

**City of Chicago**  
**Independent Police Review Authority**



**Use of Deadly Force Policy**  
**Analysis & Recommendations**

**November 3, 2016**

## **I. EXECUTIVE SUMMARY**

In our Q2 2016 report, IPRA presented a list of preliminary recommendations to the Chicago Police Department (the “Department”) regarding its policies governing the use of deadly force. Those recommendations were based on a review of policies in place in other jurisdictions around the country as well as the historical evolution of the Chicago Police Department’s use of force policies.

This report examines the historical and current legal landscape (Section III), discusses the role of policy in use of force by police officers, provides a historical analysis of CPD’s policies since 1967 (Section IV), provides IPRA’s review methodology (Section V), summarizes IPRA’s Q2 2016 recommendations and CPD’s implementation and presents IPRA’s policy recommendations in light of CPD’s draft policies (Section VI).

In October 2016, the Department released draft policies for public comment. We applaud the Department for seeking public comment, and we believe the draft policies reflect essential reforms that will place the Department at the forefront of best practices in this area. This report reflects on the proposed changes and offers comments and additional recommendations.<sup>1</sup>

## **II. INTRODUCTION**

The use of physical force to achieve law enforcement goals is perhaps the most important privilege that we as a community bestow on our law enforcement professionals. This privilege, however, is not without limits. The contours and scope of permissible use of force are shaped by law – the United States Constitution, state law, and in many cases municipal law as well. This legal framework defines the outer boundaries within which the use of force is deemed acceptable. That being said, a law enforcement entity’s policies governing the use of force should build on legal standards, but must also reflect what we, members of the community served, accept as permissible.

According to Vanita Gupta, Assistant Attorney General, Civil Rights Division, Department of Justice, “[t]here is a real mismatch between what community standards are, what the community expects, what they think the law should be, versus what the training and the law allows for.”<sup>2</sup> In Chicago, many recent events have illuminated the gulf between what law, policy, and community standards deem as “reasonable” use of force.

Although there is general agreement that law enforcement officers should use only the amount of force necessary to mitigate an incident, make an arrest, or protect themselves or others from harm,<sup>3</sup> there is no universal set of rules governing when officers should use force and how

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<sup>1</sup> See Section VI below for more detailed information.

<sup>2</sup> Police Executive Research Forum, *30 Guiding Principles on Use of Force* (Mar. 2016), p. 36, at <http://www.policeforum.org/assets/30%20guiding%20principles.pdf>.

<sup>3</sup> U.S. Department of Justice, Office of Justice Programs, Nation Institute of Justice, *Police Use of Force*, at <http://nij.gov/topics/law-enforcement/officer-safety/use-of-force/pages/welcome.aspx> (last modified Apr. 13, 2015).

much.<sup>4</sup> In addition, there is no universal standard for assessing the appropriateness of an officer's use of force.

The adequacy of a police department's policies governing the use of force is not merely a theoretical matter. According to a 2003 report co-authored by the U.S. Department of Justice Community Oriented Policing Services Office and the International Association of Chiefs of Police, police department policies on the use of force "can have a significant impact on how force is used in street-level encounters."<sup>5</sup> Law enforcement use of force impacts community perceptions of the police and community members' understanding of safety. Due to street-level encounters and uses of force, some people perceive officers to be an "occupying force" in their communities.<sup>6</sup>

Experts have suggested that more work is needed within the behavioral science communities to explore how police respond to uses of force, including deadly encounters.<sup>7</sup> It is acknowledged that "the police profession and the public-at-large do not fully understand the myriad of factors that contribute to a typical use of force incident."<sup>8</sup> Moreover, "we often do not fully appreciate the complexities involved when an officer makes a decision to use force in relation to a critical incident."<sup>9</sup> Nonetheless, in addition to investigating and making findings related to allegations of excessive force and the use of force, the Independent Police Review Authority is charged with promoting increased accountability by, and transparency about the work of the Department. Thus, we explore the complexities of use of force issues in the report below.

### **III. LEGAL LANDSCAPE**

#### **a. What Law Governs a Police Officer's Use of Deadly Force?**

The legal framework governing the use of force in policing is grounded in the United States Constitution and is further defined by state statutes, municipal law, and case law generated by federal and state courts.

##### *i. The U.S. Constitution and Federal Law*

As outlined in a 1989 Supreme Court case, *Graham v. Connor*, the legal framework for assessing whether an officer's use of force is acceptable has its foundation in the United States Constitution.<sup>10</sup> The two primary sources of constitutional protection against physically abusive

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<sup>4</sup>*Id.*

<sup>5</sup> U.S. Department of Justice, *Principles of Good Policing: Avoiding Violence between Police and Citizens*, Community Relations Service (Revised Sep. 2003), at <https://www.justice.gov/archive/crs/pubs/principlesofgoodpolicingfinal092003.pdf>.

<sup>6</sup> Ian Schwartz, *Marc Lamont Hill: Police Are An "Occupying Force,"* Real Clear Politics (Apr. 30, 2015), at [http://www.realclearpolitics.com/video/2015/04/30/marc\\_lamont\\_hill\\_police\\_are\\_an\\_occupying\\_force.html](http://www.realclearpolitics.com/video/2015/04/30/marc_lamont_hill_police_are_an_occupying_force.html).

<sup>7</sup> International Association of Chiefs of Police/U.S. Department of Justice Community Oriented Policing Strategies Office Use of Force Symposium, *Emerging use of Force Issues: Balancing Public and Officer Safety* (Mar. 2012), at <http://www.theiacp.org/portals/0/pdfs/emerginguseofforceissues041612.pdf>.

<sup>8</sup>*Id.* at 20.

<sup>9</sup>*Id.* at 20.

<sup>10</sup> *Graham v. Connor*, 490 U.S. 386 (1989).

governmental conduct are grounded in the Fourth Amendment’s prohibition against unreasonable seizures of the person and the Eighth Amendment’s ban on cruel and unusual punishments.<sup>11</sup> Claims of excessive force that occur in the context of an arrest are analyzed based on Fourth Amendment standards, while claims of excessive force used to subdue a convicted prisoner are analyzed under an Eighth Amendment standard.<sup>12</sup>

In *Graham*, the Supreme Court explained that an excessive force claim arising in the context of an arrest or an investigatory stop of a free citizen is most properly characterized as one invoking the Fourth Amendment’s guarantee of a citizen’s “right to be secure in their persons [...] against unreasonable [...] seizures of the person.”<sup>13</sup> Determining whether the force used to effect a particular seizure is “reasonable” under the Fourth Amendment requires a careful balancing of “the nature and quality of the intrusion on the individual’s Fourth Amendment interests against the countervailing governmental interests at stake.”<sup>14</sup> According to the Supreme Court, the assessment of reasonableness under the Fourth Amendment is “not capable of precise definition or mechanical application.”<sup>15</sup> The Court has outlined a list of factors to be considered when assessing the reasonableness of force used by law enforcement officers, which includes the following:

- The severity of the crime at issue;
- Whether the suspect poses an immediate threat to the safety of the officers or others; and
- Whether the suspect is actively resisting arrest or attempting to evade arrest by flight.<sup>16</sup>

An assessment of the reasonableness of a given use of force is judged from the perspective of a “reasonable officer on scene, rather than with the 20/20 vision of hindsight.”<sup>17</sup> When judging an officer’s acts, the reviewer should allow “for the fact that police officers are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation.”<sup>18</sup>

The federal law governing the use of force is highly dependent on the “facts and circumstances of each particular case.”<sup>19</sup> Even the Supreme Court has acknowledged that federal law provides merely “some tests to guide us in determining the law in many different kinds of circumstances,” but not necessarily “the kind of clear law (clear answers) that would apply” in any given case.”<sup>20</sup>

## ii. State Law

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<sup>11</sup> *Id.* at 394.

<sup>12</sup> See *Tennessee v. Garner*, 471 U.S. 1 (1985); *Whitley v. Albers*, 475 U.S. 312 (1986).

<sup>13</sup> *Graham*, 490 U.S. at 394 (internal quotations omitted).

<sup>14</sup> *Id.* at 396 (internal quotations omitted).

<sup>15</sup> *Id.* at 396 citing *Bell v. Wolfish*, 441 U.S. 520, 599 (1979).

<sup>16</sup> *Garner*, 471 U.S. at 8-9.

<sup>17</sup> *Graham*, 490 U.S. at 396.

<sup>18</sup> *Id.* at 397.

<sup>19</sup> *Id.* at 396.

<sup>20</sup> *Brosseau v. Haugen*, 543 U.S. 194, 199 (2004).

Illinois is one of 41 states with a statute on the books that specifically governs the use of force by law enforcement officers.<sup>21</sup> In Illinois, that law is embedded in the criminal code.<sup>22</sup> To be sure, in Illinois, “the measure of the police officer’s civil liability for use of deadly force is co-extensive with his criminal liability.”<sup>23</sup> The Illinois statute, which codifies the common law doctrine of use of potentially deadly force as it has developed in Illinois, states that a police officer is justified in using deadly force only when:

- (a) he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that:
  - (1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; 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.<sup>24</sup>

### *iii. State Statute Comparison*

The Illinois statute<sup>25</sup> is neither the most restrictive nor the least restrictive among the statutes in place in other states.<sup>26</sup> There are approximately 13 states with statutes that are similar in scope and structure to that of Illinois.<sup>27</sup> Based on our review, there are 5 states with statutes that, on their face, are more restrictive regarding the use of deadly force.<sup>28</sup> For example, the Delaware and Tennessee statutes only allow the use of deadly force where all other means of apprehension have been exhausted.<sup>29</sup> The New Hampshire statute only allows the use of deadly force where the officer reasonably believes that the force creates no substantial risk of injury to an innocent

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<sup>21</sup> See § III.a.iii below.

<sup>22</sup> 720 Ill. Comp. Stat. Ann. 5/7-5 (1986).

<sup>23</sup> See *LaMonte v. City of Belleville*, 41 Ill.App.3d 697, 703 (5th Dist. 1976) (citing *Krantz v. O’Neil*, 99 Ill.App.2d 179, 240 (1st Dist. 1968)).

<sup>24</sup> *LaMonte*, 41 Ill.App.3d at 703 (discussing 720 Ill. Comp. Stat. Ann. 5/7-5).

<sup>25</sup> 720 Ill. Comp. Stat. Ann. 5/7-5 (1986).

<sup>26</sup> Amnesty International, *Deadly Force: Police Use in the United States* (June 2015), at [http://www.amnestyusa.org/sites/default/files/aiusa\\_deadlyforcereportjune2015.pdf](http://www.amnestyusa.org/sites/default/files/aiusa_deadlyforcereportjune2015.pdf).

<sup>27</sup> Col Rev. Stat. §18-1-707 (2016); Conn.Gen. Stat. § 53a-22 (2010); Kan. Stat. Ann. §21-5227 (2011); Me. Rev. Stat. Ann. tit. 17, §107 (2007); Minn. Stat. § 609.066 (2015); Mo. Ann. Stat. § 563.046 (2016); N.Y. Penal Law § 35.30 (McKinney 2004); N.C. Gen. Stat. Ann. § 15A-401 (2011); N.D. Cent. Code § 12.1-05-07 (2007); Okla. Stat. Ann. tit. 21 § 732 (1990); Or. Rev. Stat. § 161.239 (1971); 18 Pa. Cons. Stat. Ann. § 508 (2007); Utah Code Ann. § 76-2-404 (1953).

<sup>28</sup> Del. Code Ann. tit. 11, § 467 (2005); Ind. Code § 34-41-3-3 (1993); N.H. Rev. Stat. Ann. § 625:5 (2016); N.J. Stat. Ann. § 2C:3 (1981); Tenn. Code Ann. T. C. A. § 40-7-108 (2012).

<sup>29</sup> Del. Code Ann. tit. 11, § 467 (2005); Tenn. Code Ann. T. C. A. § 40-7-108 (2012).

person.<sup>30</sup> There are 22 states with statutes that appear less restrictive than that of Illinois.<sup>31</sup> For example, there are several states that allow the use of deadly force against a suspect who has committed any felony offense, rather than requiring that such force may be used against a suspect who has committed a forcible or violent felony offense.<sup>32</sup> A total of 9 states and the District of Columbia do not have similar statutes on the books at all.

#### **IV. POLICY DISCUSSION**

##### **a. Why Are “Use of Force” Policies Important?**

Because the legal framework created by statutory and common law leaves the critical concepts governing the use of force relatively undefined, there is no single, universally agreed-upon definition of use of force, nor is there a universal set of rules that governs when officers should use force and how much.<sup>33</sup> As such, police department policies can have a significant impact on how force is used in street-level encounters.<sup>34</sup> In addition to providing guidance to officers, use-of-force policies are also critically important to police accountability because they define the conduct for which police officers can be held accountable.

Federal law establishes only the bar by which an officer’s use of force rises to the level of a violation of an individual’s constitutional rights. Indeed, this is not a very high bar. Federal courts “give considerable leeway to law enforcement officers’ assessment regarding the degree of force appropriate in dangerous situations.”<sup>35</sup> In fact, federal courts only offer protection for constitutional violations, not violations of police department policies.<sup>36</sup> For example, the Supreme Court has held that an officer did not violate the Fourth Amendment by ramming the car of a fugitive whose reckless driving posed a threat to pedestrians, civilian motorists and the

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<sup>30</sup> N.H. Rev. Stat. Ann. § 625:5 (2016).

<sup>31</sup> Alaska Stat. § 11.81.370 (1978); Ala. Code § 13A-3-27 (1975); Ariz. Rev. Stat. § 13-410 (1989); Ark. Code Ann. § 5-2-610 (2005); Cal. Stat. § 196; Fla. Stat. Ann. § 776.05 (1997); Ga. Code Ann. § 17-4-20 (2013); Haw. Rev. Stat. § 703-307 (2001); Idaho Code § 18-4011 (1986); Iowa Code § 804.8 (2013); Ky. Rev. Stat. § 503.090 (1974); La. Rev. Stat. § 14:20 (2014); Miss. Code Ann. § 97-3-15 (2006); Mon. Code Ann. §§ 45-3-106 (2009), 45-3-102; Neb. Rev. Stat. § 28-1412 (1975); Nev. Rev. Stat. § 171.1455 (1993); N.M. Stat. Ann. § 30-2-6 (1978); Tex. Penal Code Ann. § 9.51 (1954); R.I. Gen. Laws § 12-7-9 (1956); S.D. Codified Laws §§ 22-16-32, 22-16-33 (2005); Vt. Stat. Ann. tit. 13, § 2305 (1983); Wash. Rev. Code § 9A.16.040 (1975).

<sup>32</sup> *Id.*

<sup>33</sup> U.S. Department of Justice, Office of Justice Programs, Nation Institute of Justice, *Police Use of Force*, at <http://nij.gov/topics/law-enforcement/officer-safety/use-of-force/pages/welcome.aspx> (last modified Apr. 13, 2015).

<sup>34</sup> U.S. Department of Justice, *Principles of Good Policing: Avoiding Violence between Police and Citizens*, Community Relations Service (Revised Sep. 2003), at <https://www.justice.gov/archive/crs/pubs/principlesofgoodpolicingfinal092003.pdf>.

<sup>35</sup> *Williams v. Indiana State Police Dept.*, 797 F.3d 468, 473 (7th Cir. 2015).

<sup>36</sup> *Scott v. Edinburg*, 346 F.3d 752, 760 (7th Cir. 2003) (noting that 42 U.S.C. § 1983 protects plaintiffs from constitutional violations, not violations of state laws or ... departmental regulations and police practices.”) (citations omitted).

officers involved in the chase.<sup>37</sup> Yet, such conduct would clearly fall outside of the Department's policy governing vehicle pursuits.<sup>38</sup>

Because federal case law is grounded in the “objectively reasonable” standard, the officer's subjective belief or motivations are irrelevant to the inquiry.<sup>39</sup> As the Supreme Court explains in *Graham*, “evil intentions will not make a Fourth Amendment violation out of an objectively reasonable use of force; nor will [...] good intentions make an objectively unreasonable use of force constitutional.”<sup>40</sup> For this reason, it is necessary to ensure that Department policies governing the use of force will address the situations in which officers intentionally act inappropriately.

#### **b. What Makes For an Effective Use of Force Policy?**

According to Terrence P. Dwyer, a former New York State Police Officer and current law professor, a good use of force policy is compatible with the following factors:

- Comprehensive — the use of force policy covers the different types of weapons to be used, appropriately defines all terms, especially “deadly physical force.”
- Comprehensible — policy is clear and understandable, not overly broad or vague.
- Consistent — the policy statement does not contradict itself from other manual sections or within the use of force policy itself, such as defining two different standards for the use of deadly physical force.
- Current legal standards — constant legal review of training, policy updates, current with case law not only from the U.S. Supreme Court but within federal circuit of geographical location as well as state court standards.
- Contemporary police practices — policy meets the prevailing accepted professional practice standard, which may be reflected in accreditation standards.<sup>41</sup>

The use of force policy review recently concluded by the Department was welcome, but clearly well overdue. Experts agree that it is important to periodically review force policies and training to ensure they are up-to-date with best practices and are being reinforced consistently with training.<sup>42</sup>

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<sup>37</sup> *Scott v. Harris*, 550 U.S. 372, 384 (2007).

<sup>38</sup> Chicago Police Department General Order G03-03-01 (Mar. 28, 2016), titled “Emergency Vehicle Operations-Pursuits,” explicitly prohibits “ramming,” which is defined as “[t]he deliberate tactic by one or more police vehicles to forcibly strike, while attempting to stop, a pursued vehicle.”

<sup>39</sup> *Scott v. Edinburg*, 346 F.3d at 756 (citing *Graham*, 490 U.S. at 397).

<sup>40</sup> *Graham*, 490 U.S. at 397.

<sup>41</sup> Terrence P. Dwyer, *Police Liability & Litigation, Key Considerations for Good use of force Policies* (Jan. 14, 2011), at <https://www.policeone.com/use-of-force/articles/3199248-Key-considerations-for-good-use-of-force-policies/>.

<sup>42</sup> Emerging use of Force Issues: Balancing Public and Officer Safety, Report from the International Association of Chiefs (Mar. 2012), at <http://www.theiacp.org/portals/0/pdfs/emerginguseofforceissues041612.pdf>.

### **c. History of the Chicago Police Department Policy Governing the Use of Deadly Force**

#### *i. Overview*

In response to our request, the Department provided IPRA with policies regarding the use of deadly force dating back to 1967. Based on the policies provided, the Department revised its “Deadly Force” policy at least seven times between 1967 and 2016. A review of these drafts shows that the policies contain “permissive” components and “prohibitive” components. The “permissive” components are those that outline the circumstances in which the use of deadly force is permitted. The “prohibitive” components are those that outline the circumstances in which the use of deadly force is prohibited. With the exception of the time period between 1986 and 2002, the core “permissive” components of the policy have remained essentially the same since 1967 and can be summarized as follows:

an officer may use force likely to cause death or great bodily harm if he reasonably believes that such force is necessary:

- to prevent death or great bodily harm to himself or another person or
- to effect an arrest or prevent an escape by a subject:
  - who has committed or attempted to commit a forcible felony; or
  - who is attempting to escape by use of a deadly weapon; or
  - who will endanger human life or inflict great bodily injury if not taken into custody without delay.

However, pursuant to the policy enacted in 1986, between 1986 and 2002, the policy was more restrictive. During that time period, officers were not permitted to use deadly force merely because the person to be arrested had committed or attempted to commit a forcible felony.

Among the prohibitive components of the policy the following restrictions on the use of firearms have remained in effect since 1967:

- Firing into crowds
- Firing warning shots
- Firing into buildings or through doors when the person fired at is not clearly visible.

However, there have been other additions and revisions to the policy over time such that, at times, the Department’s Deadly Force policy has been more restrictive than the one currently in place.

#### *ii. Preservation of Life Statements*



The policy that went into effect in May 1967 had two provisions that reinforced the concept of the preservation of life. More specifically, the 1967 policy included the following two statements:

- Force likely to cause death or great bodily harm will not be used in instances where there is a likelihood of serious injury being inflicted upon persons other than the person against whom the officer is authorized by law to use such force.
- The use of firearms will not be resorted to in instances where the consequences of such use would be likely to outweigh the police purpose served by such use. However, the immediate safeguarding of the life of the officer or a third party shall outweigh all other considerations.<sup>43</sup>

In 1974, the policy was revised and the “preservation of life” statements were replaced by the following statement which reinforced the concept that the use of a firearm should be a “last resort”:

- Members will not resort to the lawful use of firearms until all other reasonable means at their disposal to effect apprehension and control have been attempted without success. The essence of this policy is that the use of firearms in any case is a last resort measure.<sup>44</sup>

However, the 1974 policy also introduced the “self-protection” concept that remains part of the policy that exists today: “members will not unnecessarily or unreasonably endanger themselves to conform to this policy.”<sup>45</sup>

In 1980, the policy was revised to place the preservation of life statements first and those statements reinforced that the use of firearms was a “last resort measure.”<sup>46</sup> The placement of these statements at the beginning of the policy placed greater emphasis on these concepts.

Revisions to the policy made in 1986 reflected the most important substantive change during this time period. As explicitly stated within the policy itself, the 1986 policy was intended to be “more restrictive in the application of the use of deadly force by police officers than that allowed by the Illinois Revised Statutes.”<sup>47</sup> In addition, notably, the 1986 revisions included that the policy “initiates a ‘Protection of Life’ policy relative to the use of deadly force by police officers.”<sup>48</sup>

As outlined above, what was really different about the 1986 policy was that it explicitly prohibited the use of deadly force “to prevent an arrest from being defeated by resistance or

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<sup>43</sup> Chicago Police Department General Order 67-14 (May 17, 1967).

<sup>44</sup> Chicago Police Department General Order 74-12, (July 31, 1974).

<sup>45</sup> *Id.*

<sup>46</sup> Chicago Police Department General Order 80-17, (Dec. 1, 1980).

<sup>47</sup> *Id.*

<sup>48</sup> Chicago Police Department General Order 86-8, (Sep. 29, 1986).

escape merely because the offense committed or attempted [was] categorized as a Forcible Felony.”<sup>49</sup> The 1986 policy continued to reflect that the use of a firearm should be a last resort.<sup>50</sup>

However, in 2002, the policy de-emphasized the preservation of life by eliminating any reference to the use of a deadly force as a “last resort.”<sup>51</sup> Moreover, the “preservation of life” policy statement was moved to the end of the policy and conveyed only that members need not unreasonably endanger themselves or another person.<sup>52</sup>

### *iii. Firing at or into Moving Vehicles*

The Department’s prohibitions against the use of firearms directed at vehicles and individuals inside vehicles have evolved substantially over time as the Department has struggled with how best to restrict such use of deadly force. This struggle continues today, as outlined in IPRA’s April 2016 Advisory Letter to the Department related to two officer-involved shooting incidents involving shots fired at or into moving vehicles in which IPRA found the officer’s use of deadly force to be objectively unreasonable and outside of department policy.

Over time, the Department’s prohibition against the discharge of a firearm at a moving vehicle has become increasingly restrictive. The 1967 policy was extremely broad and permitted firing at a fleeing car where one of the passengers had attempted or committed a forcible felony.<sup>53</sup> The 1974 policy was also fairly broad but was also quite vague. The 1974 policy only prohibited firing at or in the direction of a vehicle if there was a likelihood of serious injury to innocent persons or if such use of force would likely “outweigh the police purpose served.”<sup>54</sup> The 1980 policy maintained that same prohibition.<sup>55</sup> The language adopted in the 1986 policy appears as an attempt at an explicitly more restrictive approach.<sup>56</sup> The 1986 policy prohibited firing at a fleeing vehicle except “as a last resort measure in the defense of self or another or when an offender is using the vehicle as an instrument of deadly force.”<sup>57</sup>

In 2000, the Department revised the policy again, further restricting the discharge of a firearm at a moving vehicle.<sup>58</sup> The 2000 policy stated that officers were not authorized to fire at or into a vehicle “if the vehicle is the only means of force being used against them or another person.”<sup>59</sup> The 2000 policy further instructed that “[w]hen confronted with an oncoming vehicle, officers will move out of its path.”<sup>60</sup> The language of the 2002 policy was similar to that of the 2000

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<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Chicago Police Department General Order 02-08, (Oct. 1, 2002).

<sup>52</sup> *Id.*

<sup>53</sup> Chicago Police Department General Order 67-14 (May 17, 1967).

<sup>54</sup> Chicago Police Department General Order 74-12 (Jul. 31, 1974).

<sup>55</sup> Chicago Police Department General Order 80-17 (Dec. 1, 1980).

<sup>56</sup> Chicago Police Department General Order 86-8 (Sep. 29, 1986).

<sup>57</sup> *Id.*

<sup>58</sup> Chicago Police Department General Order 86-8, (Oct. 18, 2000). Note: This revised the policy only as to the prohibition against firing at a vehicle.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

policy.<sup>61</sup> Then, in an effort to further emphasize the prohibition against firing at a moving vehicle, in 2015, the Department revised the policy yet again stating: “[f]iring at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person.”<sup>62</sup>

#### **d. Chicago Police Department Current and Proposed Policies Governing the Use of Deadly Force**

A copy of the current policy, *CPD General Order G03-02*, is provided as Appendix A to this report. A copy of the draft proposed policy, *CPD General Order G03-02*, is provided as Appendix B to this report.

##### *i. Current Policy*

Section II(A) of the current policy, which tracks very closely to the Illinois statute, outlines the circumstances in which deadly force is permissible:

A sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:

1. to prevent death or great bodily harm to the sworn member or to another person, or;
2. to prevent an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested:
  - a. has committed or has attempted to commit a forcible felony which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
  - b. is attempting to escape by use of a deadly weapon or;
  - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.

Section III of the current CPD policy outlines several prohibitions regarding the use of firearms:

Use of firearms in the following ways is prohibited:

- A. Firing into crowds.
- B. Firing warning shots.
- C. Firing into buildings or through doors, windows, or other openings when the person lawfully fired at is not clearly visible.
- D. Firing at a subject whose action is only a threat to the subject himself (e.g., attempted suicide).

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<sup>61</sup> Chicago Police Department General Order 02-08, (Sep. 27, 2002).

<sup>62</sup> Chicago Police Department General Order G03-02-03, (Feb. 10, 2015).

- E. Firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person.

Section IV concludes the current CPD policy with the following proposition:

**AFFIRMATION OF PROTECTION OF LIFE POLICY**

Sworn members will not unreasonably endanger themselves or another person to conform to the restrictions of this directive.

*ii. Draft Proposed Policy*

Section II(A) begins the Department's draft policy (*CPD General Order G03-02*). It states,

**Sanctity of human life.** The Department's highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved.<sup>63</sup> (The Department's emphasis.)

Section II(F)(4) of the draft policy (*CPD General Order G03-02*) outlines the circumstances in which deadly force is permissible:

**Guidelines on the use of deadly force.** A sworn member is justified in using force likely to cause death or great bodily harm only when, taking into account the totality of the circumstances, he or she reasonably believes that such force is necessary to prevent:

- A. death or great bodily harm from an immediate threat posed to the sworn member or to another person.
- B. an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested poses an immediate threat of death or great bodily harm to a sworn member or another person unless arrested without delay. (The Department's emphasis.)

Section II(F)(6) of the draft policy outlines a number of prohibitions:

**Prohibitions on the use of firearms.** The use of firearms is prohibited in the following ways:

- A. Firing warning shots.
- B. Firing at subjects whose actions are only a threat to themselves (e.g., attempted suicide).

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<sup>63</sup> Chicago Police Department Proposed General Order G03-02 (n.d.), at [http://231i2m1nrwct1j85f41g4qfr.wpengine.netdna-cdn.com/wp-content/uploads/2016/10/policy\\_G03-02\\_Use-of-Force-Guidelines.pdf](http://231i2m1nrwct1j85f41g4qfr.wpengine.netdna-cdn.com/wp-content/uploads/2016/10/policy_G03-02_Use-of-Force-Guidelines.pdf).

- C. Firing solely in defense or protection of property.
- D. Firing into crowds. However, this prohibition does not preclude the use of deadly force directed at a specific person who is near or among other people, if such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person and no reasonable alternative exists.
- E. Firing into buildings or through doors, windows, or other openings when the person lawfully fired at is not clearly visible, unless directed at a specific location and such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person.
- F. Firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person, unless such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person.

NOTE: When a vehicle is the only force used against a member, the member will not place themselves in the path of the moving vehicle and will make every effort to move out of the path of the vehicle. (The Department's emphasis.)

## **V. COMPARATIVE POLICY REVIEW**

IPRA reviewed the publicly available use of deadly force policies for the following jurisdictions:

- New York City
- Los Angeles (City)\*
- Houston
- Philadelphia
- Washington, D.C. (D.C. Metro)
- Baltimore
- New Orleans\*
- Seattle\*
- Cincinnati

A review of these policies has revealed several themes that are consistent across most of the jurisdictions. The following are some of the key commonalities observed:

- The importance of the imminence or immediacy of the perceived threat
- Consideration of the preservation of life

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\* This city entered into a consent decree with the U.S. Department of Justice regarding certain practices of its police department.

- De-escalation should be considered where possible
- Shooting into motor vehicles is strictly prohibited
- The “reasonableness standard” incorporates a number of factors

We focused most of our review on the substantive language in each policy, but we also considered the style, lucidity, and coherence of the policy overall. Section VI provides the results of our review.

## **VI. IPRA RECOMMENDATIONS AND RESPONSE TO CPD DRAFT DIRECTIVES**

In our Q2 2016 report, we made several preliminary recommendations as to the Department’s policy governing the use of deadly force. During October 2016, the Department released proposed draft Use of Force policies for public comment. We applaud the Department’s engagement with the public on this important topic. We also strongly support the Department’s progress. We are pleased to see that the draft proposed policies address many of the concerns we expressed with our preliminary recommendations. However, because the Department did not provide a response to our recommendations, we do not know why some issues were addressed while others were not.

The following outlines each of our preliminary recommendations relative to the CPD draft proposed policies.

**IPRA Recommendation #1:** The “affirmation of the protection of life” provision should be revised to reflect that the department values all human life and should be placed as the first provision of the policy for greater emphasis.

The CPD Draft policy reflects this recommendation. IPRA has no further comment.

**IPRA Recommendation #2:** The provision that permits the use of deadly force to enforce the arrest of or prevent the escape of a fleeing felon should be revised to require that deadly force can only be used where the officer reasonably believes that the fleeing suspect presents an immediate threat of harm to the officer or other individuals.

The CPD Draft use of deadly force policy reflects this approach. More specifically, the draft proposed policy states that deadly force may only be used to prevent:

- a. death or great bodily harm from an immediate threat posed to the sworn member or to another person.
- b. an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested poses an immediate threat of death or great bodily harm to a sworn member or another person unless arrested without delay.

There are two critical concepts reflected in this proposed draft language. First and foremost, this new language makes clear that deadly force may only be used to address an “immediate threat.” Second, this new approach also eliminates the provision that made it permissible to use deadly

force to prevent the escape of fleeing forcible felon who posed no immediate threat to the officer or others.

In our view, these changes are among the most important substantive revisions being proposed by the Department and we urge the Department to adopt and implement these changes through training as soon as possible.

**IPRA Recommendation #3:** The policy should be revised to reflect that the context of the situation will be considered in evaluating the propriety of the officer's conduct.

This recommendation is founded in the fact that several other jurisdictions recognize the importance of context and include such discussion in their deadly force policies:

Jurisdiction	Policy Discussion
Houston	Officers will consider their immediate surroundings and the safety of uninvolved citizens before using deadly force.
Baltimore	Members shall perform their work in a manner that avoids unduly jeopardizing their own safety and the safety of others through poor tactical decisions. Members shall not use tactics designed to intentionally escalate the level of force.
Seattle	Officers should recognize that their conduct prior to the use of force, including the display of a weapon, may be a factor which can influence the level of force necessary in a given situation.
Los Angeles	The reasonableness of the officers' use of deadly force includes consideration of the officers' tactical conduct and decisions leading up to the use of deadly force.
Philadelphia	Police officers shall ensure their actions do not precipitate the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions.

The CPD draft policy does not directly address the issue of context. However, the draft policy does incorporate important new concepts that, to a certain extent, address the issue of context as to the use of force. The draft policy explicitly incorporates the concepts of reasonableness, proportionality, and necessity regarding the use of force. We believe the purpose of assessing the context of a use of force incident is essentially to assess whether the use of force was reasonable, proportional and necessary under the circumstances. Moreover, the draft policy also places significant emphasis, we believe appropriately so, on de-escalation and the principles of

mitigation. These revisions are also very important to bringing CPD's approach in line with best practices. Successful adoption of this new policy direction will require meaningful change in the mindset and behaviors of Department members. Thus, should CPD adopt this policy approach, and we sincerely hope they do, the real challenge will be to ensure that the training on these topics will be designed to address these issues in an effective and impactful way.

**IPRA Recommendation #4:** The policy should explicitly articulate the factors that are considered in determining whether an officer's use of deadly force was objectively reasonable.

Although some jurisdictions, specifically, Los Angeles, San Francisco, New Orleans, and Seattle, list reasonableness factors that are very similar to those articulated by federal courts, some jurisdictions also include additional factors that specifically address certain policy considerations.

The CPD Draft policy does not incorporate any discussion of the factors to be considered in assessing the reasonableness of the use of force. However, the policy makes clear that reasonableness is a fact-based inquiry and there are a number of factors that may be considered.

We continue to believe that explicitly stating the factors that will be used to assess the reasonableness of the use of force will enhance the effectiveness of the policy. By incorporating this information into the policy, officers are provided with clarity regarding the criteria by which their conduct will be evaluated. Moreover, including this information directly in the policy will help to ensure that they will be reflected in training. It is imperative that officers incorporate these kinds of facts and considerations into their daily practices.

**IPRA Recommendation #5:** The policy should be revised to require that, when possible under the circumstances, a warning should be given to a subject prior to deadly force being used. Several jurisdictions have incorporated this approach into their policies:

<b>Jurisdiction</b>	<b>Policy Discussion</b>
Philadelphia	When feasible under the circumstances, police officers will give the suspect a verbal warning before using deadly force.
DC Metro	When feasible, members shall identify themselves as a police officer and issue a warning before discharging a firearm.
Baltimore	Permits use of deadly force against a fleeing suspect if: the officer has given a verbal warning to the suspect, if time, safety, and circumstances permit.
New Orleans	Officers shall use verbal advisements, warnings, and persuasion when possible before resorting to force.
Seattle	Officers shall issue a verbal warning to the subject and fellow officers prior to shooting a



	firearm
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The CPD draft policy does not require a warning, but it does require that an officer should:

identify themselves as police officers prior to using a firearm or employing deadly force, unless identification would jeopardize the safety of the member or another person

This is a positive change. The purpose of requiring officers to give a warning before resorting to the use of deadly force is to, where possible, create a means by which to de-escalate the situation. Such warning may achieve cooperation or reduce the resistance of a subject. Requiring officers to announce their position may, in at least some circumstances, achieve the same result as providing a warning that the officer intends to use force.

**IPRA Recommendation #6:** The policy should be revised to require that an officer may not draw his or her weapon unless the circumstances make clear that the use of deadly force is likely to be required.

Many jurisdictions have recognized that, to community members, the drawing of a firearm has a tremendous impact. By simply unholstering a weapon and holding it in the “sul” position, an officer is likely to create a tremendously fearful situation for all involved and could unnecessarily escalate a situation. Many departments are incorporating guidance in their policies that discourage officers from drawing and pointing a weapon without sufficient factual basis to believe that deadly force is likely to become necessary. For example:

Jurisdiction	Policy Discussion
Los Angeles	Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy on the use of firearms.
Philadelphia	Police officers shall not draw their firearms unless they reasonably believe an immediate threat for serious bodily injury or death to themselves or another person exists.
DC Metro	Members shall not draw or point a firearm at or in the direction of a person unless the officer has an objectively reasonable perception of a substantial risk that the situation may escalate to the point where lethal force would be permitted.
New Orleans	Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create an objectively reasonable belief that a situation may escalate to the point at which lethal force

	would be authorized.
Seattle	Officers shall not draw or exhibit a firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with this policy.
Cincinnati	At such time as a police officer perceives what he interprets to be a threat of loss of life or serious physical harm to himself or others at the hands of another, he had the authority to display a firearm.

The CPD draft policy does attempt to restrict the circumstances in which an officer is permitted to draw a weapon, stating:

Members may draw or display a firearm in the line of duty when the member has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others.

This is a step in the right direction. However, this approach is relatively vague, leaving a fairly wide berth for officer interpretation. We understand that, with any policy, it can be difficult to anticipate and characterize the range of scenarios an officer might face. Therefore, it is important that directives such as these allow for an officer to exercise discretion where appropriate. We would recommend that the language be revised to reflect that a situation requiring the display of a firearm must include some kind of imminent threat. For example, the language could be revised as follows:

Members may draw or display a firearm in the line of duty when the member has reasonable cause to believe doing so is necessary to respond to an imminent threat to his or her own safety or the safety of others.

## **ADDITIONAL DISCUSSION**

### **Firearms Discharge Events Involving Animals**

We were very pleased to see that the Department has incorporated directives regarding the use of deadly force against animals in the draft policy. Animal destructions are not a minor issue. From Q3 2015 to Q2 2016, there were 50 animal destructions registered with IPRA. In addition, this is an area of civil liability for the City. . We recently reviewed two instances of officer-involved animal destructions. In one settlement, the City settled for \$99,000 for an officer shooting and killing an animal.<sup>64</sup> In another jury trial, the jury awarded the plaintiffs \$330,000 for various causes of action, including an officer-involved animal destruction.<sup>65</sup>

<sup>64</sup> *Thompson v. City of Chicago*, 16 C 488, N.D. Ill. (Castillo, J.).

<sup>65</sup> *Russell v. City of Chicago*, 10 C 525, N.D. Ill. (Marovich, J.).

Many other jurisdictions restrict the situations in which an officer is permitted to use deadly force against an animal. For example:

<b>Jurisdiction</b>	<b>Policy Discussion</b>
New York	Police officers shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury and there is no other reasonable means to eliminate the threat.
Philadelphia	Police officers shall not discharge their firearms at a dog or other animal except to protect themselves or another person from physical injury and there is no other reasonable means to eliminate the threat, or when acting consistently with existing Department guideline authorizing the human destruction of deer.
Baltimore	Permits the use of force to stop a dangerous animal where the animal reasonably appears to pose an imminent threat to human or animal safety and alternative options are not available or would likely be ineffective.
New Orleans	Permits the use of force when the animal reasonably appears to pose an imminent threat to human safety and alternative methods are not reasonably available or would likely be ineffective.
Cincinnati	<p>An officer may, when reasonable, use their firearm to prevent an undomesticated wild animal from inhuman suffering or to protect themselves and others from a dangerous animal.</p> <p>However, the policy suggests alternatives:</p> <ul style="list-style-type: none"> <li>• Call SPCA</li> <li>• Call Cincinnati Zoological society</li> <li>• Use of chemical irritant is effective on many animals</li> </ul>

Based on our review of CPD directives, CPD has not previously had a policy governing the use of deadly force against animals. Addressing this issue, the CPD Draft policy states:

A sworn member is justified in using force likely to cause death or great bodily harm to stop a dangerous animal only when the animal reasonably appears to pose

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“Family gets \$333,000 for 2009 raid in which cops killed dog” *Chicago Tribune*, David Heinzmann, August 19, 2011(Aug. 19, 2011), at [http://articles.chicagotribune.com/2011-08-19/news/ct-met-police-shoot-dog-20110819\\_1\\_family-dog-damages-officers](http://articles.chicagotribune.com/2011-08-19/news/ct-met-police-shoot-dog-20110819_1_family-dog-damages-officers).

an immediate threat to the safety of the sworn member, another person, or another animal and no reasonably effective alternatives appear to exist.

We concur with this approach.



### **Other Relevant Directives**

In addition to the feedback provided herein, IPRA has separately submitted to the Department proposed revisions to two important directives related to the use of deadly force: General Order G03-02-03, which governs the Department's response to officer-involved shooting incidents and is among the draft directives that CPD has made available for public comment; and, General Order G03-06, which outlines the procedures for investigating officer-involved deaths pursuant to the Illinois Police and Community Relations Improvement Act (50 ILCS 727). We believe our proposed revisions are essential to our ability to conduct effective, unbiased review of these critical use of force incidents and we look forward to a productive dialogue with the Department on these directives.

## **VII. CONCLUSION**

In conclusion, again, we applaud CPD's engagement of the public on this topic. Use of force, in general, and use of deadly force, in particular, are among the most precious and important powers we as a community bestow on our peace officers. We understand that officers must respond to complex, dynamic situations often requiring split-second decisions on whether to use force and how much of what kind of force is appropriately used. It is imperative that the policies that guide these decisions are well-founded, not only in law, but also in the fundamental concepts of human rights and human decency. Although there is still work to be done, we believe the recently published proposed draft policies from the Chicago Police Department are an important and positive step in this direction. We look forward to our continued dialogue with the community and the Department as these policies are finalized and implemented.

## Appendix A

		Chicago Police Department		General Order G03-02	
<b>USE OF FORCE GUIDELINES</b>					
					
<b>ISSUE DATE:</b>		23 September 2002		<b>EFFECTIVE DATE:</b>	
<b>RESCINDS:</b>		G02-08		01 October 2002	
<b>INDEX CATEGORY:</b>		Field Operations			

### I. PURPOSE

This directive:

- A. states Department policy regarding the use of force.
- B. provides guidelines for the use of force.

Department members will refer to the Special Order titled "**Use of Force**" for procedures to be followed for Use of Force incidents.

### II. GENERAL INFORMATION

[Chapter 720, Article 5, Section 7-5](#), of the Illinois Compiled Statutes provides in part:

"A peace officer ... 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."

### III. DEPARTMENT POLICY

- A. When a Department member engages a member of the public, the member will do so in such a manner which affords that person the respect and dignity to which all persons are entitled. The use of excessive force or unwarranted physical force or unprofessional conduct by a Department member will not be tolerated under any circumstances, and all members will strictly adhere to the provisions of the Department directive entitled "**Prohibition Regarding Racial Profiling and Other Bias Based Policing.**"
- B. Department members will use an amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury.
- C. As set forth by the United States Supreme Court in *Graham v. Connor*, 490 U.S. 386 (1989), the central inquiry in every use of force is whether the amount of force used by the officer was objectively reasonable in light of the particular circumstances faced by the officer.
  - 1. Reasonableness is not capable of precise definition or mechanical application. Circumstances that may govern the reasonableness of using a particular force option include, but are not limited to:
    - a. the severity of the crime at issue,
    - b. whether the subject poses an immediate threat to the safety of officers or others,
    - c. whether the subject is actively resisting arrest or attempting to evade arrest by flight.
  - 2. The reasonableness of a particular use of force will be judged under the totality of the circumstances viewed from the perspective of a reasonable officer on the scene.
- D. The Department has adopted a Use of Force Model in order to provide members guidance on the reasonableness of a particular response option.

- E. All Department members are obligated to ensure compliance with all laws and Department regulations. If a member knows that another Department member is using excessive force against a subject, the member will take appropriate action. The action required by the member will depend upon the circumstances of the incident. However, appropriate actions may include, but are not limited to, verbal or physical intervention, immediate notification to a supervisor, or a direct order by a supervisor to cease the use of excessive force.
- F. Sworn members and detention aides in the performance of their duties will complete a Tactical Response Report as specified in the Department directive entitled "**Incidents Requiring the Completion of a Tactical Response Report.**"
- G. The On-Call Incident Commander will be responsible for conducting the investigation into the appropriateness of any use of force that involves:
  - 1. the discharge of a firearm by or at a Department member.
  - 2. a member's use of force, by whatever means, that results in the death of any individual.
  - 3. any lesser use of force by a Department member when that use of force stems from the same incident in which another member used force in Items III-G-1 or III-G-2.
- H. Department members will seek medical assistance for an arrestee who has injuries or illnesses consistent with the procedures outlined in the Department directives entitled "**Processing Persons Under Department Control**" and "**Hospitalized Arrestees.**"

Terry G. Hillard  
Superintendent of Police

00-148 LMT(PMD)

**GLOSSARY TERMS:**

- 1. **Zone of Safety**

The distance to be maintained between the subject and the responding member(s). This distance should be greater than the effective range of the weapon (other than a firearm) and it may vary with each situation (e.g., type of weapon possessed, condition of the subject, surrounding area).
- 2. **Deadly Force (720 ILCS 5/7-8)**
  - A. Deadly force is force which is likely to cause death or great bodily harm and includes
    - 1. The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and
    - 2. The firing of a firearm at a vehicle in which the person to be arrested is riding.
  - 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 (i.e., impact munitions) shall not be considered force likely to cause death or bodily harm
- 3. **Use of Force to Prevent Escape (720 ILCS 5/7-9)**



A peace officer or other person who has an arrested person in custody is justified in the use of such force to prevent the escape of the arrested person from custody as he would be justified in using if he were arresting the person.

4. **Forcible Felony (720 ILCS 5/2-8)**

A forcible felony means any treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, and any other felony which involves the use or threat of physical force or violence against any individual.

**ADDENDA:**

1. G03-02-01 - The Use of Force Model
2. G03-02-02 - Force Options
3. G03-02-03 - Deadly Force
4. G03-02-04 - Canines as a Force Option
5. G03-02-05 - Incidents Requiring the Completion of a Tactical Response Report
6. G03-02-06 - Firearms Discharge Incidents Involving Sworn Members
7. G03-02-07 - Other Weapon Discharge Incidents

 Chicago Police Department		<b>General Order G03-02-01</b>	
<b>THE USE OF FORCE MODEL</b>			
			
<b>ISSUE DATE:</b>	16 May 2012	<b>EFFECTIVE DATE:</b>	16 May 2012
<b>RESCINDS:</b>	15 August 2003 Version		
<b>INDEX CATEGORY:</b>	Field Operations		

# **I. PURPOSE**

This directive:

- A. explains the Use of Force Model.
- B. includes a graphic representation of the Use of Force Model.

# **II. DEPARTMENT POLICY**

The Department utilizes a Use of Force Model to provide guidance on the appropriate amount of force to be used to effect a lawful purpose. The Use of Force Model employs the progressive and reasonable escalation and de-escalation of member-applied force in proportional response to the actions and level of resistance offered by a subject. Such response may progress from the member's actual presence at the scene to the application of deadly force.

- A. The primary objective of the use of force is to ensure control of a subject with the reasonable force necessary based on the totality of the circumstances.
- B. Whenever reasonable, members will exercise persuasion, advice, and warning prior to the use of physical force.
- C. When force is applied, a member will escalate or de-escalate to the amount of force which is reasonably necessary to overcome the subject's resistance and to gain control.
  - 1. Members are not required to start at the lowest levels of the Use of Force Model; they will select the appropriate level of force based on the subject's actions.
  - 2. Members will modify their level of force in relation to the amount of resistance offered by the subject.
    - a. As the subject offers less resistance, the member will lower the amount or type of force used.
    - b. As the subject increases resistance, the member may increase the amount or type of force used.

# **III. USE OF FORCE MODEL**

- A. The Use of Force Model is a graphic representation of the guidelines for the appropriate use of force in relation to the actions of a subject.
- B. The Use of Force Model utilized by the Chicago Police Department is pictured in Illustration No. 1.
- C. The Use of Force Model is a guideline that cannot account for all factors constituting the "totality of circumstances" by which a specific use of force is evaluated. The Model is to be used only in conjunction with the Department directives and training regarding the use of force.

## **Illustration No. 1**





## USE OF FORCE MODEL CHICAGO POLICE DEPARTMENT

Assailant	Actions will likely cause death or serious physical injury	Subject's Actions: Probable Control Difficulty / Danger	Probable Ineffective Control								Probable Excessive Control							
	Actions will likely cause physical injury																	
	Actions are aggressively offensive without weapons																	
Resister	ACTIVE* Movement to avoid physical control Variable Dynamics		Probable Ineffective Control															
	PASSIVE Non-movement in response to verbal and other direction Variable Positioning																	
Cooperative Subject	Subject(s) cooperative, only in response to direction Variable Risk		Probable Excessive Control															
	Subject(s) cooperative without direction Variable Distance																	
Officer's Reaction: Probable Reversibility / Control / Tissue Damage																		
Social Control: Presence of Law Enforcement Representative																		
Used Alone										Used with means of physical control								
Used Alone										Used with means of physical control								
Control Modes without Weapons																		
Holding										Stunning		Direct Mechanical						
Pain Compliance/ Neuro Muscular										Diffused pressure striking		Direct body mechanics against body structure						
Control Modes with Weapons																		
Control Instruments				Impact Weapons Impact Munitions														
OC Spray/Chemical Weapons (Individuals not part of a group or crowd) See "Force Options" for use of OC guidelines for "Resisters"																		
OC Spray/Chemical Weapons (Groups, crowds, and individuals taking part in a group or crowd) Superintendent or Designee Approval Required																		
Capsaicin II Powder Agent Superintendent or Designee Approval Required																		
LRAD Acoustic Transmission Superintendent or Designee Approval Required																		
Taser **																		
Canine ***																		

Note: With permission of the authors, the Use of Force Model has been modified to conform with the Chicago Police Department General Order entitled "Use of Force Guidelines."

- \* See addendum entitled "Force Options" for appropriate options and specific guidelines on active resisters.
- \*\* See addendum entitled "Force Options" for specific conditions on the use of tasers.
- \*\*\* See addendum entitled "Canines as a Force Option" for specific conditions on the use of canines.

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(Rev. MAY 2012)

Firearms and Other Lethal Force

Note: With permission of the authors, the Use of Force Model has been modified to conform with the Chicago Police Department General Order entitled "Use of Force Guidelines."

x See addendum entitled "Force Options" for appropriate options and specific guidelines on active resisters.

\*\* See addendum entitled "Force Options" for specific conditions on the use of tasers.



\*\*\* See addendum entitled "Canines as a Force Option" for specific conditions on the use of canines.

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(Rev. MAY 2012)

Garry F. McCarthy  
Superintendent of Police

11-205 TRH



 Chicago Police Department		General Order <b>G03-02-02</b>	
<b>FORCE OPTIONS</b>			
			
ISSUE DATE:	01 January 2016	EFFECTIVE DATE:	01 January 2016
RESCINDS:	11 March 2015 version		
INDEX CATEGORY:	Field Operations		

## I. PURPOSE

This directive:

- A. explains the various levels of force options in the Use of Force Model that are appropriate for Department members' use when interacting with cooperative subjects, resistive subjects ("resisters"), and assailants.
- B. introduces the concept of Force Mitigation as a component of the Department's response to all incidents.
- C. continues the prohibition of chokeholds to subdue a subject unless deadly force is justified, consistent with Item IV-C-3 of this directive.

## II. POLICY

- A. The goal of a Department member's response to all incidents is to resolve the incident with the foremost regard for the preservation of human life and the safety of all persons involved.
- B. The Department expects members to develop and display the skills and abilities that allow them to regularly resolve confrontations without resorting to force (i.e. anything other than an officer's physical presence or use of verbal commands) or by using the least amount of appropriate force.
- C. Officers will de-escalate and use Force Mitigation principles whenever possible and appropriate, before resorting to force and to reduce the need for force.
- D. Members will maintain a courteous and professional demeanor when dealing with the public.
- E. Before taking any police action, sworn members will identify themselves as police officers unless identification would jeopardize the safety of the member or others or compromise the integrity of an investigation.
- F. Members will continually assess the situation to determine:
  1. if any use of force option is necessary;
  2. the appropriate level of force option based on the totality of the circumstances; and
  3. if the level of force employed should be modified based upon the subject's actions or other changes in the circumstances. The level of force shall be de-escalated immediately as resistance decreases, while staying in control and as safety permits, and in accordance with the Department directive entitled "The Use of Force Model."

## III. FORCE MITIGATION

During all use of force incidents, Department members will strive to use the principles of Force Mitigation to ensure effective police-public encounters based on the totality of the circumstances. The concepts of Force Mitigation include:

- A. When involved in a potential use of force incident or taking police action requiring the use of force, Department members will determine if the seriousness of the situation requires an immediate response or whether the member can employ other force options, including creating more time and distance between the subject and others.

- B. Department members shall de-escalate and use Force Mitigation principles at the earliest possible moment.
- C. If the Department member is responding to an incident involving persons in need of mental health treatment, the member will act in accordance with the Department directive entitled “**Responding to Incidents Involving Persons In Need Of Mental Health Treatment**,” including using every possible means to verbally de-escalate the situation before resorting to the use of equipment, physical restraints, or other use of force options.
- D. Continual Communication
1. Members will use de-escalation and verbal control techniques in an attempt to reduce confrontations prior to, during, and after the use of physical force.
  2. Whenever reasonable, members will exercise persuasion, advice, and warning prior to the use of physical force.
  3. The goal of continual communication is to establish and maintain verbal communication in all police-public encounters where the member continually evaluates the effectiveness of that communication. Members will:
    - a. when practical, establish and maintain one-on-one communication where only one member speaks at a time.
    - b. vary the level of assertiveness of their communication depending on the type of police-public encounter. This may range from:
      - (1) respectful queries in a preliminary investigation where there is not yet a determination a crime has occurred; through
      - (2) forceful commands where a serious crime has been committed or life or property is at risk.
  4. When encountering non-compliance to lawful verbal direction, members are not compelled to take immediate police action through the use of force. Except in the case of preservation of life or property, members will consider:
    - a. changing their verbal communication techniques to discover a more effective method.
    - b. requesting additional personnel to respond or making use of the specialized units and equipment available through a notification to OEMC.

**NOTE:** Members will, when practical, request assistance from specialized units, including a Crisis Intervention Team (CIT) trained officer in accordance with the Department directive entitled “**Responding to Incidents Involving Persons In Need Of Mental Health Treatment**.”

  - c. if available, allowing a different member to initiate verbal communications.
- NOTE:** If a different member initiates verbal communications, then that member will seek to establish their own independent one-on-one communication. Members should refrain from giving simultaneous directions to avoid potential conflicts.
- E. Time as a Tactic
1. Members may use time as a tactic, making advantageous use of time, distance, and cover by isolating and containing a subject and continuously evaluating the member’s positioning and force options.

2. In order to use time as a tactic, a [zone of safety](#) should be established for the security of responding officers and members of the public. The zone of safety is where:
  - a. the incident scene has been secured;
  - b. the subject does not pose a continuing threat to Department members or the public;  
and
  - c. the scene and subject can be continually monitored, secured, and contained through the resolution of the incident.
3. Using time as a tactic may permit the de-escalation of emotions, as well as the arrival of additional Department members and tactical resources.

#### IV. LEVEL OF FORCE RESPONSE OPTIONS GUIDELINES

- A. Cooperative Subject: a person who is compliant without the need for physical force. The following response options are appropriate when dealing with a cooperative subject:
  1. Social Control/Police Presence
    - a. Social control/police presence is established through identification of authority and proximity to the subject. Police presence may result in conforming behavior.
    - b. Social control/police presence, used alone, is the only force option which is appropriate for use with subjects who are cooperative without the need for direction from law enforcement personnel.
  2. Verbal Control
    - a. Verbal control consists of persuasion, advice, and warning. It includes instruction or direction from a member in the form of verbal statements or commands. Verbal control may result in conforming behavior.
    - b. Whenever practical, members will attempt to de-escalate confrontations by utilizing verbal control techniques prior to, during, and after the use of physical force.
- B. Resister: a person who is uncooperative. Resisters are further subdivided into two categories:
  1. Passive Resister: a person who fails to comply (non-movement) with verbal or other direction. In addition to the response options listed in Item IV-A, the following response options are appropriate when dealing with a passive resister:
    - a. Holding Techniques
 

Holding consists of techniques such as a firm grip, grabbing an arm, wristlocks, and come-along holds (i.e., escort holds that are not elevated to pain compliance techniques), as well as any combination of the above. Holding may result in conforming behavior.
    - b. Pain Compliance Techniques
 

Pain compliance consists of techniques designed to amplify nonimpact pressure and pain in order to increase the potential for controlling a subject. These techniques consist of:

      - (1) applying pressure to pain sensors in the skin covering bone and joints (i.e., armbars and amplified wristlocks) to amplify pain; and

- (2) using a Long Range Acoustic Device (LRAD) to emit high decibel focused sound waves to cause pain and discomfort; any use of the LRAD requires authorization from the Superintendent or the designee of the Superintendent.

**NOTE:** The LRAD is not considered a pain compliance technique when used to deliver verbal messages or warnings at a decibel level not intended to cause pain and discomfort.

c. Control Instruments

Control instruments are designed to amplify nonimpact pressure and pain in order to increase the potential for controlling a subject. These instruments are placed mainly on the pain sensors of the skin covering bone.

d. Oleoresin Capsicum (OC) Spray and Capsaicin II Powder Agent Deployment

Oleoresin capsicum and Capsaicin II powder are highly inflammatory agents that occur naturally in cayenne peppers. The use of OC spray and Capsaicin II powder agent is intended to increase control by disorienting the subject and interfering with the subject's ability to resist arrest.

- (1) **Oleoresin capsicum is only appropriate to use against the below two types of passive resisters AND only after the required authorization is received. No other use of oleoresin capsicum is authorized against passive resisters.**

(a) occupant(s) of a motor vehicle who is engaging in passively resisting arrest, only after obtaining authorization from an on-scene supervisor of the rank of sergeant or above.

(b) unresponsive groups, crowds, or an individual taking part in a group or crowd (e.g., demonstrators, sports championship celebrations, New Year's Eve, etc.), only after obtaining authorization from the Superintendent or the designee of the Superintendent.

- (2) Capsaicin II powder agent deployment is an appropriate force option against passive resisters and unresponsive groups or crowds **only** when used for area saturation and **only** after obtaining authorization from the Superintendent or the designee of the Superintendent.

**NOTE:** Only Department-issued Capsaicin II powder agent projectiles and launchers may be used and only after the member has received Department-authorized training in their safe handling and deployment.

2. Active Resister: a person whose actions attempt to create distance between that person and the member's reach with the intent to avoid physical control and/or defeat the arrest. This type of resistance includes gestures ranging from evasive movement of the arm, through flailing arms, to full flight by running. In addition to the response options in Items IV-A and IV-B-1, the following response options are appropriate when dealing with an active resister:

a. Stunning

Stunning is diffused-pressure striking or slapping and is an attempt to increase control by disorienting the subject and interfering with the subject's ability to resist.

b. Oleoresin Capsicum (OC) Spray

Oleoresin capsicum is an appropriate force option against active resisters **only** under the following guidelines:

- (1) If the only resistance is the act of walking or running away, and the resister is:
  - (a) part of a group or crowd, OC spray can be used only after obtaining authorization from the Superintendent or the designee of the Superintendent.
  - (b) **not** part of a group or crowd, the use of OC spray is not authorized.
- (2) If the resistance includes evasive maneuvers of the limbs and body, including the flailing of arms and legs, and the resister is:
  - (a) part of a group or crowd, OC spray can be used only after obtaining authorization from the Superintendent or the designee of the Superintendent.
  - (b) **not** part of a group or crowd, the use of OC spray is authorized without supervisory approval.

c. Capsaicin II Powder Agent Deployment

Capsaicin II powder agent deployment is an appropriate force option against active resisters **only** when used for area saturation and only after obtaining authorization from the Superintendent or the designee of the Superintendent.

d. LRAD

The LRAD is an appropriate force option against active resisters only after obtaining authorization from the Superintendent or the designee of the Superintendent.

e. Canines Used by Canine Handlers

A canine under the control of a canine handler is an appropriate force option when used consistent with the provisions of the Department directive entitled "**Canines as a Force Option.**"

f. Taser

- (1) The Taser is a device used to control and subdue a subject through the application of electrical impulses that override the central nervous system and cause uncontrollable muscle contractions. Two darts attached by thin wires are fired from a cartridge attached to the hand-held device. When both darts attach to the subject, a timed electrical impulse is applied to the subject at the control of the operator, the electrical impulse immobilizes the subject long enough for restraints to be applied.
- (2) Only Department-issued Tasers may be used and only after the member has received Department-authorized training in their safe handling and deployment.

C. Assailant: a subject who is using or threatening the imminent use of force against himself/herself or another person. The Use of Force Model categorizes assailants into three categories.

1. Actions are aggressively offensive without weapons. This type of assailant is one who places a member in fear of a battery and includes advancing on the member in a threatening manner or closing the distance between the assailant and the member, thereby reducing the member's reaction time. In addition to the response options in Items IV-A and IV-B, the following response options are appropriate when dealing with this type of assailant:

a. Direct Mechanical

Direct mechanical techniques are hard, concentrating, striking movements such as punching and kicking, or powerful locks and pressures. These techniques can be combined with take-downs or pins against the ground or other objects.

b. Impact Weapons

The baton is the member's primary impact weapon, which is used for striking. Impact weapons are designed to establish control by means of applying mechanical impact to a subject in order to disable elements of his or her skeletal structure. Members will avoid the use of flashlights, radios, or any item not specifically designed as a defensive weapon if the baton is reasonably available.

c. Impact Munitions

- (1) Impact munitions are projectiles such as Capsaicin II powder agent projectiles fired from a powder agent deployment system, "drag stabilized sock rounds" fired from shotguns with specially colored yellow or orange stocks, or batons fired from 37mm or 40mm launchers. These projectiles are intended to impact and incapacitate a potentially dangerous subject from a safe distance, thereby reducing resistance and gaining compliance while reducing the probability of serious injury or death.
  - (2) Only Department-issued impact munitions may be used and only after the member has received Department-authorized training in their safe handling and deployment.
  - (3) The use of Capsaicin II powder agent projectiles as an impact munition requires authorization from the Superintendent or the designee of the Superintendent.
2. Actions will likely cause physical injury. Included in this category of assailant may be a subject who is armed with a deadly weapon and the subject fails to disarm, thereby making the subject's actions likely to cause physical injury. The appropriate response options when dealing with this category of assailant are those listed in Items IV-A, IV-B, and IV-C-1.
3. Actions will likely cause death or serious physical injury.
- a. An assailant in this category is one whose actions will likely cause death or serious physical injury to another person. In addition to the response options in Items IV-A, IV-B, and IV-C-1, firearms and other deadly force are appropriate when dealing with an assailant whose actions will likely cause death or serious physical injury to another.
  - b. Chokeholds are only justified as a use of deadly force.
    - (1) A chokehold is defined as applying direct pressure to a person's trachea (windpipe) or airway (the front of the neck) with the intention of reducing the intake of air.
    - (2) Holding and control techniques involving contact with the neck, but which are not intended to reduce the intake of air, are not defined as chokeholds.
    - (3) Under no circumstances will a member use a chokehold, or any lesser contact with the neck area, to prevent the destruction of evidence by ingestion.

**V. POST-USE OF FORCE POSITIONING AND MONITORING**

After gaining control of a subject, members will:

- A. avoid sitting, kneeling, or standing on a subject's chest, which may result in chest compression, thereby reducing the subject's ability to breathe.
- B. position the subject in a manner to allow free breathing. Whenever feasible, the subject will not be placed on the subject's stomach.
- C. monitor an arrestee until transported to a secure location.



- D. seek medical attention for an arrestee who has injuries or illnesses consistent with the procedures outlined in the Department directives entitled "**Processing Persons Under Department Control**" and "**Hospitalized Arrestees**."

**VI. AFFIRMATION OF PROTECTION OF LIFE POLICY**

Sworn members will not unreasonably endanger themselves or another person to conform to the restrictions of this directive.

(Items indicated by *italic/double underline* were added or revised)

Authenticated by: KC



John J. Escalante  
Interim Superintendent of Police

15-212 PJE/MWK

**GLOSSARY TERMS:**

1. **Zone of Safety**

The distance to be maintained between the subject and the responding member(s). This distance should be greater than the effective range of the weapon (other than a firearm) and it may vary with each situation (e.g., type of weapon possessed, condition of the subject, surrounding area).

 Chicago Police Department		<b>General Order G03-02-03</b>	
<b>DEADLY FORCE</b>			
			
ISSUE DATE:	10 February 2015	EFFECTIVE DATE:	10 February 2015
RESCINDS:	1 October 2002 Version		
INDEX CATEGORY:	Field Operations		

#### I. PURPOSE

This directive:

- A. sets forth Department policy regarding a sworn member's use of [deadly force](#).
- B. establishes guidelines controlling the use of deadly force by sworn members.

#### II. DEPARTMENT POLICY

- A. A sworn member is justified in using force likely to cause death or great bodily harm only when he or she reasonably believes that such force is necessary:
  - 1. to prevent death or great bodily harm to the sworn member or to another person, or;
  - 2. to [prevent an arrest from being defeated by resistance or escape](#) and the sworn member reasonably believes that the person to be arrested:
    - a. has committed or has attempted to commit a [forcible felony](#) which involves the infliction, threatened infliction, or threatened use of physical force likely to cause death or great bodily harm or;
    - b. is attempting to escape by use of a deadly weapon or;
    - c. otherwise indicates that he or she will endanger human life or inflict great bodily harm unless arrested without delay.
- B. Sworn members who discharge a firearm will comply with the procedures detailed in the Department directive entitled "**Firearms Discharge Incidents Involving Sworn Members.**"

#### III. DEPARTMENT PROHIBITIONS FOR USE OF DEADLY FORCE

Use of firearms in the following ways is prohibited:

- A. Firing into crowds.
- B. Firing warning shots.
- C. Firing into buildings or through doors, windows, or other openings when the person lawfully fired at is not clearly visible.
- D. Firing at a subject whose action is only a threat to the subject himself (e.g., attempted suicide).
- E. Firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person.

#### IV. AFFIRMATION OF PROTECTION OF LIFE POLICY

Sworn members will not unreasonably endanger themselves or another person to conform to the restrictions of this directive.

(Items indicated by italics/double underline have been added or revised)

Garry F. McCarthy  
Superintendent of Police



15-025 MWK

**GLOSSARY TERMS:**

1. **Deadly Force (720 ILCS 5/7-8)**
  - A. Deadly force is force which is likely to cause death or great bodily harm and includes
    1. The firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and
    2. The firing of a firearm at a vehicle in which the person to be arrested is riding.
  - 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 (i.e., impact munitions) shall not be considered force likely to cause death or bodily harm
2. **Use of Force to Prevent Escape (720 ILCS 5/7-9)**

A peace officer or other person who has an arrested person in custody is justified in the use of such force to prevent the escape of the arrested person from custody as he would be justified in using if he were arresting the person.
3. **Forcible Felony (720 ILCS 5/2-8)**

A forcible felony means any treason, first degree murder, second degree murder, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, robbery, burglary, residential burglary, aggravated arson, arson, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement, and any other felony which involves the use or threat of physical force or violence against any individual.

 Chicago Police Department		<b>General Order G03-02-04</b>	
<b>CANINES AS A FORCE OPTION</b>			
			
ISSUE DATE:	24 July 2014	EFFECTIVE DATE:	24 July 2014
RESCINDS:	01 October 2002 version		
INDEX CATEGORY:	Field Operations		

#### I. PURPOSE

This directive outlines the conditions which govern the use of a Department-owned canine within the parameters of the Use of Force Model.

#### II. POLICY

- A. Department-owned canines will be trained in the "find and bark" method of finding persons. This method of training requires the canine to bark or otherwise alert its handler upon discovering a person and to remain in the immediate area of the person until relieved by the handler.
- B. A canine used to search and apprehend a subject who is defined as an active resister or assailant is a reportable use of force incident that will be documented on a Tactical Response Report (TRR).

#### III. DEFINITION

For the purposes of this directive, the definition of an active resister will include subjects who secret themselves and fail to comply with sworn members orders to reveal themselves.

#### IV. CONDITIONS ON THE USE OF CANINES AS A FORCE OPTION



- A. Against an Assailant
  1. A canine is an appropriate force option against a subject who fits the definition of an assailant, as defined in the directive entitled "**Force Options**." In the case of an incident involving a canine, an assailant will also include a person who is using or threatening the imminent use of force against the canine.
  2. Use of a canine in such a situation will require the completion of a Tactical Response Report (TRR).
- B. Against an Active Resister
  1. The use of a canine to physically apprehend an active-resister subject is limited to a subject who is alleged to have committed either a felony or a violent misdemeanor.
  2. Prior to the use of the canine, the handler will announce his or her police authority and state that the canine will be released if the subject does not comply with the handler's orders.
    - a. The verbal warning will be given in a manner to be capable of being heard by the subject and any witnesses or other parties within the targeted area.
    - b. The verbal warning will be given again upon entering subsequent floors or areas or if the size of the area is too great for a single warning.
    - c. The fact that the warnings were given will be documented in the appropriate case report.
  3. Use of a canine in such a situation will require the completion of a Tactical Response Report (TRR).
- C. A canine will not be used as a force option in crowd control situations unless the handler is so instructed by a exempt member.

(Items indicated by *italics/double underline* were revised.)

Authenticated by: JKH/PS

Garry F. McCarthy  
Superintendent of Police

13-152 AMR/RDR

 Chicago Police Department		<b>General Order G03-02-05</b>	
<b>INCIDENTS REQUIRING THE COMPLETION OF A TACTICAL RESPONSE REPORT</b>			
			
ISSUE DATE:	18 August 2016	EFFECTIVE DATE:	18 August 2016
RESCINDS:	30 October 2014 Version		
INDEX CATEGORY:	Field Operations		

**I. PURPOSE**

This directive:

- A. identifies incidents that require the completion of a [Tactical Response Report \(CPD-11.377\)](#).
- B. outlines the investigatory steps, reporting, and reviewing responsibilities of Department members.

**II. POLICY**

- A. **Accuracy.** Department members are responsible, at all times, for clearly, reliably, and truthfully describing the facts and circumstances concerning any incident involving the use of force by Department members. Department members will report and thoroughly document each reportable use of force incident outlined in Item III of this directive.
- B. **Accountability.** Department members will be responsible for articulating the specific facts that support the member's determination of the reasonableness, necessity, and proportionality of the particular use of force.
- C. **Transparency.** The Department will provide for transparency and the appropriate dissemination of information concerning the use of force by Department members.

**III. INCIDENTS REQUIRING THE COMPLETION OF A TACTICAL RESPONSE REPORT**

- A. A Tactical Response Report is required to be completed for the following reportable use of force incidents:
  - 1. All incidents involving:
    - a. cooperative actions or passive resistance by a subject when the subject is injured or alleges injury resulting from the member's use of a force option.
    - b. active resistance of a subject.

**EXCEPTION:** A Tactical Response Report is NOT required when:

- (1) the subject's only action of resisting is fleeing; and
- (2) the member's actions did not extend beyond verbal commands and/or control holds utilized in conjunction with handcuffing and searching techniques which do not result in injury or allegation of injury.
- c. an assailant whose actions are aggressively offensive with or without weapons who is using or threatening the imminent use of force against the member that will likely cause physical injury.
- d. obstructing a police officer when the obstructing is a physical act directed at the officer.

2. All incidents involving a Department member's:
  - a. discharge of a firearm, impact munitions, Taser, OC spray, or other chemical weapons.
  - b. use of canines as a force option.
  - c. use of a Long Range Acoustic Device (LRAD) acoustic transmission to cause discomfort as a compliance technique.
  - d. use of strikes with an impact weapon, kicks, knee strikes, elbow strikes, closed-hand strikes or punches, takedowns, emergency handcuffing, and other direct mechanical techniques.

**NOTE:** Emergency handcuffing is only applied after the active resister or assailant has been controlled from actively resisting or attacking and is on the ground in a position resembling a prone or supine position. The subject must be prevented from moving while being handcuffed from the front or rear to prevent any attempts to resist or attack.

- B. A Tactical Response Report is NOT required to be completed for the following incidents:
  1. The use of escort holds, pressure-compliance techniques, and firm grips which do not result in an injury or allegation of injury.
  2. Control holds, wristlocks, and armbars utilized in conjunction with handcuffing and searching techniques which do not result in injury or allegation of injury.
  3. That force necessary to overcome passive resistance due to physical disability or intoxication which does not result in injury or allegation of injury.
  4. The use of force in an approved training exercise.
- C. If the most serious use of force requires an investigation by a certain level of supervisor, then the approval of all Tactical Response Reports resulting from the use of force by any member in that incident will be the responsibility of that level of supervisor.

#### IV. PROCEDURES

##### A. Immediate Notifications

Each sworn member or detention aide in the performance of his or her duties who is involved in a reportable use of force incident, as described in Item III-A of this directive, will immediately notify:

1. his or her immediate supervisor and the station supervisor in the district of occurrence that he or she has been involved in a reportable use of force incident.

**NOTE:** The involved member will record the name of the person receiving the notification in the appropriate case report.

2. the Office of Emergency Management and Communications (OEMC) for all incidents involving the:
  - a. use of deadly force;
  - b. discharge of a firearm, impact munitions, Taser, OC spray, or other chemical weapons;
  - c. use of canines as a response option; and
  - d. use of a Long Range Acoustic Device (LRAD) acoustic transmission to cause discomfort as a compliance technique.

**NOTE:** The Office of Emergency Management and Communications (OEMC) will notify the Crime Prevention and Information Center (CPIC) of the incident.

**B. Completing the Tactical Response Report (TRR)**

Each sworn member or detention aide in the performance of his or her duties who is involved in a reportable use of force incident, as described in Item III-A of this directive, will:

1. complete a Tactical Response Report, detailing the information as requested on the report.
    - a. If more than one member is involved in a reportable use of force incident, each sworn member or detention aide who uses force will complete a TRR. Therefore, there may be multiple reports completed for a single incident.
    - b. If an object is perceived by the member as a weapon that could cause great bodily harm or death and is not actually a weapon or the object recovered is different than the perceived weapon:
      - (1) indicate the weapon in the "weapon" field of the TRR, if the item was actually a weapon,
      - (2) indicate the object in the "other" field of the TRR, when the item was not actually a weapon,
      - (3) if the item was different than perceived, indicate in the "Perceived As" field what the object was perceived to be.

**EXAMPLE:** If a member uses force against an assailant holding an object that the involved member perceives to be a handgun, but upon recovery, the object was determined to be a BB gun, the member will indicate "BB gun" in the "Weapon" field and "Handgun" in the "Perceived As" field.

  - c. Specific instructions for the completion of the form can be found in the Tactical Response Report Form Preparation Instructions ([CPD-63.467](#)) or the Automated TRR Application Help Documentation.
2. submit the completed TRR to his or her immediate supervisor for review before the end of the involved member's tour of duty.
3. submit other required reports as indicated in the Department directive entitled "**Processing Persons Under Department Control**" to the station supervisor in the district of occurrence.

**V. SUPERVISOR RESPONSIBILITIES**

- A. Reviewing Supervisor.** A supervisor who has been notified of a reportable use of force incident as described in Item III-A of this directive will:
1. respond to the scene when the injury to a subject or member requires medical attention.
  2. ensure that all witnesses are identified and interviewed and that required information is recorded in the appropriate reports.
  3. request the assignment of an evidence technician to take photographs of subjects who have been involved in a use of force incident and are injured, allege injury, or when otherwise deemed appropriate by the supervisor.
  4. ensure that other evidence is handled and processed according to existing Department procedures.
  5. review the portion of the TRR completed by the involved member and:
    - a. if the TRR is incomplete or insufficient, return the TRR to the member.



- b. if appropriate, attest to the completeness of the report.
  6. complete the TRR for a member who is unable to complete the report.
 

**NOTE:** The TRR will not substitute for an Officer's Battery Report. Whenever a member is the victim of a murder or any type of a battery or an assault, whether such charges are placed against an offender or not, the supervisor will ensure an Officer's Battery Report is completed.
  7. ensure the appropriate case report is completed for the incident, consistent with the guidelines established in the Incident Reporting Guide (IRG) ([CPD-63.451](#)).
 

**NOTE:** A case report is required even if the TRR resulted from an incident that would not otherwise require a report (e.g., warrant arrests). Members will refer to the IRG section entitled "Special Case Reporting Index for Use of Force Incidents" for specific reporting instructions.
  8. ensure immediate notifications in Item IV-A are completed.
  9. ensure additional notifications are made consistent with the Department directives entitled:
    - a. **"Firearms Discharge Incidents Involving Sworn Members,"** and
    - b. **"Other Weapons Discharge Incidents."**
  10. notify the Independent Police Review Authority (IPRA) to obtain a complaint log (CL) number for the following incidents:
    - a. the use of deadly force,
    - b. the discharge of a firearm,
    - c. the discharge of a Taser,
    - d. the discharge of a personal Oleoresin Capsicum (OC) device or other chemical agent,
    - e. the use of excessive force or an allegation of excessive force, and
    - f. the death or life-threatening injury to a member of the public that resulted directly from an action or intentional omission of a Department member.
- B. For reportable use of force incidents, the following ranked supervisor will be responsible for the approval of all TRRs from the same incident:
1. The exempt-level incident commander will review and approve the following types of incidents:
    - a. the discharge of impact munitions or a firearm by a Department member, excluding discharges to destroy an animal;
    - b. a member's use of force, by whatever means, that results in serious injury or death of any individual; and
    - c. any lesser use of force by a Department member when that use of force stems from the same incident in which another member used force described in Items V-B-1-a or V-B-1-b of this directive.
  2. A member the rank of captain or above assigned to the district of occurrence will review and approve TRRs for the following incidents:
    - a. the discharge of a firearm for the destruction of an animal with no human injury, and
    - b. any incident normally investigated under Item V-B-3 of this directive when a lieutenant in the district of occurrence is not available.

3. A member the rank of lieutenant or above assigned to the district of occurrence will investigate all other incidents.

**NOTE:** If a district supervisor the rank of lieutenant or above is unavailable, the district station supervisor will follow the appropriate procedures established by the Bureau of Patrol to ensure the TRR is completed and approved.

C. **Approving Supervisor.** The assigned supervisor described in Item V-B will:

1. review the TRR and complete the section of the TRR entitled "Lieutenant or Above/Incident Commander Review."
2. when reviewing a TRR for a use of force incident, indicate the review and compliance with this directive after conducting an investigation by:
  - a. attempting to interview the subject of any use of force and record the subject's statement regarding the use of force in the space provided on the TRR.
    - (1) When interviewing a juvenile arrestee, the reviewing supervisor will follow restrictions outlined in the Department directive entitled "**Processing of Juveniles and Minors Under Department Control.**"
    - (2) The approving supervisor will check "DNA" when the incident involves only an animal destruction or unintentional discharge.
  - b. documenting other investigatory information in the "Lieutenant or Above/Incident Commander: Comments" section, including but not limited to:
    - (1) the identification and interview of witnesses, including other Department members regarding the use of force incident;
    - (2) a review of all available reports;
    - (3) a review of all Department-recorded video (e.g., In Car Video System, lockup facility cameras, body worn cameras), if available; and
    - (4) any allegations of excessive force.
3. ensure a notification to IPRA was made pursuant to Item V-A-10 of this directive.



**NOTE:** The approving supervisor will indicate if a notification to IPRA was made and include the Complaint Log (CL) number on the TRR.

4. **use the "Attachment" section located under the "Involved Member Information" section of the TRR to attach copies of the following Department reports that are related to the incident involving the completion of the TRR:**
  - a. case reports,
  - b. Supplementary Report,
  - c. Arrest Reports,
  - d. Inventory Reports,
  - e. Injury on Duty reports, and
  - f. any other pertinent Department report.

5. if appropriate, approve the report.

Eddie T. Johnson  
Superintendent of Police

15-211 MWK/TSS

 Chicago Police Department		<b>General Order G03-02-06</b>	
<b>FIREARMS DISCHARGE INCIDENTS INVOLVING SWORN MEMBERS</b>			
			
<b>ISSUE DATE:</b>	30 October 2014	<b>EFFECTIVE DATE:</b>	30 October 2014
<b>RESCINDS:</b>	01 October 2002 Version; 01 October 2002 Version of S03-02-01		
<b>INDEX CATEGORY:</b>	Field Operations		

#### I. PURPOSE

This directive outlines Department investigative and reporting procedures in firearm discharge incidents.

#### II. SCOPE

Under normal circumstances, the provisions of this directive will not apply to the discharge of a firearm during:

- A. Department-sponsored firearms training or practice.
- B. firearms practice at a recognized range facility.
- C. Department authorized ballistic examination or testing.
- D. a licensed hunting activity.

#### III. FIREARMS DISCHARGE INCIDENT NOTIFICATIONS

In addition to other notifications outlined in this directive, for **ANY** firearms discharge incidents, including unintentional discharges and those involving the destruction of an animal:

- A. the station supervisor in the district of occurrence will ensure the Crime Prevention and Information Center (CPIC) is notified.
- B. CPIC will notify the Bureau of Internal Affairs (BIA) call-out supervisor of any firearms discharge incident notification.

#### IV. MANDATORY ALCOHOL AND DRUG TESTING

- A. Any sworn Department member involved in a firearms discharge incident, whether on or off duty, is required to submit to the mandatory alcohol and drug testing, in compliance with this directive and any applicable collective bargaining agreement.

**NOTE:** This requirement does not apply to the circumstances delineated in Item II of this directive.

- B. The BIA call-out supervisor will:
  - 1. contact the On-Call Incident Commander (OCIC) or supervisor responsible for the investigation, as appropriate, and respond to the designated location to conduct the alcohol and drug testing.
  - 2. complete and submit a "Notice of Alcohol and Drug Testing Following a Firearms Discharge Incident" ([CPD-44.252](#)).
- C. The BIA call-out supervisor will ensure:
  - 1. the involved member submits to the alcohol breath test and will conduct the test according to Department policy.
  - 2. the alcohol breath test result is provided to the OCIC or supervisor responsible for the investigation, as appropriate.

3. the involved member submits to the drug test and ensure the urine specimen is:
  - a. collected in a manner that will preserve the dignity of the involved member and ensure the integrity of the sample.
  - b. collected in the presence of a supervisor of the same sex as the involved member.
  - c. retained by the *BIA* call-out supervisor who will assume the responsibility for ensuring that the urine specimen is properly secured in accordance with established bureau-level standard operation procedures, pending processing by a medical laboratory.
4. the alcohol and drug testing occurs as soon as practicable after the firearms discharge incident given the overall demands of the investigation.

**NOTE:** The member with overall command responsibility, (e.g., OCIC or supervisor responsible for the investigation), will ensure testing is initiated no later than six hours following the firearms discharge incident.

5. that copies of any associated reports, including the testing and results documentation, are forwarded to the Chief Administrator, Independent Police Review Authority (IPRA) once the testing is completed.
- D. If the involved member refuses to provide a breath test or urine specimen pursuant to this process, it is a violation of the Department Rules and Regulations, (e.g., disobedience of an order or directive whether written or oral), and will result in administrative charges against the member, which may include discipline up to and including separation.
- E. No discipline shall occur based solely on the results of the alcohol test when the member's actions are consistent with the Department's Use of Force guidelines and the member discharged their weapon off-duty.

#### V. FIREARM DISCHARGE INCIDENTS OTHER THAN UNINTENTIONAL AND DESTRUCTION OF AN ANIMAL

- A. Members who unintentionally discharge a firearm or discharge a firearm in the destruction of an animal will follow the procedures described in Item X of this directive so long as there were no personal injuries via that firearm.
- B. In any other instance where a member has discharged a firearm, the member, if physically capable, will:
  1. notify the Office of Emergency Management and Communications (OEMC) immediately and provide all relevant information.
  2. attend to all required emergency and security duties arising from the incident.
  3. provide Department members conducting the investigation with information required to effect arrests and fulfill immediate law enforcement necessities.
  4. inform the station supervisor of the district of occurrence.
  5. remain on the scene, if not injured, and report to a field supervisor from the district of occurrence upon his or her arrival.
  6. ensure that his or her firearm remains holstered and secured until it is submitted to Forensic Services Division personnel.

**NOTE:** If the involved member is injured and needs to be relieved of his or her firearm prior to receiving medical treatment, the securing member will take possession of the firearm and duty belt and will ensure that the firearm remains holstered and secured.

7. if disarmed during the firearm discharge incident, preserve the firearm as evidence, as it will be processed in compliance with the Department directive entitled "**Crime Scene Processing.**"
8. complete a Tactical Response Report (TRR) ([CPD-11.377](#)) and any other reports at the location designated by the supervisor responsible for the investigation.

**NOTE:** When a member who has discharged a firearm is unable to complete the TRR for any reason, it will become the responsibility of a supervisor designated by the supervisor responsible for the investigation to prepare this report.

9. contact the Professional Counseling Division via telephone within twenty-four hours of the incident to schedule a **mandatory** debriefing.
    - a. Upon arrival at the subsequently scheduled Professional Counseling Session, members will present the original (white) Traumatic Incident Stress Management Program Notification form to the Professional Counseling Division employee.
    - b. Members who are hospitalized as a result of their involvement in a firearm discharge incident will be contacted by a counselor pursuant to the Department directive entitled **Traumatic Incident Stress Management Program**.
  10. attend the firearms training overview as described in Item IX of this directive.
- C. In any instance where a member has discharged a firearm outside the City of Chicago, the member will:
1. notify the local police agency and this Department's Crime Prevention and Information Center (CPIC).
  2. ensure the submission of all reports connected with the incident, including a TRR and a To-From-Subject report, without unnecessary delay.
- D. Any member, whether on or off duty, having knowledge of circumstances surrounding a firearm discharge incident or who has been fired upon will:
1. remain on the scene until released by those Department members conducting the investigation.
  2. provide those Department members conducting the investigation with required information, assistance, and when requested, oral and written statements.
  3. report to the supervisor responsible for the investigation in the district of occurrence.
- E. Member's Statements and Interviews.
1. A member who is involved in a firearm discharge incident will provide an oral report to the supervisor responsible for the investigation without delay and outside the presence of any other individuals.
  2. When a member who has discharged a firearm is notified that he or she must give a written statement or an oral statement in the presence of an observer, the interview may be postponed by the officer for a period of time not to exceed two hours.
- NOTE:** Statements pursuant to an administrative investigation conducted by IPRA into the firearm discharge incident will conform to the guidelines outlined in the Department directive entitled "Department Member's Bill of Rights."
- F. OEMC will:
1. dispatch sufficient patrol units to the scene.

2. determine if a medical emergency exists and when appropriate:
    - a. notify the Chicago Fire Department to dispatch emergency medical service units to the scene.
    - b. inform the emergency room of the receiving hospital.
  3. assign a field supervisor from the district of occurrence to the scene. In the event that a member has been injured, OEMC will assign a supervisor to respond to the medical facility treating the injured member.
  4. immediately notify the following in the listed order of priority:
    - a. the station supervisor in the district of occurrence;
    - b. CPIC;
    - c. any other units or agencies as appropriate or as requested.
  5. not broadcast the name of a Department member who has been involved in a firearm discharge incident over the police radio.
- G. The assigned field supervisor will:
1. proceed immediately to the scene and assume command and oversight of the scene until relieved by the appropriate responding supervisor.

**NOTE:** Either the field sergeant or the relieving supervisor will remain on scene with sufficient information to fully brief the responding OCIC, if applicable.
  2. ensure that medical attention is provided and that adequate manpower and equipment are available.
  3. establish an inner and outer perimeter at the scene of the incident.
    - a. The inner perimeter(s) is the area or areas at the scene of the incident where physical evidence is likely to be recovered.
    - b. The outer perimeter(s) is the area surrounding and encompassing the inner perimeter(s) where assigned personnel can be briefed and deployed.
  4. ensure that:
    - a. no sworn member of any rank handles, inspects, unloads, or otherwise tampers with the involved member's firearm prior to the arrival of Forensic Services Division personnel.
    - b. unless the member was disarmed, the firearm remains holstered and secured pending the arrival Forensic Services Division personnel.
    - c. in instances when the Department member was disarmed during the firearm discharge incident, the firearm is preserved as evidence and processed in compliance with the Department directive entitled "**Crime Scene Protection and Processing.**"
    - d. all fired projectiles have been accounted for without contaminating or interfering with the collection and maintenance of evidence.
    - e. witnesses and other persons (Department member or non-Department member) who may have relevant information are available for on scene interviews.
    - f. an officer other than the involved member has been assigned to conduct the preliminary investigation, prepare the original case report, and relay additional information to investigating units.
  5. confirm that the notifications listed in Item V-F-4 have been made.

6. if circumstances necessitate the relocation of the investigation from the site of the occurrence, contact the OCIC for authorization and notify CPIC.
7. ensure that Forensic Services Division personnel conduct the firearm inspection on-scene in his or her presence. If the supervisor responsible for the investigation determines that safety concerns or weather conditions preclude the on-scene inspection, the involved member will remain in the continual presence of a higher-ranking Department member until the inspection is conducted by Forensic Services Division personnel in the affected Bureau of Detectives area.
8. assign transportation for the involved member.
9. verify the submission of written reports from involved members in conformance with the provisions of this directive.
10. review all written reports generated by Bureau of Patrol personnel submitted during the preliminary investigation.
11. complete the supervisor's section of the Tactical Response Report.

**NOTE:** If the involved member is of the rank of sergeant or higher, the supervisor responsible for the investigation will complete the supervisor's section of the TRR.

12. in situations requiring an Officer's Battery Report, ensure the report is completed in accordance with the Department directive entitled "Officer's Battery Reporting Procedures."
13. remain on duty until dismissed by the supervisor responsible for the investigation.

H. CPIC will notify:

1. the district commander of the district of occurrence.
2. the commander of affected Bureau of Detectives area.
3. the area deputy chief, Bureau of Patrol.
4. any additional communications as consistent with CPIC procedures.

I. The station supervisor will:

1. notify the Professional Counseling Service via telephone, providing them with the name, star number, and unit of assignment of the involved member and the date the member was instructed to contact the Professional Counseling Service for a mandatory appointment.
2. obtain a Universal (U) Number from the Independent Police Review Authority in all cases in which:
  - a. a Department member has injured or killed a person by use of a firearm.
  - b. a Department member has suffered a self-inflicted gunshot wound.
3. if an individual has been injured or killed by a firearm discharged by a Department member, inform the States Attorney's Office, in accordance with the Department directive entitled **"Felony Review by Cook County State's Attorney."**
4. if a Department member has been injured or killed by gunfire, follow the procedures in "Notification of Death or Serious Injury to a Member: Duty Related."



## VI. INVESTIGATING COMMAND PERSONNEL RESPONSIBILITIES

- A. Investigating command personnel will be assigned according to the Department directive entitled **"On-Call Incident Commander."**

**NOTE:** No member below the rank of captain will direct an investigation into an incident involving the discharge of a firearm by a Department member. However, the on-scene supervisor is responsible for maintaining command and oversight of the scene until relieved by the appropriate responding supervisor.

- B. The OCIC or supervisor responsible for the investigation, will:

1. proceed to the scene, assume command of the scene, and ensure that a complete and thorough investigation is conducted of the incident.
2. ensure that all tasks delineated for lesser-ranking personnel have been or are being performed.
3. designate a field supervisor responsible for directing the preliminary investigation whenever the incident has occurred in more than one district.
4. personally conduct an investigation into the circumstances surrounding the incident and make a preliminary determination as to whether the conduct of the member conformed to Department guidelines.

**NOTE:** The occurrence of less serious transgressions may be addressed by the procedures described in the Department directive entitled **"Summary Punishment."**

5. fulfill the obligations outlined in the Department directive entitled "Traumatic Incident Stress Management Program," including:

- a. determining whether an incident should be classified as a traumatic incident in situations other than those specifically defined as a traumatic incident.
  - b. completing a Traumatic Incident Stress Management Program Notification form (CPD-62.480) and providing the affected member with the original (white) and the officer's copy (yellow copy) of the Traumatic Incident Stress Management Program Notification Form.
  - c. ensuring the affected member calls the Professional Counseling Service within twenty-four hours of the incident.
6. prior to the end of his or her tour of duty, complete the review process for the submitted Tactical Response Reports following the procedures outlined in the Department directive entitled **"Incidents Requiring the Completion of a Tactical Response Report."**
7. prior to the termination of the tour of duty, review the Major Incident Notification Report and ensure its completion

- C. For all weapon discharge incidents described in this directive, when the involved member is the same rank or higher than the supervisor responsible for the investigation, the Chief, Bureau of Patrol will assume the investigating command personnel responsibilities.

## VII. BUREAU OF DETECTIVES COMMAND RESPONSIBILITIES

- A. In all cases in which a member has been injured or killed by gunfire or has injured or killed a person by use of a firearm, the Bureau of Detectives area commander will designate a Bureau of Detectives supervisor to serve as the police shooting coordinator for that incident.
- B. The police shooting coordinator will:
1. personally respond to the scene of the investigation.

2. ensure the preservation of evidence and identification of witnesses.
3. assume responsibility for the follow-up investigation under the direction of the Bureau of Detectives area commander.

#### VIII. POST-FIREARM DISCHARGE FIREARM PROCESSING PROCEDURES

- A. No member of any rank will handle, inspect, unload, or otherwise tamper with the involved member's firearm prior to the arrival of Forensic Services Division personnel. Unless the member was disarmed, the firearm will remain holstered and secured pending the arrival of the supervisor responsible for the investigation and Forensic Services Division personnel.
- B. Forensic Services Division personnel will:
  1. conduct the firearm inspection in the presence of the supervisor designated in section V-G-7 of this directive.
  2. identify the firearm discharged by the Department member by its make, model, serial number, and other identifiers.
  3. examine the firearm discharged by the Department member to determine the type of cartridges used.
  4. examine the surrounding area to identify the number and location of cartridge casings.
  5. inventory all firearms discharged by the Department member in accordance with established inventory procedures in cases in which:
    - a. an individual has been injured or killed.
    - b. identifiable property damage occurs.
    - c. potential property damage may have occurred. In potential property damage cases, the supervisor responsible for the investigation may authorize the responsible member to retain his or her firearm for subsequent personal transport to the Forensic Services Division within ninety-six hours of the incident. The authorization will be noted in the "Comments" field of the eTrack inventory application or in the "Description of Property" section of the Property Inventory formset, as appropriate.
- C. If the Department member was disarmed during the firearm discharge incident, the firearm will be preserved as evidence and processed in compliance with the Department directive entitled "**Crime Scene Protection and Processing**."

#### IX. POST-FIREARM DISCHARGE FIREARMS TRAINING OVERVIEW

- A. All Department members who have discharged a firearm as described in this directive will attend a firearms training overview scheduled by the Education and Training Division. Held monthly, the eight-hour training overview will be tailored to the situation and may include, but is not limited to, the topics of the use of deadly force, alternative force response options, tactics for aggressive patrol, and ethics.
- B. Attendance at this training overview is mandatory and is not dependent upon the determination by any investigative body responsible for a review of the firearm discharge incident. No connotation as to the appropriateness of the member's actions will attach to a member attending the training overview.
- C. The training overview will be considered a tour of duty. Participants will wear the field uniform of the day.
- D. Notification Procedure
  1. The Deputy Chief, Education and Training Division will notify unit commanding officers of the existence of members under their command who are required to attend a scheduled firearms training overview.
  2. Upon receipt of the list of members who are required to attend a scheduled firearms training overview, the unit commanding officer will determine which of the listed members are

scheduled for a regular work day on the designated training date. Members will attend the training overview only when it is on their regularly-scheduled work day.

- a. The unit commanding officer will supply these members with the name and telephone number of the contact person at the Education and Training Division.
- b. The unit commanding officer will inform these members that they are required to attend the scheduled training.
- c. Members who have been scheduled to attend a firearms training overview but are unable to due to unknown circumstances at the time of the scheduling (i.e., medical roll, court date) will notify their unit commanding officer and the designated contact person at the Education and Training Division as soon as these circumstances are known.
- d. The unit commanding officer will inform the Education and Training Division of members who are on the medical roll or scheduled for a regular day off on the date of the training. Those members will be rescheduled for the next session of the training overview.

**X. UNINTENTIONAL FIREARM DISCHARGE INCIDENTS AND THE DISCHARGE OF A FIREARM TO DESTROY AN ANIMAL**

- A. An unintentional firearm discharge is defined as the unintended or accidental firing of a firearm in circumstances which did not occur during a training exercise and do not involve injury via the firearm.
- B. When a member unintentionally discharges a firearm or discharges a firearm to destroy an animal, the member will:

1. notify OEMC, their immediate supervisor, and the station supervisor in the district of occurrence.
2. complete a TRR, a case report, and any other appropriate report.
  - a. Destruction of an animal by a Department member, where no other case report applies, will be documented under I-UCR 5061, "Non-Criminal, Destruction of Animal by Police."
  - b. An unintentional firearm discharge by a Department member, where no other case report applies, will be documented under I-UCR 5060, "Non-Criminal, Unintentional Discharge of a Firearm by Police."
  - c. If there is other property damage or personal injury, members will consult the Incident Reporting Guide for appropriate classification.
  - d. If a TRR is completed to document an *unintentional* firearm discharge, members will follow the procedures described in the Department directive entitled "Complaint and Disciplinary Procedures."
3. submit all reports to his or her immediate supervisor for review and approval.
4. comply with all applicable provisions of the Department directive entitled "**Incidents Involving Animals.**"

**EXCEPTION:** If the incident occurred outside the City of Chicago, then the procedures in item V-C of this directive will be followed.

- C. The OEMC will:

1. assign a supervisor from the district of occurrence to the scene of the incident.
2. notify CPIC.

D. The assigned field supervisor in the district of occurrence will:

1. determine if there is any related personal injury or property damage other than the destruction of the animal and, if necessary, ensure that any required report is completed.
2. remain on scene and maintain command and oversight of the investigation until relieved by the appropriate responding supervisor.
3. ensure CPIC has been notified.
4. complete the supervisor's section of the Tactical Response Report.

**NOTE:** If the involved member is of the rank of sergeant or higher, the supervisor responsible for the investigation will complete the supervisor's section of the TRR.

E. Investigating command personnel will be assigned according to the Department directive entitled **"On-Call Incident Commander."**

**NOTE:** No member below the rank of captain will direct an investigation into an incident involving the discharge of a firearm by a Department member. However, the on-scene supervisor is responsible for maintaining command and oversight of the scene until relieved by the appropriate responding supervisor.

F. The command personnel responsible for the investigation will:

1. proceed to the scene, assume command of the scene, and ensure that a complete and thorough investigation is conducted of the incident.
2. ensure that all tasks delineated for subordinate personnel are performed.



**NOTE:** The supervisor responsible for the investigation may waive firearm inventory and ballistic examination and may authorize the member to retain his or her firearm in instances in which there is no likelihood of death or injury to a person or identifiable property damage other than the destruction of the animal.

3. personally conduct an investigation into the circumstances surrounding the incident and make a preliminary determination as to whether the conduct of the member conformed to Department guidelines.
4. prepare the "Lieutenant or above / OCIC Review" section of the TRR and review, approve, and process the TRR in accordance with the procedures outlined in the Department directive entitled "Incidents Requiring the Completion of a Tactical Response Report."
5. for an unintentional discharge incident:
  - a. check the selection that indicates that further investigation is required in the "Lieutenant or above/OCIC Finding" section of the TRR.
  - b. obtain a log number and ensure that an initiation report is completed.

(Items indicated by *italics/double underline* were added or revised.)

Garry F. McCarthy  
Superintendent of Police

13-056 MWK/CMW

 Chicago Police Department		<b>General Order G03-02-07</b>	
<b>OTHER WEAPON DISCHARGE INCIDENTS</b>			
			
ISSUE DATE:	30 October 2014	EFFECTIVE DATE:	30 October 2014
RESCINDS:	14 June 2012 Version of S03-02-02		
INDEX CATEGORY:	Preliminary Investigations		

**I. PURPOSE**

This directive outlines Department investigative and reporting procedures in which a member has discharged a chemical agent or Taser.

**II. SCOPE**

Under normal circumstances, the provisions of this directive will not apply to the discharge of a chemical agent or Taser during a Department-authorized training program.

**III. DISCHARGE OF CHEMICAL AGENT**

- A. A chemical agent includes the personal Oleoresin Capsicum (OC) devices carried by sworn members and Department-owned special weapons which dispense Capsaicin II Powder Agent (PepperBall) or larger volumes of chemical agents.
- B. When a member discharges a chemical agent, the member will:
  1. notify the Office of Emergency Management and Communications (OEMC), his or her supervisor, and the station supervisor in the district of occurrence.
  2. complete a Tactical Response Report (TRR) ([CPD-11.377](#)), the appropriate case report, and/or other required reports.
  3. submit all reports to his or her supervisor for review and approval.
- C. When notified that a member under their command discharged a chemical agent, the assigned field supervisor will:
  1. if appropriate, respond to the scene of the chemical agent discharge when the injury to a subject or member is of the severity to require immediate medical attention.
  2. ensure the procedures outlined in the Department directive entitled "Incidents Requiring the Completion of a Tactical Response Report" are followed.
  3. notify the Independent Police Review Authority when an OC device has been discharged.
- D. The assigned investigating supervisor the rank of lieutenant or above from the district of occurrence will:
  1. investigate the incident and document the investigation in the "Lieutenant or Above / OCIC Review" section of the Tactical Response Report (TRR). The supervisor will indicate that the findings of the investigation of the member's use of force revealed that the conduct conformed to Department policy and guidelines or that further investigation is required. If the supervisor determines that further investigation is required or that the member's conduct other than the use of force failed to conform to Department guidelines, the supervisor will initiate that investigation consistent with the Department directive entitled "**Complaint and Disciplinary Procedures.**"
  2. review, approve, and process the TRR in accordance with the procedures outlined in the Department directive entitled "Incidents Requiring the Completion of a Tactical Response Report."

3. receive the discharged personal OC device from the sworn member, provide a replacement device to the member, and notify the individual designated by the district commander that a replacement device has been issued. When needed, additional OC devices may be requested from the Taser Repair Center, located at the Education and Training Division, through normal requisition procedures.

**NOTE:** A copy of the TRR will be presented to the Taser Repair Center for replacement OC devices.

- E. Whenever possible, the ranking officer on the scene of an incident will notify the Chicago Fire Department prior to the anticipated use of a device that dispenses a chemical agent through use of pyrotechnics.
- F. If a member discharges a chemical agent outside the City of Chicago, the member will:
  1. notify:
    - a. the law enforcement agency having jurisdiction;
    - b. OEMC and the Crime Prevention and Information Center (CPIC); and
    - c. his or her immediate supervisor.
  2. complete a TRR and submit it to his or her immediate supervisor for review and approval.

#### IV. DISCHARGE OF A TASER

- A. A member who is about to discharge a Taser device will, when possible:
  1. inform all other Department members on the scene of the imminent deployment of the device.
  2. give verbal commands to the subject prior to, during, and after deployment of the Taser.
  3. for back shots, aim for the subject's back below the neck area; for frontal shots, aim for lower center mass.

**NOTE:** It is recommended that Department members deploy the Taser to the subject's back whenever possible.

4. after deployment of the initial Taser five-second cycle, members will:
  - a. give the subject an opportunity to comply with his or her demands.
  - b. assess the situation and if the subject is still not under control, consider the following:
    - (1) performing a drive stun,

**NOTE:** A drive stun is utilized when a Taser, with or without a cartridge attached, is held against the subject and energy is applied.

- (2) initiating additional five-second cycles,
- (3) reloading and redeploying another cartridge, or
- (4) using another use of force option.

**NOTE:** It is advisable to minimize the stress to the subject as much as possible. Multiple five-second cycles, cycles continuing longer than five seconds, and discharges by multiple Tasers will increase stress on the subject.

- B. A member who deploys or anticipates the deployment of a Taser will request that a supervisor respond to the scene.

**NOTE:** For all field deployments of a Taser, a supervisor assigned to the district of occurrence at least one rank higher than the deploying member will respond to the scene of the Taser deployment.

- C. The member who field-deployed the Taser will:

1. immediately, upon gaining control and restraining the subject:
  - a. notify OEMC of the deployment and request assignment of emergency medical personnel when:
    - (1) the Taser probes were discharged and penetrated a subject's skin.
    - (2) an electrical current from the Taser was applied to the subject's body.
    - (3) the subject appears to be in any sort of physical distress.
  - b. notify their supervisor, the station supervisor assigned to the district of occurrence, and [CPIC](#).
  - c. if emergency medical personnel determine that the subject requires treatment at a medical facility, follow procedures listed in the directive entitled:
    - (1) **"Field Arrest Procedures"** for secured transportation and processing of injured arrestees.
    - (2) **"Assisting Chicago Fire Department Paramedics"** for non-arrestees.

**NOTE:** Subjects will be transported to a medical facility via a Chicago Fire Department vehicle.

2. complete a Tactical Response Report (TRR) ([CPD-11.377](#)), the appropriate case report, and/or other required reports.

- D. Responding supervisors will:

1. ensure that the scene of the Taser deployment is protected and processed in accordance with the Department directive entitled **"Crime Scene Protection and Processing."**
  - a. If the Taser deployment occurred in a residence, an evidence technician will be requested to process the scene.
  - b. If the Taser deployment occurred in an area other than a residence, whether indoors or outdoors, the responding supervisor will determine if an evidence technician is required.
  - c. An evidence technician will be requested to photograph the locations where the probes penetrated the subject's skin and/or any other injuries incurred as a result of the TASER deployment.
2. take control of the Taser device and deliver it to the assigned investigating supervisor the rank of lieutenant or above from the district of occurrence.
3. request the On-Call Incident Commander (OCIC) or appropriate area deputy chief, Bureau of Patrol respond to all Taser deployments that result in serious injury or death. When the OCIC or appropriate area deputy chief, Bureau of Patrol responds to the scene of a Taser deployment, that member will be responsible for completing the "Lieutenant or Above / OCIC Review" section of the TRR.
4. ensure the Mobile Crime Lab and Bureau of Detectives personnel are requested when a death has occurred as a result of the Taser deployment.



5. notify IPRA and obtain a log number. During the hours when IPRA is not available, CPIC will be notified to obtain a log number.
  6. review the deploying member's TRR and, if appropriate, approve it.
- E. The assigned investigating supervisor the rank of lieutenant or above from the district of occurrence will:

1. prepare the "Lieutenant or Above / OCIC Review" section of the TRR for those cases which do not require the presence of the OCIC or an area deputy chief, Bureau of Patrol, consistent with the directive entitled "**Incidents Requiring the Completion of a Tactical Response Report.**"

**NOTE:** The assigned investigating supervisor will not approve the involved member's TRR until the Taser device deployment data sheet has been received and reviewed.

2. ensure that IPRA is notified and a log number is obtained.
3. download the deployment data consistent with the equipment and software procedures and print a copy of the deployment information. In districts which do not have the necessary equipment to perform the download of deployment data, the assigned investigating supervisor will follow the alternate procedures outlined in Item IV-E-4 of this directive.
  - a. When printing a Taser deployment data sheet, only the date range containing the actual deployment information needs be printed. If the specific date range is not manually selected, all 2000 lines of possible deployment data will be printed.
  - b. The data sheet will be reviewed for time discrepancies. A full download of the device is required if a 254 or a 257 discharge is indicated or the clock is off by several hours, days, months, or years. For additional information, refer to the Department's eLearning website and search keywords "Taser Download."
4. when unable to download the Taser deployment data (required equipment is inoperable or not installed), designate a Department member, preferably a supervisor, to report to an adjacent district with the involved Taser device for the purpose of downloading and printing the Taser deployment data sheet. The designated Department member will:
  - a. transport the involved Taser device as directed and ensure that the device is not tampered with during transport.
  - b. turn over the Taser device to the appropriate personnel and await the return of the device once the appropriate personnel download the Taser deployment data.
  - c. upon return of the Taser device and receipt of the deployment data, immediately transport the Taser device and data sheet to the assigned investigating supervisor.

**NOTE:** If alternate locations are unable to download the Taser deployment data, the assigned investigating supervisor will ensure that 2<sup>nd</sup> watch personnel hand-carry the Taser device to the Taser Repair Center.

5. ensure all evidence from the scene of the Taser deployment is inventoried consistent with the Department directive entitled "**Processing Property Under Department Control,**" including:
  - a. the discharged probes, which will be detached from the wires and inserted, pointed ends first, back into the cartridge.
  - b. the used cartridge(s), which will be wrapped with tape to secure the probes inside the cartridge.
  - c. a copy of the Taser deployment data sheet.

6. forward the Taser deployment data sheet, a copy of the TRR, and a copy of the original case report to IPRA.
7. ensure the expended cartridge is replaced from the district/unit supply. When needed, additional cartridges may be requested from the Taser Repair Center, located at the Education and Training Division, through normal requisition procedures.

**NOTE:** A copy of the TRR will be presented to the Taser Repair Center for replacement cartridges.



- F. In all cases in which a subject has been seriously injured or a death has occurred in conjunction with a Taser deployment, the OCIC or appropriate area deputy chief, Bureau of Patrol will:
1. proceed to the scene, assume command of the scene, and ensure that a complete and thorough investigation is conducted of the incident.
  2. ensure that all tasks delineated for subordinate personnel are performed.
  3. personally conduct an investigation into the circumstances surrounding the incident and make a preliminary determination as to whether the conduct of the member conformed to Department guidelines.
  4. review, approve, and process the TRR in accordance with the procedures outlined in the Department directive entitled "Incidents Requiring the Completion of a Tactical Response Report."

(Items indicated by italics/double underline were added or revised.)

Garry F. McCarthy  
Superintendent of Police

13-056 MWK/CMW

## Appendix B

		Chicago Police Department		General Order G03-02	
<b>USE OF FORCE GUIDELINES</b>					
					
ISSUE DATE:				EFFECTIVE DATE:	
RESCINDS:					
INDEX CATEGORY:		Field Operations			

### I. PURPOSE

This directive:

- A. sets forth Department policy regarding sworn members' and detention aides' use of force.
- B. provides guidelines for the use of force.
- C. establishes guidelines controlling the use of deadly force by sworn members.
- D. provides the foundation for more specific policies governing the use of force.

### II. DEPARTMENT POLICY

- A. **Sanctity of human life.** The Department's highest priority is the sanctity of human life. In all aspects of their conduct, Department members will act with the foremost regard for the preservation of human life and the safety of all persons involved.
- B. **Ethical behavior.** Department members will demonstrate the highest degree of ethical behavior and professional conduct at all times.
- C. **Citizen cooperation.** Effective law enforcement depends upon a high degree of cooperation between the Department and the public it serves. Department members will carry out their law enforcement responsibilities in a manner that facilitates such cooperation.
  1. Department members will engage each member of the public with professionalism and will respect the dignity of every person in carrying out their law enforcement duties. Members will maintain a courteous and professional demeanor when dealing with the public.
  2. The use of excessive force, unwarranted physical force, or unprofessional conduct by a Department member is prohibited and will not be tolerated under any circumstances. Department members will be held strictly accountable for using force that is inconsistent with the law or Department policy.
  3. Department members will ensure that race, ethnicity, or other protected characteristics do not impermissibly influence any decision to use force. All Department members will strictly adhere to the provisions of the Department directive entitled "**Prohibition Regarding Racial Profiling and Other Bias-Based Policing.**"
- D. **Definition of Force.** Force is defined as any physical effort by a Department member to compel compliance by an unwilling subject.
- E. **Use of Force: Objectively Reasonable, Necessary, and Proportional.** While the legal standard allows for force only to the degree that is objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of a subject (Graham V. Connor, 490 U.S. 386, 1989), Department members are also required to follow the Department policy on the use of force which extends beyond what the law requires.
  1. **Department members will use the least amount of force reasonably necessary based on the totality of the circumstances to perform a lawful task, effect an arrest, overcome resistance, control a subject, or protect themselves or others from injury.**

2. Objectively reasonable: The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force
  - a. Reasonableness must be judged from the perspective of a reasonable officer on the scene, rather than with the benefit of hindsight.
  - b. The reasonableness standard is an objective one: whether the Department member's actions are objectively reasonable in light of the facts and circumstances confronting him or her, without regard to the member's underlying intent or motivation.
  - c. Reasonableness is not capable of precise definition or mechanical application. The reasonableness standard must allow for the fact that Department members are often forced to make split-second decisions—in circumstances that are tense, uncertain, dynamic, and rapidly evolving—about the amount of force that is necessary in a particular situation.
3. Necessary: Department members will use physical force only when no reasonably effective alternative appears to exist. Consistent with Department policy and training, Department members are required to employ strategies and tactics designed to provide members more response options, including creating more time and distance within which to exercise those options.
4. Proportional: Department members will employ force in proportional response to the threat, actions, and level of resistance offered by a subject.
  - a. Proportional force does not require Department members to use the same type or amount of force as the subject.
  - b. A greater level of force may be objectively reasonable and necessary to counter a threat that is immediate and likely to result in death or serious physical injury.
  - c. Additionally, a lesser level of force may be appropriate under the circumstances. Using the same or greater level of force may not be necessary to counter a threat or the actions by a subject.
  - d. The use of excessive and unwarranted force is prohibited and will not be tolerated under any circumstances.
5. Additional guidance. For further guidance on when force is authorized, Department members will refer to the Department directive entitled "**Response Options**."

F. **Deadly Force**

1. Deadly force is force that is likely to cause death or great bodily harm, including but not limited to the:
  - a. firing of a firearm in the direction of the person to be arrested.
  - b. firing of a firearm at a vehicle in which the person to be arrested is riding.
  - c. striking of a subject's head with an impact weapon or into a hard, fixed object.
  - d. application of a chokehold, defined as applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the intention of reducing the intake of air.

**NOTE:** The discharge of a firearm using ammunition designed to disable or control an individual without creating the likelihood of death or great bodily harm, including less-lethal and impact munitions, will not be considered deadly force.

2. Consistent with the Department's commitment to the sanctity of life, the Department member's use of deadly force must be objectively reasonable, necessary, and proportional. During all use of force incidents, Department members will apply the force mitigation principles and use the least amount of force required under the circumstances.

3. Department members are reminded that even less-lethal devices and response options not intended to cause death or great bodily harm, may, under certain circumstance, be lethal to the subject.
4. **Guidelines on the use of deadly force.** A sworn member is justified in using force likely to cause death or great bodily harm only when, taking into account the totality of the circumstances, he or she reasonably believes that such force is necessary to prevent:
  - a. death or great bodily harm from an immediate threat posed to the sworn member or to another person.
  - b. an arrest from being defeated by resistance or escape and the sworn member reasonably believes that the person to be arrested poses an immediate threat of death or great bodily harm to a sworn member or another person unless arrested without delay.
5. Sworn members will, whenever possible, identify themselves as police officers prior to using a firearm or employing deadly force, unless identification would jeopardize the safety of the member or another person.
6. **Prohibitions on the use of firearms.** The use of firearms is prohibited in the following ways:
  - a. Firing warning shots.
  - b. Firing at subjects whose actions are only a threat to themselves (e.g., attempted suicide).
  - c. Firing solely in defense or protection of property.
  - d. Firing into crowds. However, this prohibition does not preclude the use of deadly force directed at a specific person who is near or among other people, if such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person and no reasonable alternative exists.
  - e. Firing into buildings or through doors, windows, or other openings when the person lawfully fired at is not clearly visible, unless directed at a specific location and such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person.
  - f. Firing at or into a moving vehicle when the vehicle is the only force used against the sworn member or another person, unless such force is reasonably necessary to prevent death or great bodily harm to the sworn member or to another person.

**NOTE:** When a vehicle is the only force used against a member, the member will not place themselves in the path of the moving vehicle and will make every effort to move out of the path of the vehicle.
7. A sworn member is justified in using force likely to cause death or great bodily harm to stop a dangerous animal only when the animal reasonably appears to pose an immediate threat to the safety of the sworn member, another person, or another animal and no reasonably effective alternatives appear to exist.
8. **Procedures After Using Deadly Force**
  - a. Sworn members who discharge a firearm will comply with the procedures outlined in the Department directive entitled "**Firearms Discharge Incidents Involving Sworn Members.**"
  - b. Deadly force incidents involving a Department member that result in a member of the public sustaining fatal or life-threatening injuries will be investigated consistent with the Department directive entitled "**Officer-Involved Death Investigations.**"
- G. **De-escalation.** When involved in a potential use of force incident or taking police action requiring the use of force, Department members will apply force mitigation principles, including seeking

opportunities to create more time and distance between the subject and others. Even when it is necessary to use force, members will:

1. use the least amount of force required under the circumstances.
2. de-escalate as soon as practicable. Once control of the subject has been obtained and the threat or resistance no longer exists, Department members will:
  - a. de-escalate immediately.
  - b. avoid the continued use of force.
  - c. maintain control and be alert to any conditions that may compromise the security or safety of the subject.
3. determine if the seriousness of the situation requires an immediate response or whether the member can employ other reasonable alternatives. Department members will not resort to force unless other reasonable alternatives have been exhausted or would clearly be ineffective under the particular circumstances involved.
4. refer to the Department directive entitled "**Response Options**" for further guidance on de-escalation and the Department's force mitigation policy.

H. **Medical Attention**

1. Consistent with the Department's commitment to the sanctity of life, after any use of force incident involving injury to Department members, bystanders, or subjects, Department members will immediately:
  - a. request appropriate medical aid for the injured person, including contacting emergency medical services (EMS) from the Chicago Fire Department via the Office of Emergency Management and Communications (OEMC),
  - b. comport themselves in a manner that conveys the gravity of any use of force and the Department members' concern for the sanctity of life of all persons injured or in need of EMS.
  - c. inform the injured that EMS has been requested.
2. Department members will also offer medical aid commensurate with their training, experience, and available equipment.
3. For further guidance on medical attention, Department members will refer to the Department directives entitled "**Processing Persons Under Department Control**," "**Approved Medical Facilities**," and "**Hospitalized Arrestees**."

I. **Duty to Intervene and Report.** All Department members are obligated to ensure compliance by themselves and other members with Department regulations, policies, and the law.

1. Intervention, Notifying Superiors, Supervisory Intervention. If a member knows that another Department member is using force against a subject which is in violation of this directive, the member will take appropriate action.
  - a. Any Department member observing the use of force in violation of this directive will be responsible for intervening on the subject's behalf. Appropriate actions may include, but are not limited to, verbal or physical intervention, immediate notification to a supervisor, or a direct order by a supervisor to cease the use of excessive force.
  - b. The action required by the member will depend upon the circumstances of the incident.
2. Written Reporting Obligation. Department members who have knowledge of circumstances relating to the use of force against a subject in violation of this directive will submit an individual written report to a supervisor before reporting off duty on the day the member becomes aware of the misconduct consistent with the Department directive entitled "**Complaint and Disciplinary Procedures**."

3. Accuracy and Candor. Department members will be responsible:
  - a. at all times for truthfully describing the facts and circumstances concerning any incident involving the use of force by Department members.
  - b. for articulating the specific facts to support the member's own decision to employ a particular use of force.

J. **Reporting and Supervisory Response Obligations.**

1. Sworn Department members and detention aides involved in a reportable use of force incident in the performance of their duties will follow the procedures outlined in the Department directive entitled "**Incidents Requiring the Completion of a Tactical Response Report**."
2. Supervisors will respond to the scene of all weapons discharge incidents and reportable use of force incidents consistent with the Department directive entitled "**Incidents Requiring the Completion of a Tactical Response Report**."
3. The appropriate Department supervisor, the rank of lieutenant or above, will be responsible for conducting the Department investigation into the appropriateness of the use of force consistent with the Department directives entitled "**Incidents Requiring the Completion of a Tactical Response Report**" and "**Deputy Chiefs Assigned to the Street Operations Unit**."
4. Any use of force incident involving a Department member that results in a member of the public sustaining fatal or life-threatening injuries will be investigated consistent with the Department directive entitled "**Officer-Involved Death Investigations**."

K. **Public Release of Information.**

1. The assigned Street Deputy or appropriate on-scene investigating supervisor will coordinate the release of information concerning a use of force incident to the Office of News Affairs and others as appropriate, consistent with the Department directive entitled "**Deputy Chiefs Assigned to the Street Operations Unit**."
2. The Office of News Affairs shall be responsible for the release of information to the public concerning use of force incidents consistent with the Department directive entitled "**News Media Guidelines**."
3. This communication must strike a balance between protecting the investigation and keeping the public well-informed. The dissemination of use of force incident information, including police-involved shootings, will be accurate and timely, consistent with the Department directive entitled "**News Media Guidelines**."

III. **ADDITIONAL GUIDELINES**

- A. Department members are obligated to comply with the Department's Use of Force Guidelines as outlined in this directive, including resolving all incidents with the foremost regard for the preservation of human life and using the least amount of force reasonably necessary. Additionally, the Illinois Criminal Code of 2012 (720 ILCS 5/7: Justifiable Use of Force), which provides peace officers of the State of Illinois with the authority to use force, establishes statutory guidelines, requirements, and limitations for the use of force.
- B. The following references are from the Illinois Criminal Code (720 ILCS 5/7: Justifiable Use of Force).
  1. [720 ILCS 5/7-5](#): Peace officer's use of force in making arrest.
  2. [720 ILCS 5/7-5.5](#): Prohibited use of force by a peace officer.
  3. [720 ILCS 5/7-7](#): Private person's use of force in resisting arrest.
  4. [720 ILCS 5/7-8](#): Force likely to cause death or great bodily harm.
  5. [720 ILCS 5/7-9](#): Use of force to prevent escape.

6. [720 ILCS 5/2-8](#): Forcible Felony. "Forcible felony" means:
- a. treason,
  - b. first and second degree murder,
  - c. predatory criminal sexual assault of a child,
  - d. aggravated criminal sexual assault and criminal sexual assault,
  - e. robbery,
  - f. burglary and residential burglary,
  - g. arson and aggravated arson,
  - h. kidnaping and aggravated kidnaping,
  - i. aggravated battery resulting in great bodily harm or permanent disability or disfigurement, or
  - j. any other felony which involves the use or threat of physical force or violence against any individual.

Eddie T. Johnson  
Superintendent of Police

16-021 MWK

#### **GLOSSARY TERMS:**

1. **Zone of Safety**

The distance to be maintained between the subject and the responding member(s). This distance should be greater than the effective range of the weapon (other than a firearm) and it may vary with each situation (e.g., type of weapon possessed, condition of the subject, surrounding area).

#### **ADDENDA:**

1. G03-02-01 - Response Options
2. G03-02-03 - Firearms Discharge Incidents Involving Sworn Members
3. G03-02-04 - Taser Discharge Incidents
4. G03-02-05 - Oleoresin Capsicum (OC) Devices And Other Chemical Agent Discharge Incidents
5. G03-02-06 - Canines as a Response Option



 Chicago Police Department		<b>General Order G03-02-01</b>	
<b>RESPONSE OPTIONS</b>			
			
ISSUE DATE:		EFFECTIVE DATE:	
RESCINDS:			
INDEX CATEGORY:	Field Operations		

**I. PURPOSE**

This directive:

- A. outlines the various levels of response options that are appropriate for Department members' use when interacting with subjects, including when met with resistance or threats.
- B. continues the concept of Force Mitigation as a component of the Department's response to all incidents.

**II. POLICY**

- A. Department members can only use force that is objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of a subject.
- B. Member's decision to use force will be made consistent with the guidelines outlined in **G03-02 "Use of Force Guidelines,"** including acting with the foremost regard for the preservation of human life and the safety of all persons involved.
- C. The Department expects members to develop and display the skills and abilities that allow them to regularly resolve confrontations without resorting to force (i.e. anything other than an officer's physical presence or use of verbal commands) or by using the least amount of appropriate force.
- D. Members will de-escalate and use Force Mitigation principles at the earliest possible moment and, whenever possible and appropriate, before resorting to force and to reduce the need for force.
- E. Before taking any police action, sworn members will identify themselves as police officers unless identification would jeopardize the safety of the member or others or compromise the integrity of an investigation.
- F. When involved in a potential use of force incident or taking police action requiring the use of force, Department members will determine if the seriousness of the situation requires an immediate response or whether the member can employ other force options or the Force Mitigation Principles.
- G. Members will continually use Force Mitigation Principles to assess situations and determine:
  - 1. if any use of force is necessary;
  - 2. the appropriate response option based on the totality of the circumstances; and
  - 3. if the level of force employed should be modified based upon the subject's actions or other changes in the circumstances. The level of force shall be de-escalated immediately as resistance decreases, while staying in control and as safety permits.
- H. Members will modify their response in relation to the amount of continued resistance offered by the subject.
  - 1. As the subject offers less resistance, the member will immediately lower the amount or type of force used.
  - 2. As the subject increases resistance, the member may increase the amount or type of force used.
- I. If the Department member is responding to an incident involving persons in need of mental health treatment, the member will act in accordance with the Department directive entitled "**Responding to**

**Incidents Involving Persons In Need Of Mental Health Treatment.**" including using every possible means to verbally de-escalate the situation before resorting to the use of equipment, physical restraints, or other use of force options.

### III. PRINCIPLES OF FORCE MITIGATION

During all use of force incidents, Department members will strive to use the principles of Force Mitigation to ensure effective police-public encounters based on the totality of the circumstances. The concepts of Force Mitigation include:

#### A. Continual Communication

1. Members will use de-escalation and verbal control techniques in an attempt to reduce confrontations prior to, during, and after the use of physical force.
2. Whenever reasonable, members will exercise persuasion, advice, and warning prior to the use of physical force.
3. The goal of continual communication is to establish and maintain verbal communication in all police-public encounters where the member continually evaluates the effectiveness of that communication. Members will:
  - a. when practical, establish and maintain one-on-one communication where only one member speaks at a time.
  - b. vary the level of assertiveness of their communication depending on the type of police-public encounter. This may range from:
    - (1) respectful queries in a preliminary investigation where there is not yet a determination a crime has occurred; through
    - (2) forceful commands where a serious crime has been committed or life or property is at risk.
4. When encountering noncompliance to lawful verbal direction, members are not compelled to take immediate police action through the use of force. Except in the case of preservation of life or property, members will consider:
  - a. changing their verbal communication techniques to discover a more effective method.
  - b. requesting additional personnel to respond or making use of the specialized units and equipment available through a notification to OEMC.

**NOTE:** Members will, when practical, request assistance from specialized units, including a Crisis Intervention Team (CIT) trained officer in accordance with the Department directive entitled "**Responding to Incidents Involving Persons In Need Of Mental Health Treatment.**"

- c. if feasible, allowing a different member to initiate verbal communications.

**NOTE:** If a different member initiates verbal communications, then that member will seek to establish his or her own independent one-on-one communication. Members should refrain from giving simultaneous directions to avoid potential conflicts.

#### B. Tactical Positioning

1. Members may make advantageous use of positioning, distance, and cover by isolating and containing a subject and continuously evaluating the member's positioning, subject's actions, and available response options.

2. A key component of tactical positioning is that members should attempt to establish a [zone of safety](#) for the security of the responding members and the public. The zone of safety is where:
  - a. the incident scene has been secured;
  - b. the scene can be continually monitored or adjusted for safety;
  - c. the subject does not pose a continuing threat to Department members or the public;
  - d. the subject can be continually monitored; and
  - e. the subject can be contained and secured through the entire incident.
3. Members should provide for a safe and effective route for additional requested resources to approach the incident scene.

C. **Time as a Tactic**

1. Members may use time as a tactic to continuously evaluate the situation and appropriate response option.
2. In order to use time as a tactic, a zone of safety should be established for the security of responding members and the public.
3. Using time as a tactic may:
  - a. allow officers the ability to use de-escalation techniques and employ the principles of Force Mitigation;
  - b. permit the de-escalation of the subject's emotions and allow the subject an opportunity to comply with the lawful verbal direction;
  - c. allow for continued communication with the subject and the adjustment of the verbal control techniques employed by the members; and
  - d. allow for the arrival of additional members, special units and equipment, and other tactical resources.

IV. **LEVEL OF FORCE GUIDELINES**

- A. **Cooperative Subject:** a person who is compliant without the need for physical force. The following response options are appropriate when dealing with a cooperative subject:
1. Social Control/Police Presence
    - a. Social control/police presence is established through identification of authority and proximity to the subject. Police presence may result in compliant behavior by the subject.
    - b. Social control/police presence alone is the only response option appropriate for use with subjects who are cooperative without the need for direction from law enforcement personnel.
  2. Verbal Control
    - a. Verbal control consists of persuasion, advice, and warning. It includes instruction or direction from a member in the form of verbal statements or commands. Verbal control may result in compliant behavior.
    - b. Whenever practical, members will attempt to de-escalate confrontations by utilizing verbal control techniques prior to, during, and after the use of physical force.

B. **Resister:** a person who is uncooperative. Resisters are further subdivided into two categories:

1. **Passive Resister:** a person who fails to comply (non-movement) with verbal or other direction. In addition to the response options listed in Item IV-A, the following response options are appropriate when dealing with a passive resister:

a. **Holding Techniques**

Holding consists of techniques such as a firm grip, grabbing an arm, wristlocks, and come-along holds (i.e., escort holds that are not elevated to compliance techniques), as well as any combination of the above. Holding techniques may result in compliant behavior.

b. **Compliance Techniques**

Compliance consists of techniques designed to amplify nonimpact pressure and increase the potential for controlling a subject. These techniques consist of:

- (1) applying pressure to sensors in the skin covering bone and joints (i.e., armbars and amplified wristlocks); and
- (2) using a Long Range Acoustic Device (LRAD) to emit high-decibel focused sound waves to cause discomfort. Any use of the LRAD requires authorization from the Superintendent or the designee of the Superintendent.
  - (a) The LRAD is not considered a Response Option technique when used to deliver verbal messages or warnings at a decibel level not intended to cause discomfort.
  - (b) Department members will use, maintain, and secure the LRAD device in accordance with established policy and procedures set forth by the Deputy Chief, Special Functions Division.

**NOTE:** Members **will not** use a compliance technique that restricts blood flow to carotid arteries, causing the subject to lose oxygen to the brain.

c. **Control Instruments**

Control instruments are designed to amplify nonimpact pressure in order to increase the potential for controlling a subject. These instruments are placed mainly on the sensors of the skin covering bone.

d. **Oleoresin Capsicum (OC) Spray and Capsaicin II Powder Agent Deployment**

Oleoresin capsicum and Capsaicin II powder are highly inflammatory agents that occur naturally in cayenne peppers. The use of OC spray and Capsaicin II powder agent is intended to increase control by disorienting the subject and interfering with the subject's ability to resist arrest.

- (1) **Oleoresin capsicum is only appropriate to use against the below two types of passive resisters AND only after the required authorization is received. No other use of oleoresin capsicum is authorized against passive resisters.**
  - (a) occupant(s) of a motor vehicle who is passively resisting arrest, only after obtaining authorization from an on-scene supervisor of the rank of sergeant or above.
  - (b) noncompliant groups, crowds, or an individual taking part in a group or crowd (e.g., demonstrators, sports championship celebrations,

New Year's Eve, etc.), only after obtaining authorization from the Superintendent or the designee of the Superintendent.

- (2) Capsaicin II powder agent deployment is an appropriate force option against passive resisters and noncompliant groups or crowds **only** when used for area saturation and **only** after obtaining authorization from the Superintendent or the designee of the Superintendent.
  - (a) only Department-issued Capsaicin II powder agent projectiles and launchers may be used and only after the member has received Department-authorized training in their safe handling and deployment.
  - (b) Department members will use, maintain, and secure the Capsaicin II Powder Agent Deployment device in accordance with established policy and procedures set forth by Deputy Chief, Special Functions Division.
- (3) For further guidance on the use of OC spray, members will refer to the Department directive entitled **"Oleoresin Capsicum (OC) Devices and Other Chemical Agent Discharge Incidents."**

2. Active Resister: a person whose actions attempt to create distance between himself or herself and the member's reach with the intent to avoid physical control and/or defeat the arrest. This type of resistance includes gestures ranging from evasive movement of the arm, through flailing arms, to full flight by running. In addition to the response options in Items IV-A and IV-B-1, the following response options are appropriate when dealing with an active resister:

a. Stunning

Stunning is diffused-pressure striking or slapping and is an attempt to increase control by disorienting the subject and interfering with the subject's ability to resist.

b. Oleoresin Capsicum (OC) Spray

Oleoresin capsicum is an appropriate force option against active resisters **only** under the following guidelines:

- (1) If the only resistance is the act of walking or running away, and the resister is:
  - (a) part of a group or crowd, OC spray can be used only after obtaining authorization from the Superintendent or the designee of the Superintendent.
  - (b) **not** part of a group or crowd, the use of OC spray is not authorized.
- (2) If the resistance includes evasive maneuvers of the limbs and body, including the flailing of arms and legs, and the resister is:
  - (a) part of a group or crowd, OC spray can be used only after obtaining authorization from the Superintendent or the designee of the Superintendent.
  - (b) **not** part of a group or crowd, the use of OC spray is authorized without supervisory approval.

c. Canines Used by Canine Handlers

A canine under the control of a canine handler is an appropriate response option when used consistent with the provisions of the Department directive entitled **"Canines as a Response Option."**

- d. Taser
  - (1) The Taser is a device used to control and subdue a subject through the application of electrical impulses that override the central nervous system and cause uncontrollable muscle contractions.
  - (2) Only Department-issued Tasers may be used and only after the member has received Department-authorized training in their safe handling and deployment.
  - (3) For further guidance on the use of a Taser, members will refer to the Department directive entitled **"Taser Discharge Incidents."**
- C. **Assailant:** a subject who is using or threatening the imminent use of force against himself/herself or another person. Assailants are further subdivided into three categories.
  - 1. Actions are aggressively offensive without weapons. This type of assailant is one who places a member in fear of a battery and includes advancing on the member in a threatening manner or closing the distance between the assailant and the member, thereby reducing the member's reaction time. In addition to the response options in Items IV-A and IV-B, the following response options are appropriate when dealing with this type of assailant:
    - a. Direct Mechanical

Direct mechanical techniques are hard, concentrating striking movements such as punching and kicking, or powerful locks and pressures. These techniques can be combined with take-downs or pins against the ground or other objects.
    - b. Impact Weapons

Impact weapons are designed to establish control by means of applying mechanical impact to a subject in order to disable elements of his or her skeletal structure. Members will avoid the use of flashlights, radios, firearms, or any item not specifically designed as an impact weapon, unless reasonably necessary and no other practical options are available.
    - c. Impact Munitions
      - (1) Impact munitions are projectiles such as Capsaicin II powder agent projectiles fired from a powder agent deployment system, "drag stabilized sock rounds" fired from shotguns with specially colored yellow or orange stocks, or batons fired from 37mm or 40mm launchers. These projectiles are intended to impact and incapacitate a potentially dangerous subject from a safe distance, thereby reducing resistance and gaining compliance while reducing the probability of serious injury or death.
      - (2) Only Department-issued impact munitions may be used and only after the member has received Department-authorized training in their safe handling and deployment.
      - (3) The use of Capsaicin II powder agent projectiles as an impact munition requires authorization from the Superintendent or the designee of the Superintendent.
  - 2. Actions will likely cause physical injury. Included in this category of assailant may be a subject who is armed with a deadly weapon and the subject fails to disarm, thereby making the subject's actions likely to cause physical injury. The appropriate response options when dealing with this category of assailant are those listed in Items IV-A, IV-B, and IV-C-1.
  - 3. Actions will likely cause death or serious physical injury. An assailant in this category is one whose actions will likely cause death or serious physical injury to another person. In addition to the response options in Items IV-A, IV-B, and IV-C-1, firearms and other deadly force are

appropriate when dealing with an assailant whose actions will likely cause death or serious physical injury to another.

- a. For further guidance on when the use of deadly force is authorized, members will refer to Department directive **"Use of Force Guidelines."**
- b. For further guidance on the use of firearms, members will refer to Department directive **"Firearms Discharge Incidents Involving Sworn Members."**
- c. Chokeholds are only justified as a use of deadly force.
  - (1) A chokehold is defined as applying direct pressure to a person's trachea (windpipe) or airway (the front of the neck) with the intention of reducing the intake of air.
  - (2) Holding and control techniques involving contact with the neck, but which are not intended to reduce the intake of air, are not defined as chokeholds.
  - (3) Under no circumstances will a member use a chokehold, or any lesser contact with the neck area, to prevent the destruction of evidence by ingestion.

#### **V. POST-USE OF FORCE POSITIONING AND MONITORING**

After gaining control of a subject, members will:

- A. avoid sitting, kneeling, or standing on a subject's chest, which may result in chest compression, thereby reducing the subject's ability to breathe.
- B. position the subject in a manner to allow free breathing. Whenever feasible, the subject will not be placed on the subject's stomach.
- C. monitor an arrestee until transported to a secure location.
- D. request and offer medical aid to any injured Department member, bystander, or subjects consistent with the procedures outlined in the Department directive entitled **"Use of Force Guidelines."**



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Superintendent of Police

16-021 MWK/TSS

#### **GLOSSARY TERMS:**

1. **Zone of Safety**

The distance to be maintained between the subject and the responding member(s). This distance should be greater than the effective range of the weapon (other than a firearm) and it may vary with each situation (e.g., type of weapon possessed, condition of the subject, surrounding area).

 Chicago Police Department		<b>General Order G03-02-03</b>	
<b>FIREARMS DISCHARGE INCIDENTS INVOLVING SWORN MEMBERS</b>			
			
ISSUE DATE:		EFFECTIVE DATE:	
RESCINDS:			
INDEX CATEGORY:	Field Operations		

## I. PURPOSE

This directive:

- A. outlines Department usage, prohibitions, investigative and reporting procedures in firearm discharge incidents.
- B. introduces a mandatory minimum thirty day period of administrative duty assignment for Department members who have discharged a firearm during a firearm discharge incident, other than an unintentional discharge or for the destruction of an animal.
- C. satisfies CALEA Law Enforcement Standard Chapter 1.

## II. POLICY

- A. Department members will only use force that is objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of a subject.
- B. All incidents will be resolved with the foremost regard for the preservation of human life and the safety of all persons involved. A member's decision to use a firearm will be made in accordance with the guidelines outlined in **G03-02, "Use of Force Guidelines."**
- C. Consistent with the guidelines outlined in **G03-02-01 "Response Options,"** Department members are authorized to use a firearm in deadly force incidents against an assailant whose actions will likely cause death or serious physical injury to another.
- D. Members may draw or display a firearm in the line of duty when the member has reasonable cause to believe it may be necessary for his or her own safety or for the safety of others.
- E. A members use of a firearm will be documented on a Tactical Response Report (TRR).
- F. Under normal circumstances, the provisions of this directive will not apply to the discharge of a firearm during:
  1. Department-sponsored firearms training or practice.
  2. firearms practice at a recognized range facility.
  3. Department authorized ballistic examination or testing.
  4. a licensed hunting activity.

## III. FIREARM PROTOCOLS

- A. Department members will refer to the Department directive entitled "**Department Approved Weapons and Ammunition**" for specific guidelines on Department-approved firearms and ammunition.
- B. Department members will refer to the Department directive entitled "**Firearms Training**" for specific guidelines on required training for Department approved firearms.



#### IV. FIREARMS DISCHARGE INCIDENT NOTIFICATIONS

In addition to other notifications outlined in this directive, for **ANY** firearms discharge incidents, including unintentional discharges and those involving the destruction of an animal:

- A. the station supervisor in the district of occurrence will ensure the Crime Prevention and Information Center (CPIC) is notified.
- B. CPIC will notify the Bureau of Internal Affairs (BIA) call-out supervisor of any firearms discharge incident notification.

#### V. FIREARM DISCHARGE INCIDENTS OTHER THAN UNINTENTIONAL AND DESTRUCTION OF AN ANIMAL WHERE NO ONE WAS INJURED

- A. When a sworn Department member discharges a firearm in an incident where an individual has been killed or sustained injury likely to cause death, Department members will also follow the procedures outlined in the Department directive entitled **"Officer-Involved Death Investigation."**
- B. Department members who unintentionally discharge a firearm or discharge a firearm in the destruction of an animal will follow the procedures described in Item XI of this directive, so long as there were no personal injuries via that firearm.
- C. In any other instance where a member has discharged a firearm, the member, if physically capable, will:
  - 1. request medical attention for the injured and offer immediate medical aid commensurate with his or her training, experience, and available equipment.
  - 2. notify his or her immediate supervisor and the Office of Emergency Management and Communications (OEMC) immediately, provide all relevant information, and request additional resources.
  - 3. attend to all required emergency and security duties arising from the incident until the arrival of the responding supervisory personnel.
  - 4. provide Department members conducting the investigation with information required to effect arrests and fulfill immediate law enforcement necessities for the public safety investigation of the incident as described in the Department directive entitled **"Officer-Involved Death Investigation."**
  - 5. inform the station supervisor of the district of occurrence.
  - 6. remain on the scene, if not injured, and report to a field supervisor from the district of occurrence upon his or her arrival.
  - 7. ensure that his or her firearm remains holstered and secured until it is submitted to Forensic Services Division personnel.

**NOTE:**

If the involved member is injured and needs to be relieved of his or her firearm prior to receiving medical treatment, the securing member will take possession of the firearm and duty belt and will ensure that the firearm remains holstered and secured.

- 8. if disarmed during the firearm discharge incident or if the firearm contains biological or other trace-matter evidence, preserve the firearm as evidence, as it will be processed in compliance with the Department directive entitled **"Crime Scene Protection and Processing."**

9. complete a Tactical Response Report (TRR) ([CPD-11.377](#)) and any other reports at the location designated by the supervisor responsible for the investigation.

**NOTE:** When a member who has discharged a firearm is unable to complete the TRR, it is the responsibility of the supervisor designated for the investigation to prepare the TRR.

10. contact the Professional Counseling Division via telephone within twenty-four hours of the incident to schedule a **mandatory** debriefing.
    - a. Upon arrival at the subsequently scheduled Professional Counseling Session, members will present the original (white) Traumatic Incident Stress Management Program Notification form ([CPD-62.480](#)) to the Professional Counseling Division employee.
    - b. Members who are hospitalized as a result of their involvement in a firearm discharge incident will be contacted by a counselor pursuant to the Department directive entitled "**Traumatic Incident Stress Management Program**."
  11. attend the firearms training overview as described in Item X of this directive.
- D. In any instance where a member has discharged a firearm outside the City of Chicago, the member will:
1. notify the local police agency and this Department's Crime Prevention and Information Center (CPIC).
  2. ensure the submission of all reports connected with the incident, including a TRR and a To-From-Subject report, without unnecessary delay.
- E. Any member, whether on or off duty, having knowledge of circumstances surrounding a firearm discharge incident or who has been fired upon will:
1. remain on the scene until released by those Department members conducting the investigation.
  2. provide those Department members conducting the investigation with required information, assistance, and when requested, oral and written statements. Members will refer to the Department directive entitled "**Department Member's Bill of Rights**."
  3. report to the supervisor responsible for the investigation in the district of occurrence.
- F. Member's Statements and Interviews.
1. A member who is involved in a firearm-discharge incident will provide an oral report for the public safety interview conducted by the exempt level incident commander or supervisor responsible for the investigation, without delay and outside the presence of any other individual, as delineated in the Department directive "**Officer-Involved Death Investigations**."
  2. When a member who has discharged a firearm is notified that he or she must give a written statement or an oral statement in the presence of an observer, the interview may be postponed by the officer for a period of time not to exceed two hours.
- NOTE:** Statements pursuant to an administrative investigation conducted by the Department or IPRA into the firearm-discharge incident will conform to the guidelines outlined in the Department directive entitled "**Department Member's Bill of Rights**."
- G. OEMC will:
1. dispatch sufficient patrol units to the scene.

2. determine if a medical emergency exists and when appropriate:
    - a. notify the Chicago Fire Department to dispatch emergency medical service units to the scene.
    - b. inform the emergency room of the receiving hospital.
  3. assign a field supervisor from the district of occurrence to the scene. If a member has been injured, OEMC will assign a supervisor to respond to the medical facility treating the injured member.
  4. immediately notify the following in the listed order of priority:
    - a. the station supervisor in the district of occurrence;
    - b. CPIC;
    - c. any other units or agencies as appropriate or as requested.
  5. not broadcast the name of a Department member who has been involved in a firearm discharge incident over the police radio.
- H. The assigned field supervisor will:
1. proceed immediately to the scene and assume command and oversight of the scene until relieved by the appropriate responding supervisor.

**NOTE:** Either the field sergeant or the relieving supervisor will remain on scene with sufficient information to fully brief the responding supervisor responsible for the investigation, if applicable.
  2. ensure medical attention is provided and adequate manpower and equipment are available.
  3. establish an inner and outer perimeter at the scene of the incident.
    - a. The inner perimeter(s) is the area or areas at the scene of the incident where physical evidence is likely to be recovered.
    - b. The outer perimeter(s) is the area surrounding and encompassing the inner perimeter(s) where assigned personnel can be briefed and deployed.
  4. ensure that:
    - a. no sworn member of any rank handles, inspects, unloads, or otherwise tampers with the involved member's firearm prior to the arrival of Forensic Services Division personnel.
    - b. unless the member was disarmed, the firearm remains holstered and secured pending the arrival of Forensic Services Division personnel.
    - c. in instances where the firearm will be processed as evidence, the firearm is preserved as evidence and processed in compliance with the Department directive entitled "**Crime Scene Protection and Processing.**"
    - d. all fired projectiles have been accounted for without contaminating or interfering with the collection and maintenance of evidence.
    - e. witnesses and other persons (Department member or non-Department member) who may have relevant information are available for on-scene interviews.
    - f. an officer other than the involved member has been assigned to conduct the preliminary investigation, prepare the original case report, and relay additional information to investigating units.
  5. confirm the notifications listed in Item V-G-4 have been made.

6. if circumstances necessitate the relocation of the investigation from the site of the occurrence, contact the exempt-level incident commander or supervisor responsible for the investigation for authorization and notify CPIC.
7. ensure that Forensic Services Division personnel conduct the firearm inspection on-scene in his or her presence. If the supervisor responsible for the investigation determines that safety concerns or weather conditions preclude the on-scene inspection, the involved member will remain in the continual presence of a higher-ranking Department member until the inspection is conducted by Forensic Services Division personnel in the affected Bureau of Detectives area.
8. assign transportation for the involved member.
9. verify the submission of written reports from involved members in conformance with the provisions of this directive.
10. review all written reports generated by Bureau of Patrol personnel submitted during the preliminary investigation.
11. complete the supervisor's section of the TRR.

**NOTE:** If the involved member is of the rank of sergeant or higher, the supervisor responsible for the investigation will complete the supervisor's section of the TRR.

12. in situations requiring an Officer's Battery Report, ensure the report is completed in accordance with the Department directive entitled "**Officer's Battery Reporting Procedures.**"
  13. remain on duty until dismissed by the supervisor responsible for the investigation.
- I. CPIC will notify:
1. the exempt-level incident commander or supervisor responsible for the investigation and IPRA via email and phone communication.
  2. the district commander of the district of occurrence.
  3. the commander of affected Bureau of Detectives area.
  4. the area deputy chief, Bureau of Patrol.
  5. any additional communications as consistent with CPIC procedures.
- J. The station supervisor will:
1. notify the Professional Counseling Service via telephone, providing them with the name, star number, unit of assignment of the involved member, and the date the member was instructed to contact the Professional Counseling Service for a mandatory appointment.
  2. obtain a Universal (U) Number from the Independent Police Review Authority in all cases in which:
    - a. a Department member has injured or killed a person by use of a firearm.
    - b. a Department member has suffered a self-inflicted gunshot wound.
  3. follow any applicable procedures in the Department directive entitled "**Officer-Involved Death Investigations**" when a Department member discharges a firearm where an individual has been killed or sustained injury likely to cause death.
  4. follow the procedures in the Department directive entitled "**Notification of Death or Serious Injury to a Member: Duty Related**" when a Department member has been injured or killed by gunfire.

## VI. MANDATORY ALCOHOL AND DRUG TESTING

- A. Any sworn Department member involved in a firearms-discharge incident, whether on or off duty, is required to submit to the mandatory alcohol and drug testing, in compliance with this directive and any applicable collective bargaining agreement.

**NOTE:** This requirement does not apply to the circumstances delineated in Item II-E of this directive.

- B. The BIA call-out supervisor will:

1. contact the exempt-level incident commander or supervisor responsible for the investigation, as appropriate, and respond to the designated location to conduct the alcohol and drug testing.
2. complete and submit a "Notice of Alcohol and Drug Testing Following a Firearms Discharge Incident" ([CPD-44.252](#)).

- C. The BIA call-out supervisor will ensure:

1. the involved member submits to the alcohol breath test and will conduct the test according to Department policy.
2. the alcohol breath test result is provided to the exempt-level incident commander or supervisor responsible for the investigation, as appropriate.
3. the involved member submits to the drug test and ensure the urine specimen is:
  - a. collected in a manner that will preserve the dignity of the involved member and ensure the integrity of the sample.
  - b. collected in the presence of a supervisor of the same sex as the involved member.
  - c. retained by the BIA call-out supervisor who will assume the responsibility for ensuring the urine specimen is properly secured in accordance with established bureau-level standard operating procedures, pending processing by a medical laboratory.
4. the alcohol and drug testing occurs as soon as practicable after the firearms-discharge incident given the overall demands of the investigation.

**NOTE:** The member with overall command responsibility, (e.g., exempt-level incident commander or supervisor responsible for the investigation), will ensure testing is initiated as soon as practicable, but no later than six hours following the firearms-discharge incident.

5. copies of any associated reports, including the testing and results documentation, are forwarded to the Chief Administrator, Independent Police Review Authority (IPRA), once the testing is completed.

- D. If the involved member refuses to provide a breath test or urine specimen pursuant to this process, it is a violation of the Department Rules and Regulations (i.e., disobedience of an order or directive whether written or oral), and will result in administrative charges against the member, which may include discipline up to and including separation.

- E. No discipline shall occur based solely on the results of the alcohol test when the member's actions are consistent with the Department's Use of Force guidelines and the member discharged their weapon off-duty.

## VII. INVESTIGATING COMMAND PERSONNEL RESPONSIBILITIES

- A. Investigating command personnel will be assigned according to the Department directive entitled **"Deputy Chiefs Assigned to the Street Operations Unit."**

**NOTE:** No member below the rank of captain will direct an investigation into an incident involving the discharge of a firearm by a Department member. However, the on-scene supervisor is responsible for maintaining command and oversight of the scene until relieved by the appropriate responding supervisor.

- B. The exempt-level incident commander or supervisor responsible for the investigation, will:

1. when a Department member discharges a firearm in an incident where an individual has been killed or sustained injury likely to cause death, ensure Department members follow the procedures outlined in the Department directive entitled **"Officer-Involved Death Investigations."**
2. proceed to the scene, assume command of the scene, and ensure a complete and thorough investigation is conducted of the incident.
3. ensure all tasks delineated for lesser-ranking personnel have been or are being performed.
4. designate a supervisor responsible for assisting in the preliminary investigation whenever the incident has occurred in more than one district.
5. personally conduct an investigation into the circumstances surrounding the incident.

**NOTE:** The occurrence of less serious transgressions may be addressed by the procedures described in the Department directive entitled **"Summary Punishment."**

6. fulfill the obligations outlined in the Department directive entitled **"Traumatic Incident Stress Management Program,"** including:
  - a. determining whether an incident should be classified as a traumatic incident in situations other than those specifically defined as a traumatic incident.
  - b. completing a Traumatic Incident Stress Management Program Notification form (CPD-62.480) and providing the affected member with the original (white) and the officer's copy (yellow copy) of the Traumatic Incident Stress Management Program Notification Form.
  - c. ensuring the affected member calls the Professional Counseling Service within twenty-four hours of the incident.
7. prior to the end of his or her tour of duty, complete the review process for the submitted Tactical Response Reports following the procedures outlined in the Department directive entitled **"Incidents Requiring the Completion of a Tactical Response Report."**
8. prior to the termination of the tour of duty, review the Major Incident Notification Report and ensure its completion.

- C. For all weapon-discharge incidents described in this directive, when the involved member is the same rank or higher than the supervisor responsible for the investigation, the Chief, Bureau of Patrol, will assume the investigating command personnel responsibilities.

- D. Upon the arrival of IPRA personnel, the exempt-level incident commander will provide a narrative of the incident to the IPRA investigators based on the information available at the time, including but not limited to:

1. walking through the incident scene.
2. providing information obtained from the "public safety" interview conducted with the involved member.

3. disclosing any evidence and witnesses identified by Department personnel.
- E. IPRA will be responsible for the administrative investigation of firearm-discharge incidents involving sworn members. The exempt-level incident commander is reminded:
1. he or she shall consult with IPRA investigative personnel to determine when and the extent to which IPRA personnel shall have access to the scene.
  2. any underlying criminal investigation associated with the firearm discharge incident involving sworn members will take precedence over the administrative investigation of the incident.
  3. as soon as it becomes apparent, any conflict of opinion with IPRA investigative personnel will be raised up the respective chains of command for resolution.

#### **VIII. BUREAU OF DETECTIVES COMMAND RESPONSIBILITIES**

- A. In all firearm discharge incidents other than the destruction of an animal where no one was injured, the Bureau of Detectives area commander will designate a Bureau of Detectives supervisor to serve as the police shooting coordinator for that incident.
- B. The police shooting coordinator will:
1. personally respond to the scene of the investigation.
  2. ensure the preservation of evidence and identification of witnesses.
  3. assume responsibility for the follow-up investigation under the direction of the Bureau of Detectives area commander.
- C. The assigned Bureau of Detectives personnel will complete a secondary case report, consistent with the classifications outlined in the Incident Reporting Guide (CPD-63.451), to document the Department's investigation of firearm discharge incidents involving sworn members other than the destruction of an animal where no one was injured.

**NOTE:** The assigned Bureau of Detective personnel will ensure the secondary case report is associated with the Records Division (RD) number of the original incident case report.

#### **IX. POST-FIREARM DISCHARGE FIREARM PROCESSING PROCEDURES**

- A. No member of any rank will handle, inspect, unload, or otherwise tamper with the involved member's firearm prior to the arrival of Forensic Services Division personnel. Unless the member was disarmed, the firearm will remain holstered and secured pending the arrival of the supervisor responsible for the investigation and Forensic Services Division personnel.
- B. Forensic Services Division personnel will:
1. conduct the firearm inspection in the presence of the supervisor designated in section V-H-7 of this directive.
  2. identify the firearm discharged by the Department member by its make, model, serial number, and other identifiers.
  3. examine the firearm discharged by the Department member to determine the type of cartridges used.
  4. examine the surrounding area to identify the number and location of cartridge casings.
  5. inventory all firearms discharged by the Department member in accordance with Department directive entitled **"Firearms Taken into Custody or Turned In"** in cases in which:
    - a. an individual has been injured or killed.
    - b. identifiable property damage has occurred.
    - c. potential property damage may have occurred. In potential property damage cases, the supervisor responsible for the investigation may authorize the responsible

member to retain his or her firearm for subsequent personal transport to the Forensics Services Division within ninety-six hours of the incident. The authorization will be noted in the "Comments" field of the eTrack inventory application.

- C. If the Department member was disarmed during the firearm discharge incident or if the firearm contains biological or other trace-matter evidence, the firearm will be preserved as evidence and processed in compliance with the Department directive entitled "**Crime Scene Protection and Processing.**"

**X. POST-FIREARM DISCHARGE PROCEDURES AND TRAINING**

- A. Department members who have discharged a firearm as described in Item V of this directive and have completed the Traumatic Incident Stress Management Program will be placed in a mandatory administrative duty assignment for a minimum period of thirty days within the Department member's unit of assignment.

1. This assignment is not a punitive measure and is not dependent upon the determination by any investigative body responsible for a review of the firearm-discharge incident. No connotation as to the appropriateness of the member's actions will attach to a member's assignment.
2. Any extension of this assignment beyond the minimum thirty days will be determined by the Superintendent of Police.

**NOTE:** The thirty day mandatory administrative duty assignment will not include medical time, furlough, or any other elective time off.

- B. Unit commanding officers will:

1. ensure the Department member's assigned supervisor observes and evaluates the member weekly to determine if the member requires any additional assistance.
2. ensure all supervisory members report any unusual changes in behavior from the involved Department member.
3. ensure all additional assistance is provided to the involved Department member, including the use of the Employee Assistance Program (E.A.P.), as needed.

- C. The member will remain in this administrative duty assignment until returned to normal field duties by the Superintendent of Police.

- D. Post-Firearm Discharge Training

1. All Department members who have discharged a firearm as described in Item V of this directive will attend a critical incident overview training course scheduled by the Education and Training Division's Firearms Training Unit. Held monthly, the eight-hour training overview may include, but is not limited to, the topics of the use of deadly force, alternative force response options, tactics for patrol, and ethics.

**NOTE:** This training will not be attended by a Department member who unintentionally discharges a firearm or discharges a firearm to destroy an animal.

2. Attendance at this training overview is mandatory and is not dependent upon the determination by any investigative body responsible for a review of the firearm-discharge incident. No connotation as to the appropriateness of the member's actions will attach to a member attending the training overview.
3. The training overview will be limited to Department members and their partners who were involved in a firearm-discharge incident or were fired upon during an incident.



4. The Bureau of Internal Affairs will notify the Education and Training Division of the Department members mandated to attend the training.
5. The training overview will be considered a tour of duty. Participants will wear the field uniform of the day.
6. Notification Procedure
  - a. The Deputy Chief, Education and Training Division, will notify unit commanding officers of the existence of members under their command who are required to attend a scheduled firearms training overview.
  - b. Upon receipt of the list of members who are required to attend a scheduled firearms training overview, the unit commanding officer will determine which of the listed members are scheduled for a regular work day on the designated training date. Members will attend the training overview only when it is on their regularly scheduled work day.
    - (1) The unit commanding officer will supply these members with the name and telephone number of the contact person at the Education and Training Division.
    - (2) The unit commanding officer will inform these members they are required to attend the scheduled training and ensure these members are notified through the CLEAR automated court notification application.
    - (3) Members who have been scheduled to attend a firearms training overview but are unable to due to unknown circumstances at the time of the scheduling (i.e., medical roll, court date) will notify their unit commanding officer and the designated contact person at the Education and Training Division as soon as these circumstances are known.
    - (4) The unit commanding officer will inform the Education and Training Division of members who are on the medical roll or scheduled for a regular day off on the date of the training. Those members will be rescheduled for the next session of the training overview.

**XI. UNINTENTIONAL FIREARM DISCHARGE INCIDENTS AND THE DISCHARGE OF A FIREARM TO DESTROY AN ANIMAL**

- A. An unintentional firearm discharge is defined as the unintended or accidental firing of a firearm in circumstances which did not occur during a training exercise.
- B. In instances where injury has occurred during an unintentional firearm-discharge incident or during the discharge of a firearm to destroy an animal, Department members will also refer to Item V of this directive.
- C. When a member unintentionally discharges a firearm or discharges a firearm to destroy an animal, the member will:
  1. notify OEMC, his or her immediate supervisor, and the station supervisor in the district of occurrence.
  2. complete a TRR, a case report, and any other appropriate report. Other reporting procedures are as follows:
    - a. destruction of an animal by a Department member, where no other case report applies, will be documented under I-UCR 5061, "Non-Criminal, Destruction of Animal by Police."
    - b. an unintentional firearm discharge by a Department member, where no other case report applies and there is no injury, will be documented by Bureau of Detectives personnel under I-UCR 5060, "Law Enforcement/Non-Fatal Firearm Discharge-Unintentional Discharge/No Injury."

- c. if there is other property damage or personal injury, members will consult the Incident Reporting Guide for appropriate classification.
- d. a TRR will be completed to document an unintentional firearm discharge.
- 3. submit all reports to his or her immediate supervisor for review and approval.
- 4. comply with all applicable provisions of the Department directive entitled **"Incidents Involving Animals."**

**EXCEPTION:** If the incident occurred outside the City of Chicago, then the procedures in Item V-D of this directive will be followed.

D. The OEMC will:

- 1. assign a supervisor from the district of occurrence to the scene of the incident.
- 2. notify CPIC.

E. The assigned field supervisor in the district of occurrence will:

- 1. determine if there is any related personal injury or property damage other than the destruction of the animal and ensure all required reports are complete.
- 2. remain on scene and maintain command and oversight of the investigation until relieved by the appropriate responding supervisor.
- 3. ensure CPIC has been notified.
- 4. complete the supervisor's section of the Tactical Response Report.

**NOTE:** If the involved member is of the rank of sergeant or higher, the supervisor responsible for the investigation will complete the supervisor's section of the TRR.

F. Investigating command personnel will be assigned according to the Department directive entitled **"Deputy Chiefs Assigned to the Street Operations Unit."**

**NOTE:** No member below the rank of captain will direct an investigation into an incident involving the discharge of a firearm by a Department member. However, the on-scene supervisor is responsible for maintaining command and oversight of the scene until relieved by the appropriate responding supervisor.

G. The supervisor responsible for the investigation will:

- 1. proceed to the scene, assume command of the scene, and ensure that a complete and thorough investigation is conducted of the incident.
- 2. ensure all tasks delineated for subordinate personnel are performed.

**NOTE:** The supervisor responsible for the investigation may waive firearm inventory and ballistic examination and may authorize the member to retain his or her firearm in instances in which there is no likelihood of death or injury to a person or identifiable property damage other than the destruction of the animal.



- 3. ensure the BIA call-out supervisor is notified and the mandatory alcohol and drug testing is performed.
- 4. personally conduct an investigation into the circumstances surrounding the incident.
- 5. prepare the "Lieutenant or above/Incident Commander Review" section of the TRR and review, approve, and process the TRR in accordance with the procedures outlined in the

Department directive entitled "**Incidents Requiring the Completion of a Tactical Response Report.**"

6. for an unintentional discharge incident:
  - a. check the selection that indicates that IPRA was notified in the "Lieutenant or above/ Incident Commander Determination" section of the TRR.
  - b. obtain a log number and ensure an initiation report is completed.

Eddie T. Johnson  
Superintendent of Police

15-213 RCL/MWK

 Chicago Police Department		<b>General Order G03-02-04</b>	
<b>TASER DISCHARGE INCIDENTS</b>			
			
ISSUE DATE:		EFFECTIVE DATE:	
RESCINDS:			
INDEX CATEGORY:	Field Operations		

## I. PURPOSE

This directive outlines the protocol for maintaining, carrying, and discharging a member's Taser device.

## II. POLICY

- A. Department members' use of Taser must be objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of a subject.
- B. All incidents will be resolved with the foremost regard for the preservation of human life and the safety of all persons involved. A member's decision to use a Taser will be made in accordance with the guidelines outlined in **G03-02, "Use of Force Guidelines."**
- C. Consistent with the guidelines outlined in **G03-02-01, "Response Options,"** Department members are authorized to use Taser devices for the following subjects:
  1. Active Resisters
  2. Assaultants.
- D. A member's use of a Taser device will be documented on a Tactical Response Report (TRR).

## III. DISCHARGE GUIDELINES

- A. **Initial Discharge.** A member who is about to discharge a Taser device will, when possible:
  1. inform all other Department members on the scene of the imminent deployment of the device.
  2. give verbal commands and warnings to the subject prior to, during, and after deployment of the Taser.
  3. for back shots, aim for the subject's back below the neck area; for frontal shots, aim for lower center mass.

**NOTE:** It is recommended that Department members deploy the Taser to the subject's back whenever possible.

- B. **Post Discharge.** After an initial discharge of a Taser, Department members will:
  1. give the subject an opportunity to comply with his or her demands.
  2. assess the situation and if the subject is still not under control, consider the following:
    - a. performing a drive stun,
    - b. pressing the ARC switch to re-energize,
    - c. deploying another cartridge, or
    - d. using another type of response option.

**NOTE:** It is advisable to minimize the stress to the subject as much as possible. Multiple energy cycles, cycles continuing longer than five seconds, and discharges by multiple Tasers will increase stress on the subject.

3. reasonably justify each separate deployment of energy from a Taser as a separate use of force that officers will document.

C. **Discharge Prohibitions.** Department members **will not**:

1. use more than three cycles or a single cycle with a duration of over five seconds against a subject, before reassessing the situation and resorting to other appropriate response options.
2. deploy multiple Tasers at the same subject, unless the previous Taser deployments failed.
3. use the Taser in any environment that contains potentially flammable, volatile, or explosive material.
4. remove Taser barbs embedded in the subject's flesh.

D. A member who deploys or anticipates the deployment of a Taser will request that a supervisor respond to the scene.

E. For all field deployments of a Taser, the station supervisor assigned to the district of occurrence will ensure that:

1. a supervisor at least one rank higher than the deploying member responds to the scene of the Taser deployment when such a supervisor is available.
2. IPRA is notified and an administrative log number is obtained.

**NOTE:** During the hours when IPRA is not available, CPIC will be notified to obtain the administrative log number.

#### IV. RESPONSIBILITIES

A. The member who field-deployed the Taser will:

1. immediately, upon gaining control and restraining the subject:
  - a. notify OEMC of the deployment and request assignment of emergency medical personnel when:
    - (1) the Taser probes were discharged and penetrated a subject's skin.
    - (2) an electrical current from the Taser was applied to the subject's body.
    - (3) the subject appears to be in any sort of physical distress.
  - b. notify his or her immediate supervisor, the station supervisor assigned to the district of occurrence, and [CPIC](#).
  - c. if emergency medical personnel determine that the subject requires treatment at a medical facility, follow procedures listed in the directive entitled:
    - (1) **"Field Arrest Procedures"** for secured transportation and processing of injured arrestees.
    - (2) **"Assisting Chicago Fire Department Paramedics"** for non-arrestees.

**NOTE:** Subjects will be transported to a medical facility via a Chicago Fire Department vehicle.

2. complete a Tactical Response Report (TRR) ([CPD-11.377](#)), the appropriate case report, and other required reports.

B. Responding supervisors will:

1. ensure that the scene of the Taser deployment is protected and processed in accordance with the Department directive entitled "**Crime Scene Protection and Processing.**"
  - a. If the Taser deployment occurred in a residence, an evidence technician will be requested to process the scene.
  - b. If the Taser deployment occurred in an area other than a residence, whether indoors or outdoors, the responding supervisor will determine if an evidence technician is required.
  - c. An evidence technician will be requested to photograph the locations where the probes penetrated the subject's skin and any other injuries incurred as a result of the TASER deployment.
2. take control of the Taser device and deliver it to the assigned investigating supervisor the rank of lieutenant or above from the district of occurrence.
3. request the Street Deputy respond to all Taser deployments that result in serious injury or death. When the Street Deputy responds to the scene of a Taser deployment, that member will be responsible for completing the "Lieutenant or above/Incident Commander" section of the TRR.
4. ensure the Mobile Crime Lab and Bureau of Detectives personnel are requested when a death has occurred as a result of the Taser deployment.
5. notify IPRA and obtain a log number. During the hours when IPRA is not available, CPIC will be notified to obtain a log number.
6. review the deploying member's TRR and, if appropriate, approve it.

C. The assigned investigating supervisor the rank of lieutenant or above from the district of occurrence will:

1. prepare the "Lieutenant or above/Incident Commander" section of the TRR for those cases which do not require the presence of the Street Deputy, consistent with the directive entitled "**Incidents Requiring the Completion of a Tactical Response Report.**"

**NOTE:** The assigned investigating supervisor will not approve the involved member's TRR until the Taser device deployment data sheet has been received and reviewed.

2. ensure that IPRA is notified and a log number is obtained.
3. download the deployment data consistent with the equipment and software procedures and print a copy of the deployment information. In districts which do not have the necessary equipment to perform the download of deployment data, the assigned investigating supervisor will follow the alternate procedures outlined in Item V-C-4 of this directive.
  - a. When printing a Taser deployment data sheet, only the date range containing the actual deployment information needs be printed. If the specific date range is not manually selected, all 2000 lines of possible deployment data will be printed.
  - b. The data sheet will be reviewed for time discrepancies. A full download of the device is required if a 254 or a 257 discharge is displayed or the clock is off by several hours, days, months, or years. For additional information, refer to the Department's eLearning website and search keywords "Taser Download."
4. when unable to download the Taser deployment data (required equipment is inoperable or not installed), designate a Department member, preferably a supervisor, to report to an

adjacent district with the involved Taser device for the purpose of downloading and printing the Taser deployment data sheet. The designated Department member will:

- a. transport the involved Taser device as directed and ensure that the device is not tampered with during transport.
- b. turn over the Taser device to the appropriate personnel and await the return of the device once the appropriate personnel download the Taser deployment data.
- c. upon return of the Taser device and receipt of the deployment data, immediately transport the Taser device and data sheet to the assigned investigating supervisor.

**NOTE:** If alternate locations are unable to download the Taser deployment data, the assigned investigating supervisor will ensure that 2nd watch personnel hand-carry the Taser device to the Taser Repair Center.

5. ensure all evidence from the scene of the Taser deployment is inventoried consistent with the Department directive entitled "**Processing Property Under Department Control**," including:
  - a. the discharged probes, which will be detached from the wires and inserted, pointed ends first, back into the cartridge.
  - b. the used cartridge(s), which will be wrapped with tape to secure the probes inside the cartridge.
  - c. a copy of the Taser deployment data sheet.
6. forward the Taser deployment data sheet, a copy of the TRR, and a copy of the original case report to IPRA.
7. ensure the expended cartridge is replaced from the district/unit supply. When needed, additional cartridges may be requested from the Taser Repair Center, located at the Education and Training Division, through normal requisition procedures.

**NOTE:** A copy of the TRR will be presented to the Taser Repair Center for replacement cartridges.

- D. In all cases in which a subject has been seriously injured or a death has occurred in conjunction with a Taser deployment, the Street Deputy will:
  1. proceed to the scene, assume command of the scene, and ensure that a complete and thorough investigation is conducted of the incident.
  2. ensure that all tasks delineated for subordinate personnel are performed.
  3. personally conduct an investigation into the circumstances surrounding the incident.
  4. review, approve, and process the TRR in accordance with the procedures outlined in the Department directive entitled "**Incidents Requiring the Completion of a Tactical Response Report**."

## **V. DEVICE PROTOCOL**

### **A. General Information**

1. The Taser is a device used to control and subdue a subject through the application of electrical impulses that override the central nervous system and cause uncontrollable muscle contractions. Two darts attached by thin wires are fired from a cartridge attached to the handheld device. When both darts attach to the subject, a timed electrical impulse is applied to the subject at the control of the operator. The electrical impulse immobilizes the subject long enough for restraints to be applied.
2. The Taser contains a computerized function that retains data of all discharges of the device.

3. Tasers will be carried, handled, tested, and deployed only by members who have completed Department-conducted training on their safe handling and deployment.
4. Taser requalification will be completed annually.
5. A spark test, conducted to check the device for proper functioning, occurs when a member trained in the use of the X2 device depresses the ARC switch located on the left or right side of the device.
  - a. Tests should be up to five seconds in duration.
  - b. The device should be pointed in a safe direction.
  - c. The cartridge will not be removed prior to conducting a spark test.
  - d. The trigger will not be depressed to conduct a spark test.

**B. Department-Issued Taser Devices**

1. District station supervisors:
  - a. **must** ensure that all available Tasers are issued to sworn members who are trained to use the devices.
  - b. will designate a member on their watch who will be responsible for the issuance and safe storage of Taser devices.
  - c. will ensure that the daily assignment roster sent to OEMC and entered in the PCAD reflects members with a Taser by placing the symbol "=" next to the members' names.

**NOTE:** The daily assignment roster must be entered and sent to OEMC immediately after each roll call.

2. The designated member at the beginning of each tour of duty will:
  - a. account for all Tasers assigned to the unit.
  - b. prepare a Personal Equipment Log ([CPD-21.919](#)) to record the issuance and receipt of the Taser and its component parts. This log will:
    - (1) be prepared by each watch.
    - (2) contain the serial number of each Taser and all cartridges distributed with each Taser in the "Miscellaneous" column.
    - (3) be forwarded to the unit secretary for retention in accordance with records-retention requirements.

**NOTE:** The retention period for the Personal Equipment Log is four police periods.

- c. issue a Taser, holster, and at least two cartridges to each Department member who has completed the Department Taser training.

**NOTE:** Department members assigned to field duties that have been trained in the use of Taser devices will request the issuance of a Taser and will be required to carry the Taser. The Taser will be carried in an approved holster, on the support side. Members will ensure the Taser is carried in the approved holster to reduce the risk of damage to the Taser and cartridges. If there is an insufficient supply of Tasers, they will be issued at the station supervisor's discretion.



- d. store Tasers in the approved holster in the designated location within the police facility.

**NOTE:** Department members will not remove the Performance Power Magazine or cartridges for storage.

- e. upon the return of a signed-out Taser, check the power level of the digital power magazine.
- f. ensure that any Taser that malfunctions or whose digital power magazine indicates a power level less than twenty percent, indicated by the display flashing "LO BATT," is, along with its holster and digital power magazine, hand-carried on the 2nd watch to the Taser Repair Center, located at the Education and Training Division, and exchanged for a replacement device and/or component parts.
- g. ensure that Department members requesting the issuance of a Taser:
  - (1) sign the Personal Equipment Log to indicate receipt of the equipment.
  - (2) upon return of the items, record the time of the return on that same log.
- h. ensure any damaged Taser cartridges are hand-carried on the 2nd watch to the Taser Repair Center for replacement.

**NOTE:** If completed, a copy of the TRR will be presented to the Taser Repair Center for replacement cartridges.

C. **Types of Taser Deployments**

- 1. A field deployment of a Taser is:

- a. any probe discharged, including accidental discharges;
- b. any initiation of the ARC switch to re-energize the subject;
- c. the use of the device by physical contact to drive stun a subject; or

**NOTE:** A drive stun is utilized when a Taser, with or without a cartridge attached, is held against the subject and energy is applied.

- d. the use of a spark display during a use of force incident.

- 2. A non-field deployment of a Taser is any:

- a. spark test outside of the first hour of the member's tour of duty.
- b. spark test lasting more than five seconds.
- c. deployment used strictly for the purpose of Department-conducted training or annual qualification.

- 3. Spark test conducted by a trained Department member.

A Department member issued an X2 device may spark test the device within the FIRST HOUR of the member's tour of duty. Only ARC events up to five seconds conducted during the first hour of the member's tour of duty will be considered a spark test of the device for the purposes of data reconciliation.

**NOTE:** A Taser Non-Field Deployment Report will not be completed to document a spark test conducted within the first hour of a trained member's tour of duty.

4. A Department member who conducts a non-field deployment of a Taser that includes a spark test outside of the first hour of the member's tour of duty or a spark test lasting more than five seconds will:
  - a. complete a Taser Non-Field Deployment Report.
  - b. submit the report to the on-duty station supervisor in the district of occurrence. The report will be submitted prior to the end of the member's tour of duty.
5. A Taser device is approved for field deployment by sworn members when both of the following circumstances are present:
  - a. A Department member is confronted by an offender classified as an active resister or assailant; and
  - b. The Taser device operator can safely approach the subject to within the eighteen-foot effective range of the device.
6. A request for a Department member equipped with a Taser device will be made via the requesting member's radio zone or citywide frequency.

D. **Reporting Procedure for a Taser Non-Field Deployment Report, Damaged, Lost, or Stolen Device**

Supervisory personnel will:

1. ensure that subordinates use the Taser as prescribed and take immediate corrective and/or disciplinary action if a member is observed or reported to be improperly handling, operating, or in any way damaging a Department Taser.
2. Upon receipt of a Taser Non-Field Deployment Report will:
  - a. review the report for the appropriate test use of the device.
  - b. ensure that the report is filed in the Taser file specific to that device.
3. conduct an investigation when a Taser is:
  - a. damaged, and:
    - (1) ensure that appropriate reports are prepared,
    - (2) initiate a Complaint Register (CR) investigation if the damage was caused by a member's neglect or improper conduct, and
    - (3) submit a To-From-Subject report detailing the nature and cause of the damage, referencing the CR number if applicable, through the appropriate channels.
  - b. lost or stolen, and:
    - (1) ensure that the appropriate case report is prepared and, if appropriate, initiate a Complaint Register investigation. Copies of all reports will be sent through channels to the:
      - (a) Taser Repair Center, located at the Education and Training Division.
      - (b) Supervisor of Police Inventory, Equipment and Supply Section.
    - (2) ensure that an Administrative Message Center (AMC) message is sent to all districts and units.

E. **Data Reconciliation**

1. District/unit commanding officers will ensure that a Taser deployment data report is downloaded for each Taser assigned to the unit at three-month intervals.

**NOTE:** If necessary, this report may be generated more often.

2. The Taser deployment data sheet for each Taser device will be reconciled with the Taser file and relevant Personal Equipment Logs to ensure that every Taser deployment has been appropriately documented. Lack of documentation for any recorded use of a Taser will be investigated and appropriate actions taken.
3. The Taser contains a computerized function that retains data of all discharges of the device.



F. **Arsenal Committee Responsibilities**

The Arsenal Committee will, upon request, provide equipment-related or technical information to command personnel or a Bureau of Patrol supervisor having questions following an actual field deployment of a Taser device.

Authenticated by: KC

Eddie T. Johnson  
Superintendent of Police

16-021 TSS

 Chicago Police Department <b>OLEORESIN CAPSICUM (OC) DEVICES AND OTHER CHEMICAL AGENT DISCHARGE INCIDENTS</b>		<b>General Order G03-02-05</b>	
			
ISSUE DATE:		EFFECTIVE DATE:	
RESCINDS:			
INDEX CATEGORY:	Field Operations		

## I. PURPOSE

This directive:

- A. outlines the protocol for maintaining, carrying, and discharging Personal Oleoresin Capsicum OC devices, special weapons that dispense Capsaicin II Powder Agent (PepperBall), or larger volumes of chemical agents.
- B. satisfies CALEA Law Enforcement Standard Chapter 1.

## II. POLICY

- A. Department members' use of OC devices and other chemical agents must be objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of a subject.
- B. All incidents will be resolved with the foremost regard for the preservation of human life and the safety of all persons involved. A member's decision to use OC devices and other chemical agents must be made in accordance with the guidelines outlined in **G03-02, "Use of Force Guidelines."**
- C. Consistent with the guidelines outlined in **G03-02-01, "Response Options,"** Department members are authorized to use OC devices and other chemical agents for the following subjects.
  1. OC spray, special weapons that dispense Capsaicin II powder agents, and other chemical devices are appropriate response options against an **assailant**, whose actions use or threaten the use of force against a Department member or another person.
  2. OC spray is an appropriate response option against **active resisters** only under the following guidelines:
    - a. If the resistance includes evasive maneuvers of the limbs and body, including the flailing of arms and legs, and the resister is:
      - (1) part of a group or crowd, OC spray can be used only after obtaining authorization from the Superintendent or the designee of the Superintendent.
      - (2) **not** part of a group or crowd, the use of OC spray is authorized without supervisory approval.
    - b. If the only resistance is the act of walking or running away, and the resister is:
      - (1) part of a group or crowd, OC spray can be used only after obtaining authorization from the Superintendent or the designee of the Superintendent.
      - (2) **not** part of a group or crowd, the use of OC spray is not authorized.
  3. OC spray is an appropriate response option against **passive resisters** only under the following guidelines:
    - a. occupant(s) of a motor vehicle who is passively resisting arrest, only after obtaining authorization from an on-scene supervisor of the rank of sergeant or above, or

- b. noncompliant groups, crowds, or an individual taking part in a group or crowd (e.g., demonstrations or New Year's Eve, etc.), only after obtaining authorization from the Superintendent or the designee of the Superintendent.
  - 4. Special weapons that dispense the Capsaicin II powder agent or larger volumes of chemical agents is an appropriate response option against **passive resistors** only under the following guidelines:
    - a. noncompliant groups or crowds only when used for area saturation and only after obtaining authorization from the Superintendent or the designee of the Superintendent, and
    - b. members have received Department-authorized training in safely handling, using, and maintaining the security of the Capsaicin II Powder Agent Deployment device, in accordance with established policy and procedures set forth by the Deputy Chief, Special Functions Division.
- D. Department members will use the OC spray and other chemical agents only as prescribed by Department training.
- E. When feasible and doing so would not compromise officer safety or the safety of others, prior to using OC spray or other chemical agents, members shall issue a verbal warning to the subject, fellow officers, and other individuals present that OC spray or other chemical agents will be used.
- F. Members will allow the subject an opportunity to comply with verbal warning.
- G. Caution should be exercised when discharging a personal OC device in enclosed areas or in the presence of infant children or elderly persons.
- H. Each standard OC spray or standard use of other chemical agents is a separate use of force that members will reasonably justify and document.
- I. A member's use of OC devices and other chemical agents will be documented on a Tactical Response Report (TRR).

### III. POST DISCHARGE ACTIONS

- A. When a Department member discharges a chemical agent, the member will:
  - 1. if possible, relocate the individual(s) to an area of uncontaminated air and face the subject(s) into the wind.
  - 2. provide an opportunity for the subject(s) to eliminate the effects of the OC by flushing the affected areas with cool water. This should take place as soon as feasible, to the extent that the subject can be controlled without possible injury to himself or others.

**NOTE:** Subjects wearing contact lenses should remove them, if possible, before flushing the eyes with water.

  - 3. advise the subject to refrain from rubbing the affected area(s) or using creams, ointments, commercial eye washes, or bandages.
  - 4. if it is practical, avoid transporting an individual who is wet with OC. Transporting a subject when dry will minimize the possibility of the officer becoming contaminated.
- B. Under normal circumstances all symptoms of exposure to OC should disappear within thirty to forty-five minutes. If symptoms persist, the subject will be transported for medical attention in accordance with the Department directive entitled **"Processing Persons Under Department Control."**
- C. Clothing that becomes contaminated with OC can be laundered in the usual manner without fear of contaminating other laundry.
- D. Special equipment or a special washing process is not required to decontaminate an enclosed area. The opening of doors and windows will normally result in the removal of OC from the environment within forty-five minutes.

#### IV. RESPONSIBILITIES

- A. When a member discharges a chemical agent, the member will:
1. notify the Office of Emergency Management and Communications (OEMC), his or her supervisor, and the station supervisor in the district of occurrence.
  2. complete a Tactical Response Report (TRR) ([CPD-11.377](#)) as required by the Department directive entitled **"Incidents Requiring the Completion of a Tactical Response Report,"** the appropriate case report, and other required reports.
  3. submit all reports to his or her supervisor for review and approval.
- B. If a member discharges a chemical agent outside the City of Chicago, the member will:
1. notify:
    - a. the law enforcement agency having jurisdiction;
    - b. OEMC and the Crime Prevention and Information Center (CPIC); and
    - c. his or her immediate supervisor.
  2. complete a TRR and submit it to his or her immediate supervisor for review and approval.
- C. When notified that a member under his or her command discharged a chemical agent, the assigned field supervisor will:
1. respond immediately to the scene and assume command and oversight of the scene unless relieved by a higher-ranked responding supervisor.
  2. ensure the procedures outlined in the Department directive entitled **"Incidents Requiring the Completion of a Tactical Response Report"** are followed.
  3. notify the Independent Police Review Authority when an OC device or chemical agent has been discharged.
- D. The assigned investigating supervisor the rank of lieutenant or above from the district of occurrence will:
1. investigate the incident and document the investigation in the "Lieutenant or above/Incident Commander" section of the Tactical Response Report (TRR),
  2. ensure a log number is obtained from the Independent Police Review Authority (IPRA).
  3. review, approve, and process the TRR in accordance with the procedures outlined in the Department directive entitled **"Incidents Requiring the Completion of a Tactical Response Report."**
  4. receive the discharged personal OC device from the sworn member, provide a replacement device to the member, and notify the individual designated by the district commander that a replacement device has been issued. When needed, additional OC devices may be requested from the Taser Repair Center, located at the Education and Training Division, through normal requisition procedures.
- NOTE:** A copy of the TRR will be presented to the Taser Repair Center for replacement OC devices.
- E. District Commander Responsibilities
- The district commander of the district of occurrence will:
1. ensure that an individual is designated to order replacement canisters from the Equipment and Supply Section, Bureau of Support Services.
  2. establish a secure area in the district for the storage of replacement canisters and ensure that the replacement canisters are available to the station supervisor on each watch.

- F. Whenever possible, the ranking officer on the scene of an incident will notify the Chicago Fire Department prior to the anticipated use of a device that dispenses a chemical agent through use of pyrotechnics.

**V. DEVICE PROTOCOL**

- A. A personal OC device is approved for use by sworn members consistent with the Department directive entitled **"Response Options."**
- B. While in the performance of their field duties, all sworn members will carry the prescribed personal OC device in an approved device holster.
- C. The personal OC device and device holder will conform to the specifications referenced in the uniform specification titled **"Personal OC Chemical Device and Holder."**
- D. The prescribed personal OC device must use a nonflammable propellant and contain a ten percent solution of oleoresin capsicum (pepper agent) only. The rating will not exceed 500,000 Scoville Heat Units.



**NOTE:** All personal OC devices are under pressure and should be used with extreme caution.

- E. Members are not approved to carry or use any type of personal OC device other than those prescribed.
- F. Members will be trained on the safe handling and use of the personal OC device and how it pertains to Department Use of Force Guidelines.
- G. Members will receive refresher training biennially (every two years) on the use of the OC device.
- H. The chief of each bureau and the commanding officer of exempt rank for each unit within the Office of the Superintendent will designate, by duty assignment, those members under their command who are not required to carry a personal OC device.
- I. Sworn members who are not required to carry a personal OC device will have it readily available during duty hours.
- J. This equipment is classified as the member's personal equipment, and each member is responsible for the care and maintenance of these items.
- K. The chemical agent OC does not require any special decontamination procedure other than flushing with cool water and normal ventilation.
- L. A member who discharges a personal OC device will receive a replacement device from the station supervisor. Should this item become lost, stolen, damaged, or expired, the individual member will be responsible for its replacement.

Authenticated by: KC

Eddie T. Johnson  
Superintendent of Police

16-021 TSS

 Chicago Police Department		<b>General Order G03-02-06</b>	
<b>CANINES AS A RESPONSE OPTION</b>			
			
ISSUE DATE:		EFFECTIVE DATE:	
RESCINDS:			
INDEX CATEGORY:	Field Operations		

## I. PURPOSE

This directive outlines policy governing the use of Department canines as a response option.

## II. POLICY

- A. Department members' use of a Department canine as a response option must be objectively reasonable, necessary under the circumstances, and proportional to the threat or resistance of a subject.
- B. All incidents will be resolved with the foremost regard for the preservation of human life and the safety of all persons involved. A member's decision to utilize a Department canine as a response option will be made in accordance with the guidelines outlined in **G03-02, "Use of Force Guidelines."**
- C. Consistent with the guidelines outlined in **G03-02-01, "Response Options,"** Department members are authorized to use a Department canine as a response option for the following subjects:

### 1. Active Resisters.

The use of a canine to physically apprehend an active resister is limited to:

- a. a subject who is alleged to have committed either a felony or a violent misdemeanor.
- b. a subject who is reasonably believed to be armed.
- c. a search for a burglary suspect conducted inside buildings that contain hidden locations.

**NOTE:** A canine may be used in this situation to locate a subject whose only actions are to secret themselves and fail to comply with sworn member's orders to reveal themselves.

### 2. Assaultants.

A canine is an appropriate force option against a subject who fits the definition of an assailant. In the case of an incident involving a canine, an assailant will also include a person who is an immediate threat to the canine.

- D. Department-owned canines are trained in the **"find and bark"** method of finding persons. This method of training requires the canine to bark or otherwise alert its handler upon discovering a person and to remain in the immediate area of the person until relieved by the handler.

**NOTE:** Department canines are trained and permitted to bite a subject only on the command of the handler or when the canine or the handler is threatened with attack by the subject.



- E. Any deployed canine will be:
1. kept in visual and auditory range of the canine handler at all times, except for brief periods which make this requirement impracticable (e.g., the canine turns a corner, enters a room, is walking through tall vegetation, or is among tall objects.)
  2. called off immediately once the suspect is under control.
- F. Canines will not be used as a response option for the following:
1. crowd control situations, unless a sworn exempt-rank member authorizes the use of canine teams in response to a crowd that cannot be contained by other police methods and the crowd is likely to cause personal injury or property damage.
- NOTE:** Department members will refer to the Department directive entitled "**Canine Teams**" for specific guidelines on crowd-control deployments.
2. suspects who are known juveniles, are believed to be disabled, or are in need of mental treatment, unless the propensity for violence of the subject suggests that lesser response options will be unsuccessful.
- NOTE:** If the Department member is responding to an incident involving persons in need of mental health treatment, the member will act in accordance with the Department directive entitled "**Responding to Incidents Involving Persons In Need Of Mental Health Treatment,**" including using every possible means to verbally de-escalate the situation before resorting to the use of equipment, physical restraints, or other use of force options.
- G. A canine used to search for and apprehend a subject who is defined as an active resister or assailant is a reportable use of force incident that will be documented on a Tactical Response Report (TRR). The assigned canine handler will:
1. be responsible for the completion of the TRR to document the canine deployment.
  2. document on the TRR the duration of the total time the canine was deployed.
- H. Department members will refer to the Department directive entitled "**Canine Teams**" for specific guidelines on:
1. the required training for Department canines and handlers.
  2. when a Department canine is involved in a bite incident or inflicts other injuries.

### III. CONDITIONS ON THE USE OF CANINES AS A RESPONSE OPTION

- A. **Supervisory Response.** Prior to the deployment of a canine, the canine handler will notify a canine supervisor and a field supervisor from the district of occurrence. The determination of the appropriateness of the canine deployment will rest with the canine handler.
- NOTE:** If a dispute regarding the deployment of a canine occurs between the canine handler and the on-scene field supervisor, the final determination of the canine deployment will rest with the canine supervisor.
- B. **Warnings.** Prior to the use of the canine, the handler will announce his or her police authority and provide verbal warning stating that the canine will be released if the subject does not comply with the handler's orders.
1. The verbal warning will be given in a loud and clear manner, capable of being heard by the subject, any witnesses, or other parties within the targeted area.

2. The member issuing the warning will allow a reasonable amount of time for Department members and other uninvolved members of the public to respond and vacate the area.
3. For building searches, the verbal warning will be given again upon entering subsequent floors or areas or if the size of the area is too great for a single warning.
4. For open field or block searches, the verbal warning will be given again upon the canine being repositioned into an area which was not in audible range of the initial or other subsequent warnings.
5. Verbal warnings may only be omitted in situations where exigent circumstances place the handler or others in imminent danger.
6. The fact that the warnings were given or omitted will be documented in the appropriate case report.

C. **Canine Bites.**

1. In those circumstances when a canine finds a suspect, the canine handler will:
  - a. only command the canine to bite when the handler is in visual and auditory range of the canine and the suspect.
  - b. not permit the canine to bite the subject unless commanded to do so by the handler.

**EXCEPTION:** Department canines are trained and permitted to bite a subject only on the command of the handler or when the canine or the handler is threatened with attack by the subject.

2. Once the handler determines that the incident is over and the control of the subject has been obtained, the handler must immediately order the canine to release the subject. In making the determination whether to order the canine to release the subject, the handler must carefully consider what is reasonably necessary based on the totality of the circumstances to control the suspect and protect themselves and others from injury.
3. When a Department canine is involved in a bite incident or inflicts other injuries, the canine handler will immediately request appropriate medical aid for the injured person, including contacting emergency medical services (EMS) from the Chicago Fire Department via the Office of Emergency Management and Communications (OEMC).

**NOTE:** For further guidance on medical attention for injuries caused by a Department canine, Department members will refer to the Department directives entitled "**Use of Force Guidelines**" and "**Canine Teams.**"

Authenticated by: KS

Eddie T. Johnson  
Superintendent of Police

16-021 TSS