



NAPERVILLE POLICE

GENERAL ORDER

ORDER NUMBER: 1.3

SUBJECT: RESPONSE TO RESISTANCE

EFFECTIVE: 1/1/1997

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Purpose:

This order establishes guidelines concerning the use of force by police employees. The authority to use force in securing compliance with the law is basic to the role of maintaining public order.

Definitions:

Anti Felon Identification Device (AFID)—Confetti-like pieces of paper containing the serial number of the cartridge they were fired from.

Carotid Neck Hold or Carotid Choke Hold or Sleeper Hold—Applying pressure to the carotid neck arteries with the intent to reduce or prevent blood flow to the brain.

Chemical Munitions—Oleoresin capsicum (OC) and orthochlorebenzal malonitrile (CS) munitions which can be fired, launched, or otherwise propelled. This does not include OC spray or foam which is deployed from a hand-held projector.

Chokehold—Applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. Chokehold does not include any holding involving contact with the neck that is not intended to reduce the intake of air. (720 ILCS 5/7-5.5(c))

Conducted Energy Weapon (CEW)—Device designed to use propelled wires or direct contact to conduct energy to affect the sensory and/or motor functions of the nervous system.

Deadly Force—That force which is intended or likely to cause death or great bodily harm. 720 ILCS 5/7-8 lists inclusions within the statute, "Force likely to cause death or great bodily harm."

Drive Stun Mode—The application of the Taser CEW through the use of direct contact between the CEW cartridge, (and/or limited probe spread) and a subject's body. There is a low probability of neuromuscular incapacitation.

Extended Cycle—Taser CEW cycle duration greater than 15 seconds and up to 45 seconds.

Great Bodily Harm—Serious physical injury that creates a substantial risk of death, or causes serious permanent disfigurement, or results in long-term loss or impairment of the function of any bodily member or organ.

Justified—A finding in a Response to Resistance Review that concludes the employee's response to resistance was reasonable and necessary, and complied with Department policy.

Law Enforcement Officer or Officer—Any person employed by a State, county, or municipality as a policeman, peace officer, or in some like position involving the enforcement of the law and protection of public interest at the risk of the person’s life. (50 ILCS 727/1-5)

Less Lethal Weapon—Those items which, when used properly, are less likely to result in death or serious physical injury. Authorized chemical sprays, batons, chemical munitions, and Taser CEWs.

Less Lethal Impact Projectiles—Munitions which can be fired, launched, or otherwise propelled for the purpose of encouraging compliance, overcoming resistance, or preventing serious injury without posing a significant potential of causing death. Examples include beanbags, launchable wooden, foam, or rubber batons, rubber pellets, and other like items.

Not Justified—A finding in a Response to Resistance Review that concludes the employee’s response to resistance was either not reasonable or necessary, or did not comply with Department Policy.

Officer-Involved Death—Any death of an individual that results directly from an action or directly from an intentional omission, including unreasonable delay involving a person in custody or intentional failure to seek medical attention when the need for treatment is apparent, of a law enforcement officer while the officer is on duty, or otherwise acting within the scope of his or her employment, or while the officer is off duty, but performing activities that are within the scope of his or her law enforcement duties. Officer-involved death includes any death resulting from a motor vehicle accident, if the law enforcement officer was engaged in law enforcement activity involving the individual or the individual’s vehicle in the process of apprehension or attempt to apprehend. (50 ILCS 727/1-5)

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. (50 ILCS 727/1-25(a))

Passive Resistor—An individual who is uncooperative but does not exhibit any act of physical aggression toward another.

Preferred Target Zones—Below the neck on the rear of the body, or the lower torso on the front of the body.

Probe Mode—The deployment of the Taser CEW probes into a subject’s body.

Prolonged Cycle—Taser CEW cycle duration greater than 5 seconds and up to 15 seconds.

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

Standard Cycle—Taser CEW cycle of 5 seconds.

Taser—A handheld conducted energy weapon that transmits electric impulses designed to confuse the signals going from the brain to the voluntary muscles and achieve incapacitation without causing harm.

ORDER:

1.3.1 Use of Reasonable Force

A. Authority to Use Force.

The use of force by police employees may be necessary in order to enforce the law or in order to protect themselves or others. Police employees’ authority to use any force, as well as the force they may employ, is governed by the United States Constitution, Illinois Statutes, case law, and Department policy.

B. Department Policy.

Police employees shall use reasonable force when force is used to accomplish lawful objectives. An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury. *Graham v. Connor*, 490 U.S. 386, 109 S. Ct. 1865 (1989), further defines "objective reasonableness". In every instance where force is to be used, the police employee must have:

1. A belief that the use of force in that situation is required AND a belief that the amount of force is required, AND
2. Both of these beliefs must be **reasonable**.
3. Prior to the application of force, the employee will consider, and be able to articulate the following factors, pursuant to *Graham v. Connor*, 490 U.S. 386, 109 S. Ct. 1865 (1989):
 - a. The severity of the crime at issue,
 - b. Whether the suspect poses an immediate threat to the safety of the officer, others, or him/herself, and
 - c. Whether he/she (the suspect) is actively resisting arrest or attempting to evade arrest by flight.
4. Each subsequent response to resistance, if needed, must be considered independently. The employee must reassess the necessity of each additional application of force based upon the *Graham v. Connor* factors.

1.3.2 Police Officer's Response to Resistance Limitations

A. 720 ILCS 5/7-5 defines the parameters of a police officer's response to resistance in making an arrest (including the use of deadly force) as follows:

1. 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 to be necessary to effect the arrest and of any force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest.
2. However, he is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or another or when he reasonably believes **both** that:
 - a. Such force is necessary to prevent the arrest from being defeated by resistance or escape; AND
 - b. The person to be arrested has committed or attempted a forcible felony that involves the infliction or threatened infliction of great bodily harm, is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

B. Where feasible, a police officer will give some warning before using deadly force to prevent the escape of one who is fleeing. *Tennessee v. Garner*, 471 U.S.1, 105 S. Ct. 1694 (1985).

C. The use of warning shots is prohibited.

D. Employees shall not use a chokehold in the performance of their duties, unless deadly force is justified under 720 ILCS 5/7 *et seq.* Employees 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.

E. Employees shall not use carotid neck holds, carotid choke holds, sleeper holds or similar tactics in the performance of their duties, unless deadly force is justified under 720 ILCS 5/7 *et seq.*

F. Officers will not discharge a firearm from a moving vehicle, or at a moving vehicle or its occupants unless:

1. The suspect is using deadly force and it is a necessary measure of self defense or defense of another.
2. The totality of the circumstances, as reasonably known to the officer, justifies the use of deadly force and is

so compelling that the officer reasonably believes that the risk of injury to the officer or another person outweighs the risk of an officer not firing from or at a moving vehicle.

G. Duty to Intercede

Any officer present and observing another officer using force that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of such excessive force. Such officers shall also promptly report these observations to a supervisor.

1.3.3 Response to Employee Use of Deadly Force

A. Investigation of the Incident.

The Department shall ensure an objective and thorough investigation is conducted whenever an employee from this Department is involved in any shooting incident, intentional or accidental, or any other use of force or other incident, such as a motor vehicle crash, that results in death or great bodily harm for any person, including an employee, and including situations defined as an Officer-Involved Death (50 ILCS 727/1-5).

1. A designated outside agency shall conduct the criminal investigation to discover all relevant evidence and circumstances surrounding the incident, in accordance with the Illinois Police and Community Relations Act (50 ILCS 727). The information obtained as a result of a criminal investigation may be used for the purpose of the administrative investigation.
 - a. The Chief of Police or his/her designee shall determine which outside agency will conduct the investigation on a case-by-case basis. A designated outside agency may include:
 - 1) Illinois State Police Public Integrity Task Force
 - 2) DuPage County Major Crimes Task Force
 - 3) Will/Grundy County Major Crimes Task Force
2. An administrative investigation shall be conducted by the Office of Professional Standards to discover all relevant evidence for a determination of compliance with Department rules, policy, and/or procedure. This investigation shall not interfere with the criminal investigation being conducted by the designated outside agency. The information obtained as a result of an administrative investigation shall not be used for the purpose of any criminal investigation.

B. Response to the Scene of an Incident.

In incidents where an employee uses force involving death or great bodily harm, the Watch Commander shall respond to the scene and oversee the preliminary investigation. The Watch Commander shall ensure the following steps are taken:

1. First aid and medical assistance have been provided. The employee shall be transported to the hospital for evaluation and/or treatment. The employee may have an injury which is not immediately apparent. In addition, the physiological effects of the incident should be monitored to ensure the employee's well-being.
 - a. Each officer who is involved in an officer-involved shooting must submit to drug and alcohol testing. 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. (50 ILCS 727/1-25(b)) Testing shall be performed consistent with the procedures applicable in the officer's collective bargaining agreement, and/or City of Naperville policy if no collective bargaining agreement applies.
2. The incident scene is secure and protected for forensic processing.
3. The Chief of Police or his/her designee is notified to arrange for a designated outside agency to respond to the scene to conduct the investigation. The designated outside agency shall use at least two (2) investigators, one of whom is the lead investigator and is certified as a Lead Homicide Investigator. Neither investigator shall be an employee of the Naperville Police Department. When practical, Department employees shall not investigate, interview witnesses, gather evidence, etc., but may be utilized at the scene to identify witnesses and secure the scene until the designated outside agency arrives. This shall not preclude making a criminal arrest where appropriate.
 - a. A detailed witness canvass will be conducted of all witnesses and persons present. All subjects will

- be identified and whether they witnessed the incident will be recorded.
- b. Witnesses should be controlled until the designated outside agency assigns personnel to conduct interviews.
 - c. Consideration should be given to transporting the witness (es) to the police station to await being interviewed.
 - d. If a witness absolutely needs to leave, detailed contact information should be gathered and the witness will be informed that an interview will be conducted as soon as possible.
4. If a death has occurred, the coroner's office is notified.
 5. If a death has occurred, the Chief of Police is notified.
 6. In situations involving the discharge of a firearm, the firearm will be replaced with an available replacement. The firearm used in the incident will be submitted to the Evidence and Property Unit. The firearm should remain in the condition that it was recovered (loaded) with proper warnings on the evidence packaging. The holster and duty rig with all attached equipment will also be submitted, if applicable. An exterior vest carrier may need to be submitted, depending on the equipment that it contains (spare magazines, etc.).
 7. A preliminary investigation is conducted, which will require the involved employee(s) to provide immediate investigative information which shall consist of:
 - a. Is the employee or are others injured?
 - b. Are there any suspects not in custody? If so, what are their descriptions and/or I.D.? What was their direction of travel? For what crimes are they wanted? With what weapons are they armed?
 - c. What evidence is at the scene that may be lost or contaminated (i.e., suspect's weapon)? Where is it?
 - d. Were there any witnesses? If so, what are their descriptions and I.D. if they have left the scene?
 - e. What was the direction of known gunfire (by suspect and/or employee)?

C. Treatment of Involved Employee(s).

The employee shall be transported by ambulance to the hospital for evaluation and/or treatment. A police employee, preferably a friend, shall accompany the involved employee(s) and remain with him/her unless the involved employee(s) chooses to be left alone.

1. The Department recognizes that employees involved in response to resistance involving death or great bodily harm are likely to experience one or more of the following physiological and/or psychological reactions:
 - a. A sense of slow motion.
 - b. A sense of detachment, including auditory blocking.
 - c. Tunnel vision.
 - d. A skewed sense of time and space relations.
 - e. Nausea or vomiting.
 - f. Involuntary urination.
 - g. Speech impairment.
 - h. Uncontrollable crying.
 - i. Shock.
 - j. Guilt.
 - k. Anger.
 - l. Disbelief.

The Department's goal is to minimize the negative effects of any of the above reactions.

2. The involved employee(s) shall not clean, remove, or alter clothing so that potential evidence would be destroyed, until authorized by a member of the Investigations Division or required by medical necessity.
3. Obtaining a complete statement from an officer involved in a deadly force incident is essential. The

Department recognizes scientific studies finding that physiological responses during a traumatic event lead to immediate recall issues, as well as the effects of trauma on event recall and the benefits of sleep to improve memory of a traumatic event.

- a. A reasonable recovery time of forty eight (48) hours shall be allowed before any questioning, except for limited questioning critical to the on-scene investigation.
 - b. During the recovery time, the employee may speak with family members, clergy, psychologist/psychiatrist and/or legal counsel. Officers will not discuss the circumstances of the deadly force incident with anyone other than legal counsel prior to interview.
 - c. Prior to the interview(s), if feasible, the employee and their legal counsel will be afforded the opportunity to do a scene walk-through. The purpose of the walk-through is to facilitate memory. Research has shown that this is effective in facilitating the most effective and clearest memory of events.
4. An investigative interview will be conducted by personnel from the designated outside agency. Prior to the interview, an Investigations supervisor will advise the employee that this interview is not administrative and therefore the employee is not compelled by Departmental authority to answer the questions.
 5. Arrangements to contact the involved employee's family shall be made only with the employee's knowledge and consent, as long as he/she is capable of giving consent.
 - a. The family shall be contacted in person when possible and advised of the procedures to be followed. A contact person within the Department will be established for the family to contact to obtain information on the status of the investigation.
 - b. If the involved employee is injured and hospitalized, arrangements shall be made to transport the employee's spouse and/or other immediate family members to the hospital.
 - c. When possible, an employee will accompany the injured employee to the hospital and remain with the employee unless medical necessity requires otherwise.

D. Investigative Responsibilities.

The Investigations Deputy Chief or his/her designee will be notified of all incidents of police use of deadly force that result in death or great bodily harm.

1. The Investigations Deputy Chief may assign investigators to respond to the incident for scene security and witness identification. The Investigations Deputy Chief shall request outside agency investigative assistance in accordance with 50 ILCS 727.
2. The Investigations Deputy Chief will notify the appropriate State's Attorney's office.
3. The responsibility of the on-scene and follow-up investigation rests with the designated outside agency.

1.3.4 Use of Less Lethal Weapons

A. Taser Conducted Energy Weapon (CEW)

1. The Taser CEW may be used in any of the following circumstances, when the circumstances perceived by the employee at the time, including the seriousness of the offense, indicate that such application of force is reasonably necessary to subdue:
 - a. A subject who has demonstrated an intention to be violent or to actively resist, by words or action, and reasonably appears to pose an immediate threat to the safety of the employees, him/herself, or others.
 - b. A subject who has committed a serious offense, and is attempting to evade arrest by flight.
 - c. Aggressive or attacking animals.

Mere flight from an officer or passive resistance does not in itself justify the use of a Taser CEW. Prior to the application of force, the officer will consider and be able to articulate the *Graham v. Connor* factors.

Sworn personnel are not expected to place themselves at unreasonable risk to deploy the Taser CEW, nor shall an employee deploy the Taser CEW when facing a firearm or extended distance deadly force threat unless circumstances permit such use.

2. The Taser CEW has a data port that stores the date and time of each firing of the weapon. This data will be included as a supplement to the supervisor's written report as covered in section 1.3.6 below.
3. The Taser CEW, when used in a manner consistent with Department authorized training, is not considered use of deadly force or force likely to cause great bodily harm.
4. Each non-training discharge, including unintended discharges of a Taser CEW, shall be investigated and documented. A detailed police report shall be completed after each operational use of the Taser CEW.
5. Following a non-training discharge, including unintended discharges of a Taser CEW, it will be taken into custody by a supervisor who will then complete a data download or will turn it over to the Training Unit for a data download.
6. Any non-training activation of a Taser CEW (excluding routine functional checks) requires immediate notification of a supervisor and a written report as covered in section 1.3.6 below.
 - a. When feasible, a sworn police supervisor will respond to the scene of any non-training activation of a Taser CEW.
 - b. The appropriate Deputy Chief will be notified in the event any of the following circumstances occur:
 - 1) A subject experiences death or serious injury.
 - 2) A person experiences prolonged Taser CEW activation.
 - 3) The Taser CEW appears to have been used in a punitive or abusive manner.
 - 4) There appears to be a substantial deviation from training.
 - c. All investigations as required under section 1.3.6 will include at a minimum:
 - 1) Location and interview of witnesses (including other employees).
 - 2) Photographs of subject and employee injuries.
 - 3) Collection of cartridges, darts/prongs, data downloads, in-car video (if applicable), and confetti identification tags (AFID).
 - 4) Copies of the device data download.
 - 5) Description of the type of clothing worn by the suspect.
 - 6) Range at which the Taser CEW was used.
7. Where feasible, a police officer will give some verbal warning to the subject before deploying the Taser CEW. Before discharging the Taser CEW, the employee should notify other employees on the scene and responding employees so that they are aware that its use is imminent. This should be done by using the code word "Taser."
 - a. When activating a Taser CEW, sworn personnel should use one standard cycle (a standard cycle is five seconds) and stop to evaluate the situation. If subsequent cycles are necessary, the number and duration are restricted to what is reasonably necessary to place the subject in custody. Each application of the Taser CEW must be considered a separate application of force and is not solely justified on the initial application of force.
8. After an employee has deployed a Taser CEW to take a subject into custody, the employee shall:
 - a. Establish control or handcuff the subject while the subject is affected by the Taser CEW cycle.
 - b. A Taser CEW cannot be used on a subdued subject unless he/she is actively resisting or exhibiting active aggression and/or to prevent an individual from harming himself/herself or others.
 - c. The Taser prongs shall only be removed by medical personnel or employees who have completed the Naperville Police Department's user or instructor Taser training program and in the presence of another employee.

- d. Probe removal should not be attempted if subject is combative.
- e. Taser CEW prongs that have struck the face, groin, female breasts, or other sensitive areas shall only be removed by fire/rescue or medical personnel.
- f. When removing the probes, employees should:
 - 1) Use latex gloves.
 - 2) Place the removed probes in the spent cartridge, barb side down.
 - 3) Clean the wound with an antiseptic wipe and bandage it.
 - 4) Assess the subject for injury or a condition that may need medical attention.
 - 5) Take photos of the suspect(s) injuries or lack of injuries.
9. All persons who have been exposed to a Taser CEW activation shall be evaluated by fire/rescue or medical personnel and be monitored regularly while in police custody.
10. Detainees exposed to an extended Taser CEW duration shall be classified as a high risk detainee and are subject to the procedures described in General Order 72.5.4 while in police custody.
11. The air cartridge and probe shall be retained as evidence.

B. Oleoresin Capsicum (OC) Spray.

1. Oleoresin capsicum spray can be used when an individual exhibits the intent to actively resist or attack the employee, to prevent injury to another person, or to prevent injury to the employee in effectuating the arrest. Mere verbal resistance against being arrested does not justify the use of oleoresin capsicum spray. An employee's use of oleoresin capsicum spray is not regarded as use of force that would result in great bodily harm. However, a citizen's use of oleoresin capsicum spray against a sworn employee shall be deemed aggravated battery and the force necessary to overcome that battery may be used.
2. Decontamination will be rendered to individuals who have been sprayed with oleoresin capsicum (or exposed to chemical munitions), including, if practical:
 - a. Exposure to fresh air.
 - b. Flushing exposed areas with cool water.
 - c. Washing with soap and water.
 - d. Medical treatment when necessary.
 - e. Universal precautions will apply when rendering decontamination and personal protection equipment will be utilized when appropriate.

C. Chemical Munitions: Oleoresin Capsicum (OC) and Orthochlorebenzal Malonitrile (CS).

1. Chemical munitions can be used at a barricaded person situation to cause the voluntary surrender of the person(s), interfere with their dangerous unlawful behavior, or as part of a tactical response or assault.
2. Chemical munitions can be used at civil disturbances to obtain compliance to lawful orders or to achieve dispersal of the offenders.
3. The Special Response Team (SRT) will be activated and utilized when chemical munitions are to be deployed.
 - a. All SRT members will be trained by a certified instructor in the use of chemical munitions and the training and proficiency will be documented. In-service training will occur biennially.
 - b. Only SRT members trained in the different delivery methods will dispense chemical munitions. Considerations in delivery of chemical munitions include:
 - 1) Danger of personal injury and property damage.
 - 2) Potential danger of over-concentration of chemicals.
 - 3) Hazards of different delivery systems.

4. The Incident Commander at the scene of an incident shall have full command of personnel and munitions.
 - a. If the Incident Commander is not the SRT Commander, he/she will confer with the SRT Commander or SRT chemical munitions instructor as to the type of munitions to be used.
 - b. Non-burning-type chemical munitions, chemical dispersion grenades, and projectiles will be used in structures that could house humans; i.e., homes, buildings, or factories.
 - c. The SRT Commander or SRT chemical munitions instructor shall determine how much chemical agent is to be used.
 - d. The SRT Team Leader shall have the authority to give the command to deploy chemical munitions with prior authorization from the Incident Commander.
 - e. The SRT member deploying the chemical munitions shall keep an accurate count of munitions given out, used, and recovered after the incident.
5. The Incident Commander shall have medical personnel and firefighting equipment and personnel in the staging area.
6. Decontamination will be rendered to individuals who have been exposed to chemical munitions. See section 1.3.4.B.2 above.
7. The Incident Commander, in conjunction with the SRT chemical munitions instructor, should commence with the decontamination of the structure through:
 - a. Pick-up of spent shells or canisters.
 - b. Ventilation.
8. If a chemical agent or OC has been used by SRT inside a home, in a building, within a vehicle, or other area, officers shall provide the owners or any occupants with notice of the possible presence of the chemical agent or OC to avoid any irritation or injury if the area is not properly cleaned. The notice shall include a warning that the clean-up will be at the owner's expense. Officers shall use the Notice of Chemical Agent on Property form (Attachment B) for this purpose. Officers shall include information regarding how notice was given and to whom in their reports.
9. Use of chemical munitions at civil disturbances.
 - a. The Incident Commander shall have full command of personnel and chemical munitions.
 - b. If the Incident Commander is not the SRT Commander, he/she will confer with the SRT Commander or SRT chemical munitions instructor as to the type of chemical munitions to be used.
 - c. The SRT Team Leader shall designate what formation is to be used by the personnel on the riot line.
 - d. The SRT Team Leader shall have the authority to deploy chemical munitions with prior authorization from the Incident Commander.
 - e. All police personnel (within range) should have gas masks on prior to the use of chemical munitions.
 - f. Burning and explosive chemical dispersion grenades and projectiles may be used.
 - g. Chemical dispersion grenades are to be [REDACTED]
 - h. Projectiles are to be [REDACTED]
 - i. Decontamination will be rendered to individuals who have been exposed to chemical munitions. See section 1.3.4.B.2 above.
 - 1) The Incident Commander will commence with decontamination of an outside area, if circumstances allow, by picking up fired chemical dispersion grenades and projectiles.
 - 2) The SRT chemical munitions instructor, SRT Commander, or a bomb technician shall remove all malfunctioned chemical dispersion grenades and projectiles.

D. Less Lethal Impact Projectiles.

1. Less lethal impact projectiles should be considered, when feasible, if they would assist in making an arrest, restoring order, and/or reducing the risk of injury. These munitions may be used for situations including, but not limited to:
 - a. Restoration or maintenance of order during jail or civil disturbances.
 - b. Safely controlling violent persons.
 - c. Suicidal subject armed with a knife or other non-firearm weapon.
2. The use of less lethal impact munitions must be reasonable and the circumstances and appropriateness clearly articulable.

E. Police Baton.

1. The baton shall be used only when reasonable, in overcoming active resistance by an arrestee or to defend against an assault by any person.

F. Use of Canine (K-9)

1. Unless a reasonable belief exists that a suspect has committed, is committing, or is threatening to commit a serious offense, mere flight from a pursuing officer, without any of the above conditions, shall not serve as the basis for the use of a canine to apprehend a suspect.
2. Unless there exists an imminent threat to officers, the canine or the public, canine use shall be conducted on-leash or under conditions that minimize the likelihood of a canine bite or other injury.
3. The handler's decision to release the canine to apprehend a suspect will be measured against the "objective reasonableness" test as established in *Graham v. Connor*. The handler shall be guided by General Order 41.4.12 Canine Operational Procedures and shall consider the following factors when making the determination to release the canine:
 - a. The severity of the crime at issue;
 - b. Whether the suspect posed an immediate threat to the safety of the officers or others;
 - c. Whether the suspect was actively resisting arrest or attempting to evade arrest by flight; and
 - d. Any other circumstances present at the time, based on a totality of the circumstances using the standard of objective reasonableness.
4. If the canine handler reasonably believes that an individual has either committed, is committing, or is threatening to commit any serious offense and if any of the following conditions exist, a canine may be used to locate and apprehend the individual:
 - a. There is a reasonable belief the suspect poses an imminent threat of violence or serious harm to any person.
 - b. The suspect is physically resisting or threatening to resist arrest and the use of a canine is reasonable to overcome the resistance.
 - c. There is a reasonable belief the suspect is concealed in an area where entry by other than the canine would pose a threat to the safety of any person.
5. Once the suspect has been located and there is no longer a reasonable threat or risk of escape, the handler shall secure the canine as soon as practicable. If the canine has apprehended the suspect with a secure bite, the handler shall command the canine to release the suspect as soon as there is not an immediate threat.

G. Defensive Items of Last Resort.

The use of items which the Department does not authorize as weapons, or train in their use as weapons, is prohibited unless circumstances indicate that their use is necessary to prevent death or great bodily harm to an employee or others.

H. Employees are prohibited from carrying or using blackjacks, saps or weighted gloves.

1.3.5 Medical Aid After Use of Weapons/Force

A. If, after application of force, personnel observe injury or loss of consciousness or the suspect complains of an injury, immediate medical attention will be sought. See also section 1.3.4 above and General Orders 70.3.1 and 72.6.1.

B. Any person struck with a less lethal impact munition shall be restrained as necessary and transported to a medical facility for evaluation/treatment of any injuries, whether there are visible injuries or not. The officer using the less lethal round, or an officer familiar with the less lethal round, will accompany the suspect to the medical facility to brief the medical staff as to the type of round utilized and pertinent ballistic data.

C. Decontamination of individuals who have been sprayed with oleoresin capsicum or exposed to chemical munitions is explained in section 1.3.4.B.2 above.

1.3.6 Reporting Response to Resistance

A. Immediate notification to an on-duty sworn supervisor and a written report by the employee, whether on or off duty, are required in any of the following instances:

1. Any employee who discharges a firearm for other than training or recreational purposes.
2. Any employee who discharges a Taser CEW for other than training.
3. Any action by an employee that results in, or is alleged to have resulted in, injury or death of another person.
4. A complaint of excessive force.
5. Any non-training application of force by an employee using less lethal weapons, including K-9 bite.
6. Any use of forcible stopping techniques or roadblocks, as described in General Order 41.5.
7. All forms of physical force applied by an employee (i.e. joint locks, pressure points, strikes, and take downs).
 - a. This order does not require reporting the pointing of weapons or using weaponless, hand-to-hand control techniques, other than as described above.

B. Upon notification, the sworn supervisor shall respond to the scene whenever practical to conduct an investigation. The investigation shall include:

1. Statements (written, video, audio) from witnesses, employees, and any other individuals involved.
2. Photographs of any injuries sustained by offenders and employees.
3. Photographs of any and all impact areas whether there is a visible injury or not. Follow-up photographs shall be taken, when practical, 24-48 hours after the incident to document bruising.
4. Collection of evidence, including preservation of spent ammunition, casings, expended less lethal rounds, expended Taser cartridges, etc. when practicable.

C. The sworn supervisor shall make immediate notification to the Commander of the Professional Development and Training Section of the incident, via phone or email. This is not related to discipline, but will allow greater accountability and ensure that reports have been completed and reviewed on a timely basis. When completed, the investigation shall be documented using the Naperville Police Department Response to Resistance Report (see Attachment A), with any supplemental reports and memoranda, and forwarded via the chain of command to the appropriate Deputy Chief.

D. Certain incidents shall not require the completion of the Department Response to Resistance Report:

1. Euthanasia of a sick, injured or diseased animal requires the completion of an Incident Report (UCR 7388). The Incident Report shall detail the type of weapon used, the number of rounds used, the type of animal euthanized, the reason for the action taken, and the subsequent disposal of the animal. A copy of the Incident Report shall be forwarded to the Commander of the Professional Development and Training

Section.

2. The negligent discharge of a firearm or less lethal weapon which results in property damage only, or the negligent discharge of a Taser CEW with no contact with a person, or the negligent discharge of OC spray with contact with a person, requires a memorandum and a referral to the Office of Professional Standards. The investigation shall include the items listed in section B above and immediate notification to the Office of Professional Standards.

1.3.7 Reviewing the Response to Resistance

A. The Naperville Police Department has a responsibility to ensure that any incident involving an employee's response to resistance is both reasonable and necessary. The Department shall review all reportable response to resistance incidents to determine whether the employee's conduct complied with applicable requirements, or if there are any policy, training, weapon, equipment, or discipline issues that must be addressed.

B. The Chief of Police or his/her designee shall appoint Department members to serve on the Response to Resistance Review Committee. The Response to Resistance Review Committee shall consist of the Commander of the Professional Development and Training Section, the Training Sergeant, and the chain of command of the involved employee which includes the employee's Sergeant and Commander. If the employee is a Sergeant, only the Commander will be a representative from the chain of command. A majority decision shall be necessary between the members for a Committee determination.

C. The Commander of the Professional Development and Training Section shall convene the Response to Resistance Review Committee within seven (7) calendar days of receipt of a Response to Resistance Report or other report involving an officer's reportable response to resistance, when practical.

1. The Committee shall convene at a place and time selected by the Commander of the Professional Development and Training Section. Thereafter, the Committee may reconvene at such times and places as its members may deem necessary or advisable. In lieu of a meeting, the Commander of the Professional Development and Training Section may communicate with the designated Response to Resistance Review Committee for the review. If any member of the Committee determines that a policy violation occurred, the Committee will be required to convene.

D. The Committee shall be charged with the responsibility of reviewing all relevant facts and circumstances related to each incident where reportable force is used by an employee of this agency. This shall also include incidents where an employee's response to resistance was not reported as required by Department policy but later confirmed through an authorized Office of Professional Standards investigation.

E. The scope of the Committee's review will be to determine whether the employee's response to resistance was justified or not justified, and if there is a need to address any of the following issues:

1. Policy—revisions necessitated by ambiguities or omission(s).
2. Training—the necessity for remedial training or revisions in training/tactics or practices.
3. Weapon(s) and/or Equipment—faulty, outdated, or issues caused by improper use.
4. Discipline—identification of a procedure, order, or rule infraction.

F. Procedures Governing Response to Resistance Review Committee:

1. The Chairman, the Commander of the Professional Development and Training Section, shall preside over the review and will be responsible for obtaining any and all relevant documentation pertaining to the response to resistance incident.
2. The Committee shall consider any evidence it deems relevant to the incident.
3. While participating in a review, no member of the Committee shall release information regarding the incident or details of the review to any person not a member of the Committee other than consultation with City Legal or Training staff. This shall also include discussing deliberations or releasing information to the employee whose actions are being reviewed.
4. Any documents obtained by the Committee shall be treated as confidential and shall not be released or

removed from the Department without written approval from the Chief of Police or unless otherwise required by law.

5. All members of the Committee shall conduct reviews in good faith and employ their best efforts to arrive at a fair and objective finding based on Department policy, the law, and the recognized standard of Objectively Reasonable.
6. If the Committee determines there is insufficient information available to render a finding, it may also recommend the matter be referred for further investigation.

G. Findings and Recommendations

1. Following its review of the response to resistance incident, the Committee Chairman will submit a report detailing the Committee's findings and recommendations to the Deputy Chief of the Division involved in the incident. The Deputy Chief will review the incident and Committee findings, make his/her recommendation, and submit these documents to the Chief of Police. The Committee's report shall be considered advisory in nature and the Chief of Police will not be bound by the findings or recommendations contained therein.
 - a. Any time the Committee finds that the circumstances of the response to resistance incident necessitate further investigation from the Office of Professional Standards, the Committee Chairman shall convene a meeting with both Deputy Chiefs and the Chief of Police. The Chairman will present the Committee findings at that meeting.
2. Based on the Committee's report and all related documents, the Chief of Police shall render a final determination regarding the employee's response to resistance and on any recommendations submitted by the Committee.
 - a. Any disciplinary action stemming from a response to resistance incident, other than a suspension to a sworn member, imposed by the Chief of Police, shall be final and binding, except to the extent that collective bargaining agreements may supersede this section.
3. Subsequent to the determination by the Chief of Police, the involved employee(s) will receive written notice of the outcome of the Response to Resistance Review.

H. The Professional Development and Training Commander shall maintain all Response to Resistance Review documents for centralized storage and statistical evaluation. Discharge of a firearm for the purpose of supervisor authorized euthanasia of an animal shall not be considered a response to resistance. Reports for this type of firearms discharge will be kept separate from other reports, both for storage and statistical evaluation.

I. All press releases and media requests involving incidents where an employee uses force involving a firearm, or uses force which results in death or great bodily harm to another person, must be approved by the Chief of Police and pursuant to General Order 54.1 Public Information.

1.3.8 Removal From Line Duty

A. Any employee whose actions or use of force in an official capacity results in death or serious physical injury will be removed from line duty pending an administrative review. The procedures set forth in section 1.3.3.C above will be followed.

B. Post-Incident Procedures.

Involved employees shall be placed on leave with pay for a period of time as determined by the Chief of Police.

1. Reassignment or placement on leave does not imply guilt or innocence of the employee.
2. While on leave, the involved employee shall remain available to the case investigators.
3. While on leave, the involved employee shall not discuss the incident with anyone except:
 - a. The State's Attorney's office.
 - b. Law enforcement personnel assigned to the investigation.
 - c. Private attorney.
 - d. Psychologist/psychiatrist.
 - e. Clergy.

- f. Immediate family.
4. Employees directly involved in the incident shall be required to attend a post-incident debriefing session with a Department designated clinical psychologist as soon as practical after the incident.
- a. Information exchanged in sessions with a clinical psychologist or psychiatrist will remain confidential under the doctor/therapist-patient communications privilege.
 - b. The psychologist shall provide the Department with a recommendation on the employee's ability and readiness to resume duty.
 - c. An employee involved in a response to resistance incident resulting in death will be required to attend follow-up counseling at two weeks, six months, and one year post-incident. Employees involved in use of force causing great bodily harm will be offered counseling.
 - d. The Chief of Police may order additional counseling for employees exhibiting any symptoms of post-traumatic stress.

1.3.9 Annual Analysis

All reports required by 1.3.6 above will be analyzed on an annual basis by the Chief of Police or his/her designee. The written annual analysis is conducted to determine any trends or patterns that reveal training needs or equipment upgrades, and to make recommendations for modification of Department policy and practices.