

POLICE DEPARTMENT HANOVER PARK, ILLINOIS



DIRECTIVE: 205-P

REFERENCE STANDARDS: 1.2.10 4.1.1 4.1.2 4.1.3 4.1.4 4.1.5 4.1.6 4.1.7
4.2.1 4.2.2 4.2.3 4.2.4 4.2.5 4.3.2 4.3.3 4.3.4

SUBJECT: Use of Force

PURPOSE: The following policy and procedure is for internal department use only and is not intended to enlarge the civil or criminal liability of this department, the Village of Hanover Park, Village officials, or police officers and police employees, beyond those liabilities and sanctions imposed on police officers and police employees by applicable laws of the State of Illinois. Additionally, those procedures should not be construed as the creation of any standard of safety or care with respect to torts or other claims by third parties against the department, its members, the Village of Hanover Park, or any Village official.

Violations of policy and procedure, if proven, may only form the basis of a complaint within the purview of the administrative review process of this department.

The purpose of this policy is to provide guidelines in respect to the use of deadly and non-deadly force by personnel of this department.

DEFINITIONS:

Deadly Force Any use of force that creates a substantial risk of causing death or great bodily injury, including, but not limited to, the discharge of a firearm.

Non-Deadly Force Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another.

Reasonable Belief The facts and circumstances known to police personnel which are such as to cause a prudent individual with the knowledge, training and experience of police personnel to act or think in a similar manner under similar circumstances.

Objectively Reasonable Force that is objectively reasonable based upon the totality of the circumstances. The standard used to determine objectively reasonable force is articulated in the United States Supreme Court decision, Graham v. Conner, 490 U.S. 386 (1989). The Graham decision holds that the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, without regard to the officer's underlying intent

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or motivation. The determination of reasonableness must be based on the totality of the circumstances and must include a consideration that police officers are often forced to make split second decisions in circumstances which are tense, uncertain, and rapidly evolving. The determination of reasonableness is not based on the 20/20 vision of hindsight.

Great Bodily Harm A bodily injury to a human being that creates a substantial risk of death; causes serious, permanent disfigurement; or results in long term loss or impairment of the function of any bodily member or organ.

Warning Shot The discharge of a firearm into the air or the ground in an attempt to warn the suspect that additional force may be imminent.

Immediate Death The direct exposure to injury or some other action that may cause death within a short time after the injury or action.

Imminent Threat of Death or Serious Bodily Injury A threat of death or serious bodily injury 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 serious bodily injury to the peace 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.

Chokehold Applying any direct pressure to the throat, windpipe, or airway of another.

Vascular Neck Restriction Applying any direct pressure to the neck which relies on the temporary disruption of blood flow to the brain for incapacitation.

Officer-Involved Shooting Any instance when a law enforcement officer discharges his or her firearm, causing injury or death to a person or persons, during the performance of his or her official duties or in the line of duty.

Restraint Above the Shoulders with Risk of Positional Asphyxiation Use of a technique used to restrain a person above the shoulders, including the 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.

Totality of the Circumstances All facts known to the peace officer at the time, 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.

Render Medical Aid and Assistance Providing medical aid that includes, but is not limited to, performing emergency life-saving procedures such as cardiopulmonary resuscitation or the administration of an automated external defibrillator; and the making of arrangements for the carrying of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person.

I. REASONABLE FORCE

A. Use of Force - Personnel are not required to use the least assertive option and shall consider the following criteria when determining which level of force to use:

1. The objectively reasonable standard; perception of a threat to personnel, employee or third party, seriousness of crime committed/call for service.
2. An officer need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to that arrest, however an officer:
 - a) will, when possible, apply de-escalation techniques consistent with Section III. D. 1. of this directive, and/or
 - b) can disengage from the arrest efforts if it is safe and reasonable under the circumstances.
 - c) As used in this subsection, “retreat” does not mean tactical repositioning or other de-escalation tactics.
3. The imminence of the threat to personnel, employee, or third party;
4. The proximity of weapons to the subject;
5. Influence of drugs or alcohol on the subject;
6. Mental health of the subject;
7. Training and experience level of personnel or employee;
8. The size and stature of personnel, employee or third party as compared to the size and stature of the offender posing the threat;
9. Potential for injury to officer, employee, third party, or the subject;
10. Risk of escape;
11. Other exigent circumstances;

An officer is justified in the use of any force which he reasonably believes to be necessary to affect the arrest, and any force which he reasonably believes to be necessary to defend personnel or another from bodily harm while making the arrest. In a life-threatening situation, the use of any force, impromptu weapon, or a weapon of necessity is justified as lethal when reasonable alternatives have been exhausted, are unavailable, or are impractical.

12. An officer shall only use the objectively reasonable amount of force that is necessary to neutralize an unlawful assault, overcome resistance of taking a person into custody, or to accomplish any other lawful objective. (4.1.1)
13. This Directive does not require an offender to initiate the use of force.
14. This Directive does not require an officer to engage in or continue to engage in any level of force before using a level of force that will more quickly and safely bring a person under physical control.
15. An officer who has an arrested person in his or her custody is justified in the use of such force, to prevent the escape of the arrested person from custody as he or she would be justified in using if he or she were arresting such person.
16. An officer is justified in the use of force which he or she reasonably believes to be necessary to prevent the escape from a penal institution of a person whom the officer reasonably believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

B. Use of Deadly Force (4.1.2)

1. An officer may use deadly force only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary to prevent imminent death or great bodily harm to the officer or another person (4.1.2), and
2. An officer may use deadly force when the officer reasonably believes, based on the totality of the circumstances, that 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 great bodily harm to another, and
 - a) the person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm, or
 - b) is attempting to escape by use of a deadly weapon, or
 - c) otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.
3. An officer shall not use deadly force against a person based on the danger that the person poses to himself or herself if a reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.
4. An officer shall not use deadly force against a person who is suspected of committing a property offense that is not a forcible felony, unless that offense is terrorism or unless deadly force is otherwise authorized by law. 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 the circumstances of each case including but not limited to the proximity in time of the use of force to the commission of a forcible felony, and the reasonable feasibility of safely apprehending a subject at a later time, and shall use other available resources and techniques, if reasonably safe and feasible to a reasonable officer.

5. Justification for the use of deadly force is limited to what is objectively reasonable and known by the officer at the time the officer decides to use such force. Facts unknown to the officer cannot be considered later in determining whether the use of deadly force was justified.
6. The use of a firearm is force likely to cause death or great bodily harm regardless of the extent of the injury inflicted.
7. Where feasible, appropriate, and not prevented by physical environment, distance, or other situational circumstances, an 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.
8. An officer shall not use deadly force to prevent escape unless, based on the totality of the circumstances, deadly force is necessary to prevent death or great bodily harm to himself or herself, or to such other person.
9. A peace 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.

C. Prohibited Use of Force

1. A peace officer or any other person acting under the color of law shall not:
 - a) use a chokehold, vascular neck restriction, or any technique or restraint above the shoulders with risk of asphyxiation or restricting the intake of oxygen or blood flow to the brain, unless deadly force is justified. (4.1.6) (4.1.7) 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.
 - b) use force as punishment or retaliation;
 - c) discharge kinetic impact projectiles and all other non-or less-lethal projectiles in a manner that targets the head, neck, groin, anterior pelvis, or back;
 - d) discharge conducted electrical weapons in a manner that targets the head, chest, neck, groin, or anterior pelvis;
 - e) discharge firearms or kinetic impact projectiles indiscriminately into a crowd; or

- e) use chemical agents or irritants for crowd control, including pepper spray and tear gas, prior to issuing 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 place an officer or another person at risk of death or great bodily harm.

D. Legal Authority

1. Illinois Compiled Statutes - (720 ILCS 5/7-5)

Sec. 7-5. Peace officer's use of force in making arrest.

- a) *A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he reasonably believes based on the totality of the circumstances to be necessary to affect the arrest and of any force which he reasonably believes, based on the totality of the circumstances, to be necessary to defend him or another from bodily harm while making the arrest. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes, based on the totality of the circumstances, that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes, based on the totality of the circumstances, both that:*
 - (1) *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 great bodily harm to another; and*
 - (2) *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.*
- (a-5) *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.*
- (a-10) *A peace officer shall not use deadly force against a person based on the danger that the person poses to himself or herself if a reasonable officer would believe the person does not pose an imminent threat of death or great bodily harm to the peace officer or to another person.*
- (a-15) *A peace 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.* of force permitted, if any, without regard for

chain of command. *A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.*

- b) *The authority to use physical force conferred on peace officers by this Article 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.*
- (d) *Peace 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 the proximity in time of the use of force to the commission of a forcible felony, and the reasonable feasibility of safely apprehending a subject at a later time, and shall use other available resources and techniques, if reasonably safe and feasible to a reasonable officer.*
- (e) *The decision by a peace officer 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 peace officers, in order to ensure that officers use force consistent with law and agency policies.*
- (f) *The decision by a peace 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.*
- (g) *Law enforcement agencies are encouraged to adopt and develop policies designed to protect individuals with physical, mental health, developmental, or intellectual disabilities, who are significantly more likely to experience greater levels of physical force during police interactions, as these disabilities may affect the ability of a person to understand or comply with commands from peace officers.*

E. Duty to Intervene and Report (1.2.10) (720 ILCS 5/7-16)

- 1. Employees are obligated to ensure their compliance, another employee's compliance, and other public safety associates' compliance, with Department use of force policy and applicable law, regardless of the rank or assignment of the respective employees or public safety associates. Employees will be held accountable for using force that is unreasonable or violates the law and/or Department directive(s).
- 2. Pursuant to 720 ILCS 5/7-16(a), peace officers or any other person acting under the color of law, have an affirmative duty to intervene to prevent or stop another police employee in his or her presence from using any unauthorized force or force that exceeds the degree

As such, any employee, regardless of their rank or assignment, present and observing another employee or any other person acting under the color of law, regardless of their rank or assignment, using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, immediately intervene to prevent the use of unreasonable force.

- a) Such action will include, but is not limited to, verbally intervening to try to stop the violation.
 - b) If the employee is a direct supervisor or higher in rank than the employee using unreasonable force, the supervisor shall issue a direct order to stop the violation.
 - c) Pursuant to 720 ILCS 5/33-9, a law enforcement officer or any other person acting under the color of law commits law enforcement misconduct when, in the performance of his or her official duties, with the intent to prevent the apprehension or obstruct the prosecution or defense of any person, he or she knowingly and intentionally:
 - (1) misrepresents or fails to provide material facts describing an incident in any report or during any investigations regarding the law enforcement employee's conduct.
 - (2) withholds any knowledge of the material misrepresentations of another law enforcement officer from the law enforcement employee's supervisor, investigator, or other person or entity tasked with holding the law enforcement officer accountable; or
 - (3) fails to comply with State Law requiring the use of body-worn cameras.
 - d) Any employee who intervenes, observes misconduct, or becomes aware of information alleging misconduct, including an identified excessive use of force, a reportable use of force incident that was not reported, or a use of force that is otherwise unreasonable or in violation of the law and/or Department directive(s), shall:
 - (1) Immediately notify his or her supervisor.
 - (2) Submit an individual written report to a supervisor before ending their tour of duty on the day the member becomes aware of the misconduct. The report shall include the date, time, and place of the occurrence; the identity, if known, and description of the participants; and a description of any intervention actions taken and whether they were successful.
3. The Department prohibits any form of discipline, retaliation, interference, intimidation, or coercion against an employee for:
- a) Intervening in or reporting unconstitutional or unlawful conduct, or for failing to follow what the employee reasonably believes is an unconstitutional or unlawful directive, including a use of force that is allegedly unreasonable or in violation of the law and/or Department directive(s).
 - b) Cooperating with any complaint or misconduct investigation.

II. USE OF FIREARMS

- A. The necessity of controlling the use of a firearm is the responsibility of the individual officer. A police officer shall not display or discharge a firearm (other than for practice, training, or authorized demonstration) except when in performance of his or her duty.
1. Nothing contained herein shall be construed as restricting a police officer from engaging in lawful activities while off-duty such as lawful hunting or other lawful recreational use of a firearm, other than that which has, or is likely to cause death or great bodily injury to a human; nor shall such use of a firearm be construed as a use of force for the purposes of this directive.
- B. Hanover Park Police Officers may use firearms, other than in paragraph A above, only under the following circumstances:
1. For practice at an authorized range, in compliance with appropriate safety procedures, and where firing a weapon would not be in violation of the law.
 2. In order to destroy a domestic or wild animal that appears to be suffering from a fatal wound or disease, but only after a supervisor has been notified and after every alternative has been exhausted and every reasonable effort to locate an owner (if any) has been made.
 3. In order to destroy a domestic/wild animal that is obviously mad or vicious and cannot otherwise be prevented from killing or seriously injuring any person.
- C. Hanover Park Police Officers shall not use firearms in any of the following: (4.1.3)
1. Firing into crowds of people.
 2. Firing warning shots. (4.1.3)
 3. Firing into buildings, through doors, windows, or other openings when the person lawfully fired at is not clearly visible.
 4. Firing shots at persons who committed only a traffic violation.
 5. Officers shall not fire at moving vehicles except in self-defense or the defense of another. An officer in the path of an approaching vehicle will make a reasonable attempt to move to a position of safety before making the decision of whether or not to discharge a firearm at a vehicle or any occupants of a vehicle.
 6. Discharging a firearm from a moving vehicle is prohibited, except in exigent circumstances warranting the immediate defense of life.

III. LEVELS OF FORCE- ESCALATION OF FORCE PRINCIPLES

- A. Levels of force should be used in the following ascending order of severity, except that nothing in this order is intended to imply that force must start at the least level. Force must always start at the objectively reasonable level considered safe and appropriate considering the resistance and threat confronted. The scale of use of force options, in order of increasing severity, is set forth as follows:
1. Verbal Persuasion
 2. Non-Deadly force
 3. Deadly force
- B. Verbal Persuasion
1. Control may be achieved through command presence, lawful orders, persuasion and warnings prior to the use of physical force.
 2. When practicable, verbal commands should accompany all levels of force in an effort to gain compliance.
- C. Non-Deadly Force
1. The use of authorized non-lethal weapons as provided in section VIII.
- D. Deadly Force
1. The use of deadly force as outlined in section I (B).
- E. De-Escalation
1. Employees will use de-escalation techniques to prevent or reduce the need for force when it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary.
 2. When an employee uses de-escalation techniques, they shall complete a police report including:
 - a) checking the CIT box on the FBR Incident Form, and
 - b) describing the de-escalation techniques used and the results.

IV. USE OF HANDCUFFS AND RESTRAINTS

- A. It is understood that many incidents requiring use of force or in custody situations will require that subjects be restrained and subdued for a period of time.
- B. The use of multiple restraining devices will require documentation justifying their use. Officers shall not hog-tie a subject with apparent diminished capacity, including severe intoxication, the influence of controlled substances, a discernible mental condition or any other condition apparent to the officer. Additionally, it will not be permitted to transport subjects in the prone position.
- C. If a subject is subdued in a prone position, officers must get the subdued person out of the prone position as soon as possible and monitor for the need of medical assistance.
- D. It is understood that at times it may require the control by several officers to subdue an individual for handcuffing. The subject should be released from the control of multiple officers as soon as is safe and practicable in order to prevent the individual from injuring himself/herself.

V. INJURIES/ MEDICAL ATTENTION (4.1.5) (720 ILCS 5/7-15)

- A. Any time force of any nature is used against a person or following any law enforcement action in which injuries have been sustained, it will be the initial responsibility of personnel using the force, taking the action, or making the arrest to ensure that the subject of that force receives medical attention as quickly as reasonably possible if needed. All police employees must, as soon as reasonably practical, determine if a person is injured, whether as a result of a use of force or otherwise, and render medical aid and assistance consistent with their training. In addition to employees providing immediate medical aid consistent with their training, paramedics and/or other qualified emergency medical care shall be summoned when obvious severe injuries have occurred, medical distress is apparent, or the individual is unconscious. Any injuries that are sustained will be documented in the Response to Resistance Report.
 - 1. The on-duty supervisor shall ensure that medical attention is provided to every person who has been struck by a Less Lethal Extended Range Impact Device or Conducted Electrical Weapon (CEW). Only trained medical personnel will be allowed to remove CEW probes which have penetrated the skin of a subject.
 - 2. Except where such action would constitute a strip search, the supervisor shall ensure that evidentiary photographs are taken depicting the location(s) where the Less Lethal Extended Range Impact Device or CEW probes impacted the body.
- B. If the person that force was used on has any injury, it shall be the responsibility of the arresting officer to notify the on-duty supervisor. It will be the responsibility of the supervisor, or the arresting officer if the supervisor is unavailable, to arrange needed medical treatment for the person by contacting the Fire Department to have an ambulance respond.

- C. An officer will accompany arrested subjects to the hospital if treatment is required and will transport them back after treatment is received. In the event the subject requires admittance to a hospital, the officer will contact the on-duty supervisor for appropriate notifications and security arrangements.

VI. TRAINING

- A. All newly hired sworn personnel shall be instructed in the laws regarding the use of force while attending department approved training. (4.3.4)
- B. As part of the F.T.O. program, all newly hired sworn personnel are provided additional instruction in department policy and procedures regarding the use of force. (4.3.4)
- C. At least annually all sworn personnel authorized to carry weapons are required to receive in-service training on the use of force policies and demonstrate proficiency with all approved lethal weapons the employee is authorized to use. In-service training for less lethal weapons should occur at least every two years with the exception of the CEW training, which will occur on an annual basis. (4.3.2)
- D. A certified weapons or defensive tactics instructor will conduct all proficiency training and will document the results of such training. Any department employee authorized to carry weapons who fails to qualify will be provided with remedial training. (4.3.3a,b,c)

VII. REPORTING THE USE OF FORCE

- A. Written Reports: (4.2.1c) (4.2.1d) (4.2.2)
 - 1. Any use of force beyond mere physical contact, including the pointing of lethal and/or less lethal weapons, will be reported immediately to the on-duty supervisor verbally and then, as soon as is practical, in written form through the Response to Resistance Report as well as documented in an Incident/Offense Report.
 - a) Each officer using such force will prepare the reports required above except in the event of a Crisis Resolution Team (CRT) activation that does not involve the use of deadly force. The CRT Incident Commander will prepare one summary, Response to Resistance Report describing the use of force of the team members in the event of weapons being pointed at suspects during CRT operations. CRT members who use force beyond weapon pointing, will each document their own use of force in an Incident/Offense Report and a response to resistance report.

- b) The “Race” information on the Response to Resistance Report will be recorded using the officer’s subjective determination of the subject’s race.
2. Any use of force involving the discharge of a firearm, including a less lethal weapon, other than for training purposes or destroying an animal, will require a Response to Resistance Report. (4.2.1a)
3. Any discharge of a firearm not requiring a Response to Resistance Report, other than what is enumerated in II.A.1.), will require an Incident/Offense Report, describing the circumstances surrounding the discharge.
4. In any case in which a person dies while in the custody of the Hanover Park Police Department and/or its employee(s), or as a result of an officer’s use of force, the Deputy Chief of Support Services or their designee shall investigate and report the death in writing to the Illinois Criminal Justice Information Authority, no later than 30 days after the date on which the person in custody died. The investigation and report shall follow the guidelines in Illinois Public Act 101-0652 Article 3.
5. Pursuant to 50 ILCS 709/5-12(8), the Deputy Chief of Operations or their designee shall submit a monthly report to the Illinois Department of State Police on use of force, including any action that resulted in the death or serious bodily injury of a person or the discharge of a firearm at or in the direction of a person. The report shall include the information required by 50 ILCS 709/5-11.

B. Notifications:

1. When reasonable to do so, an officer deploying a CEW resulting in the discharge of probes shall notify DuComm, via the radio, of the CEW deployment. Unless engaged in a more urgent law enforcement matter, the supervisor will respond to the scene and shall take possession of, secure, and properly store the CEW discharged by the officer pending inspection and investigation. If the supervisor is unable to respond to the scene, the supervisor will assign the responsibilities to another and ensure that all requirements of this section are completed.
2. Once the supervisor, or designee, has arrived on scene of a CEW activation and has conducted a preliminary investigation, the supervisor will direct the officer to collect the cartridge, wire leads, probes and when practical, at least three (3) AFIDS as evidence.
3. Any use of force that requires a Response to Resistance Report will be forwarded to the Deputy Chief of Operations by the next business day. If the use of force involves the CEW, a copy of the Response to Resistance Report Field Based Reporting (FBR) report will be forwarded to the CEW Program Coordinator. Any use of force that results in serious injury to an arrested person or involves the discharge of a firearm, the on-duty supervisor will immediately notify the Patrol Lieutenant. The Patrol Lieutenant will then notify the

Deputy Chief of Operations and the Investigative Bureau Supervisor. (4.2.2)

4. When a firearm is discharged by an officer, while on or off-duty, regardless of jurisdiction, and whether the discharge was accidental or intentional, (other than what is enumerated in II.A.1.), the officer shall make notification to the on-duty supervisor as soon as is practicable. The on-duty supervisor will notify the Patrol Lieutenant as soon as practicable, who is then responsible for notifying the Deputy Chief of Operations. (4.2.1a)
 5. Any action an officer is involved in that results in death or injury to another person shall require the same notifications as outlined in item 2, above. (4.2.1b)
 6. Unless prevented by physical inability (i.e.: officer hospitalization), the report must be submitted to the on-duty supervisor before the officer leaves his tour of duty.
 - a) At a minimum, such reports will address:
 - (1) The circumstances causing the officer to resort to physical force.
 - (2) The type of physical force used.
 - (3) A description of the lethal or non-lethal weapon(s) used.
 - (4) Any other attendant circumstances
 - (5) Any reports of injury to officers or suspects.
 7. Unless prevented by physical inability, (i.e. supervisor hospitalization), the shift supervisor will make every reasonable effort to review and approve or correct the required reports before the supervisor leaves his tour of duty. When the supervisor is not able to review and approve the reports prior to the end of the supervisor's tour of duty, every reasonable effort will be made to do so without unnecessary delay.
 8. Officers involved in incidents where death occurs as the result of the use of force, shall be subject to the guidelines outlined in IX. SPECIAL REQUIREMENTS.
- C. The Deputy Chief of Operations will conduct an annual analysis of the Response to Resistance Reports, policies, and practices, which shall identify: (4.2.2)
1. Date and time of incidents. (4.2.4a)
 2. Types of encounters resulting in use of force. (4.2.4b)
 3. Trends or patterns related to race, age, and gender of subjects involved. (4.2.4c)
 4. Trends or patterns resulting in injury to any person including employees. (4.2.4d)

5. Impact of findings on policies, practices, equipment, and training. (4.2.4e)

VIII. AUTHORIZED LESS LETHAL FORCE (4.1.4)

A. Administrative Guidelines

1. The following less lethal weapons and techniques are authorized for police officer use:

- a) Police riot baton (straight, non-weighted);
- b) Department issued Oleoresin Capsicum Aerosols;
- c) ASP Expandable Baton 21” in length;
- d) Conducted Electrical Weapon (TASER)
- e) Less lethal extended range impact devices.

- (1) Illinois Compiled Statutes - (720 ILCS 5/7-8)

Sec. 7-8. Force likely to cause death or great bodily harm. circumstances. (b) A peace officer's discharge of a firearm using ammunition designed to disable or control an individual without creating the likelihood of death or great bodily harm shall not be considered force likely to cause death or great bodily harm within the meaning of Sections 7-5 and 7-6. (Source: P.A. 90-138, eff. 1-1-98.)

- f) Use of physical control tactics (PPCT/Gracie Survival Tactics);
- g) Canine;
- h) Other approved CRT weapons and equipment

2. The use or carrying of all other items, such as stun guns, nunchucks, saps, sap gloves, weighted objects, etc., are prohibited.

B. Operational Guidelines

1. The ASP Expandable baton:

- a) Sworn uniformed department personnel, trained and issued an expandable baton, shall carry that baton while on duty unless assigned to carry a CEW. If an officer is assigned a CEW, the officer has the option of keeping the expandable baton in their vehicle, in an accessible location, in lieu of carrying the expandable baton on

their person.

- b) Sworn uniformed department personnel, trained and issued an expandable baton, shall carry that baton on their duty belt at all times while on duty.
- c) The ASP Expandable Baton may only be carried and used by those personnel who have been trained and certified in its use. Non-sworn personnel, i.e.: Community Service Officers, Code Enforcement Officers and Parking Enforcement personnel, may use the ASP Expandable Baton only while in the execution of their duties when dealing with domesticated and wild animals that become hostile towards the employee.
- d) The police riot baton may only be carried and used by sworn personnel who have been trained and certified in its use. Police riot batons will only be carried or used when issued by a supervisor for a specific incident or situation.

2. Oleoresin Capsicum Aerosols

- a) Must be carried by uniformed sworn personnel.
 - (1) Only department personnel issued capsicum aerosols may be carried on duty. Oleoresin Capsicum Aerosols may be carried by non-sworn personnel, i.e.:
- b) Community Service Officers, Code Enforcement Officers and Parking Enforcement personnel, in the execution of their duties.
- c) All department members authorized to carry Oleoresin Capsicum Aerosol shall receive training and demonstrate proficiency in its use prior to it being issued.

3. Less lethal ammunition

- a) Approved less-lethal rounds will be available and within access at all times during tour of duty.

4. Conducted Electrical Weapon (TASER)

- a) Sworn uniformed personnel trained and issued a CEW shall carry that CEW on their duty belt or vest carrier at all times while on duty.
- b) The CEW may only be carried and used by sworn personnel who have been trained in its use and have demonstrated proficiency with the CEW prior to it being issued.

IX. INCIDENTS INVOLVING FIREARMS – SPECIAL REQUIREMENTS

- A. The on-duty supervisor shall assure the completion of all preliminary reports and submit a copy to the Chief of Police and the Deputy Chief of Operations prior to the end of that supervisor's tour of duty. Any exceptions must be approved by the Chief of Police or his/her designee prior to the end of the supervisor's tour of duty. The Deputy Chief of Operations will review these reports to determine whether there are policy, training, weapon/equipment or disciplinary issues, which should be addressed.

- B. Each law enforcement officer of the Hanover Park Police Department who is involved in an officer-involved shooting must submit to drug and alcohol testing.
 - 1. The drug and alcohol testing must be completed as soon as practicable after the officer-involved shooting but no later than the end of the involved officer's shift or tour of duty.

 - 2. In accordance with Illinois Public Act 100-389:
 - a) Officers shall be required to abide by *Directive 108a Lethal Force Investigations and Follow-Up*, including the section that requires each officer who is involved in an officer involved shooting to submit to drug and alcohol testing, so long as such testing is required by Public Act 100-389 or any similar state law.

 - b) For the purpose of clarity, a person "involved in" an officer involved shooting is defined to mean any officer who discharged a firearm thereby causing injury or death to a person or persons. If multiple officers discharged their firearm and it is unclear whose bullet struck the person or persons, then all officers who discharged their firearm in the direction of the subject shall be required to submit to drug and alcohol testing.

 - c) The term "involved in" an officer-involved shooting does not include officers who did not discharge their weapon, even if they were providing other forms of support and assistance during the call. Nor does the term "involved in" include officers who discharged their weapons when it is undeniably clear their projectiles did not actually strike any person or persons.

 - d) The provisions of the current collective bargaining agreement regarding drug testing and standards for discipline shall regulate the drug testing procedures and the consequences for any positive drug test results.

 - e) Any drug or alcohol test required pursuant to this directive shall be considered a compelled, non-voluntary drug or alcohol test under threat of disciplinary action. Such testing shall only be done by urinalysis or breathalyzer. Blood tests shall only be administered with a warrant. This does not limit the Village's right to obtain test results via other available legal process.

- C. Any officer whose action or use of force results in death or serious physical injury to another will be removed from line duty and assigned to the Office of the Chief of Police pending an

administrative review of the incident. (4.2.3)

1. The Village's Employee Assistance Program will be utilized for the employee involved.

D. Special Reporting Requirements.

1. Officers involved shall immediately notify the on-duty supervisor of the incident, secure the scene until the arrival of that supervisor, and summon medical assistance as needed.
2. Written documentation of the incident shall be handled by an investigative team assigned by the Chief of Police or his designee. All personnel involved in the incident shall be made available for interviews by the investigating authority. Reasonable accommodations shall be made to ensure that the interview process begins within a reasonable time.

E.

X. SUPERVISORY RESPONSE FOLLOWING A USE OF DEADLY FORCE

- A. Upon notification that an officer has been involved in a use of deadly force, the on duty supervisory will immediately respond to the scene. The initial responsibilities of the responding supervisor (and back-up officers) are:

1. Determine if the scene is safe to approach and which approach is best.
2. Access the scene for injuries to officers and others.
3. Determine if the suspects are still at large. Obtain relative information and initiate appropriate measures to protect the public.
4. Read the involved officer(s) the "Public Safety Questions" and take the necessary action based on those answers.
5. Identify and secure the scene.
6. Identify and control witnesses.

- B. Request appropriate level of manpower and insure that the proper command staff is notified.

- C. After the scene and witnesses have been secured, focus should be moved to the officer(s) involved. Recognizing that officers involved in shooting situations or other high level uses of force are likely to experience one or more of the following physiological reactions, the department's goal is to minimize the negative effects of any of these reactions:

1. A sense of slow motion, caused by accelerated thought process
2. A sense of detachment, including auditory blocking

3. Tunnel vision
 4. A skewed sense of time and space relations
 5. Nausea or vomiting
 6. Involuntary urination
 7. Speech impairment
 8. Uncontrollable crying
 9. Shock
 10. Guilt
 11. Anger
 12. Disbelief
- D. Remove the officer(s) involved from the scene as soon as possible.
1. If there is a possibility that the officer sustained an injury during the encounter, the officer should be transported to the hospital for an evaluation. Assume that the officer is unable to assess themselves. When in doubt, have medical treatment obtained. Assign appropriate personnel to accompany the involved officer.
 2. If not hospitalized, the officer should be taken to the police station or other controlled environment. Assign a supportive peer and inform the peer that they are to stay with the officer involved and provide assistance.
 3. Do not isolate the officer. Arrange to have the officer contact family, clergy, and/or legal counsel.
 4. Arrange to have the involved officer(s) submit to drug and alcohol testing pursuant to Section IX.B. of this Directive.
- E. Maintain scene security until released by higher authority.

XI. ASSAULT ON SWORN OFFICER REVIEW

- A. Annually, the Deputy Chief of Operations or their designee conducts a review of all assaults on law enforcement officers to determine trends or patterns, with recommendations to enhance officer safety, revise policy, or address training issues. (4.2.5)