equipment capturing both video and audio recordings, all witnesses to the incident and document descriptions of the event. Use of the supervisors in car camera system, informing the witness of its presence, will suffice for properly capturing the interview of witnesses.
- e. Ensure that qualified medical personnel handle any serious injuries or other medical condition being experienced by the involved parties.
- f. The supervisor shall review any video recordings of the incident, if available, prior to the completion of the RRF and the approval of the officer's reports.
- g. The supervisor investigating the use of reportable force shall be responsible for the review and approval of the officer's reports of the incident when practicable.
- h. The supervisor will complete the R2R prior to completing their shift and submit it along with the officer's report to their chain of command for review. If the report is not yet accomplished by the end of their tour of duty, the supervisor will notify their commander of the status of the report (not completed due to injury of officer, completed but not typed, etc.).
- i. Exceptions: The following do not require the completion of an R2R unless otherwise required by the above policy or at the direction of the on-scene supervisor:
 - 1. Handcuffing or escorting a compliant, cooperative subject where no indication or complaint of injury exists.
 - 2. Physical removal of peaceful demonstrators whom do not resist.

300.7 USE OF FORCE REVIEWS

Agency Content

The RRF will be reviewed by the immediate supervisor of the officer deploying the force in question. The review of the form and use of force utilized will be reviewed at the following level: supervisor, Patrol Commander, Assistant Chief of Police and finally the Chief of Police. Each level of supervision may add comments to their review and should make a recommendation as to whether the use of force was within or outside of policy. The final review and determination regarding the use of force will be made by the Chief of Police.

300.8 USE OF FORCE ANALYSIS

Best Practice

At least annually, the Patrol Division Commander 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.

300.9 TRAINING

Agency Content

The Deputy Chief of Police shall coordinate the Department Training Officer (DTO) periodically to create a training plan to cover all areas of use of force training topics. The DTO shall outline a training plan at the beginning of each calendar year to ensure department needs are met in compliance with the Illinois Training

and Standards Board. All training shall be completed by the department shall be done in compliance according to manufacturer's guidelines and training standards.

All training shall topic shall be documented and saved in the appropriate database and where applicable, forwarded to the appropriate agency.

Topic to be included but not limited to are:

- a. Proper use of force
- b. Legal and liability issues
- c. De-escalation Techniques and alternatives to force
- d. Duty to intervene
- e. Duty to request and/or render medical aid
- f. Scenario based training
- g. Yearly qualifications

All training completed will be documented and saved. In addition, the training as prescribed by the Illinois Law Enforcement and Training Board will be forwarded to them as necessary.