

Use of Force Guidelines

The Chicago Police Department's current Use of Force Guidelines have been in effect since 2002. They are based on the Illinois Compiled Statutes (720 ILCS 5/7) governing a peace officer's use of force to prevent escape and make an arrest, along with the United States Supreme Court ruling in *Graham v. Connor*, which provides that an officer's use of force must be objectively reasonable in light of the particular circumstances faced by the officer. Since 2002, numerous specific revisions have been made; however, there has not been a revision of the policy in its entirety.

Recently, the Chicago Police Department has reviewed, evaluated, and revised its current Use of Force Guidelines to ensure the policy meets both the needs of the community and the Department. The Department must ensure it has a policy that is unbiased, provides for increased accountability and transparency, properly serves the community, and meets the community's expectations, while being consistent with the fundamental purposes of law enforcement. With that goal in mind, the Chicago Police Department has revised the Use of Force Guidelines based on national best practices, including the concepts outlined in the Final Report of the President's Task Force on 21st Century Policing and the Police Executive Research Forum (PERF) 2016 report entitled "Guiding Principles on Use of Force."

The "Sanctity of Life" is placed as the Department's highest priority for the proposed revisions to the Chicago Police Department's Use of Force Guidelines. In all aspects of their conduct, the Department expects its members to act with the foremost regard for the preservation of human life and the safety of all persons. This includes acting in a manner that conveys the gravity of any use of force, offering medical aid to those injured in use of force incidents, including suspects injured by officers (commensurate with their training, experience, and available equipment), and intervening and reporting on a subject's behalf when observing force being used in violation of Department policy. The Department remains committed to prohibiting and preventing the use of unwarranted or excessive physical force and expects its members to demonstrate the highest degree of ethical behavior and professional conduct at all times. Officers are required to engage the public with professionalism and respect the dignity of every person in carrying out their law enforcement duties, while ensuring that gender, race, ethnicity, or any other protected characteristics do not influence any decision on the use of force, including the amount and type of force used.

Through this policy, the Department imposes restrictions on the use of force that are significantly stricter than those set forth by statute and permitted by *Graham v. Connor*. Officers are expected to use the least amount of force necessary based on the totality of the circumstances and will only resort to physical force when no reasonably effective alternative appears to exist. The use of deadly force is only authorized to prevent an immediate threat of death or great bodily harm posed to officers or another person. Furthermore, officers may only draw and display their firearm when they have the reasonable belief that it is necessary for the officer's safety or the safety of others. When feasible under the circumstances, police officers will give the suspect a verbal warning before using deadly force. Officers must be mindful of the impact that even a reasonable use of force may have on those who observe but are not immediately involved in the incident and they must be cognizant of the perception or the perceived reasonableness of their use of force.

The Department remains committed to having its officers use the principles of Force Mitigation to de-escalate potential use of force incidents and requires officers to develop and display the skills and abilities that allow resolution of confrontations without resorting to force. Officers are required to determine if the seriousness of the situation requires an immediate response or whether other reasonable alternatives may be employed, such as use of communication and verbal control techniques or making advantageous use of time and positioning. Officers will not resort to using force unless other reasonable alternatives have been exhausted or would be clearly ineffective under the circumstances.

The new use of force policy calls for increased transparency and accountability in reporting use of force incidents. Officers are responsible, at all times, for truthfully describing the facts and circumstances of any use of force incident. Field supervisors will respond to the scene of any weapon discharge or any reportable use of force incident in which medical attention is required to ensure the validity and accuracy of the investigation. The public release of information concerning use of force incidents will be accurate and timely, while maintaining the delicate balance between protecting the investigation and keeping the public well informed.

Use of Force Guidelines - Policy Revision Summary

The Research and Development Division has worked in conjunction with various internal units and outside entities to review, evaluate, and revise the entirety of the Department's Use of Force Guidelines. Below is a summary of the significant revisions to the existing policy:

- Eliminates the existing Use of Force Model graphic and explanation from the written policy.
- Affirms the Department's commitment to the "Sanctity of Human Life" in all police-community interactions and member conduct.
- Reaffirms and strengthens the Department's expectation that members apply the principles of Force Mitigation when involved in a use of force incident or taking police action requiring the use of force.
- Creates, for the first time, a Department definition of "force."
- Creates a more restrictive use of force policy than the standard established in *Graham v. Connor* (490 U.S.386, 1989) which provides that an officer's use of force be objectively reasonable in light of the particular circumstances faced by the officer. Additionally, the policy now requires members to:
 - use physical force only when no reasonable effective alternative appears to exist.
 - use the least amount of force reasonably necessary based on the totality of the circumstances.
- Creates a more restrictive deadly force policy than that is allowed by the Illinois Compiled Statutes (720 ILCS 5/7-5 and 720 ILCS 5/7-8). The policy now:
 - defines deadly force as including the application of a chokehold and striking a subject's head with an impact weapon or into a hard, fixed object.
 - only allows for the use of deadly force to prevent death or great bodily harm from an immediate threat posed to a member or another person.
 - eliminates the existing affirmation of life policy making blanket prohibitions on discharging a firearm for warning shots, at persons whose actions are only a threat to themselves, or in defense of property.
 - adds restrictions for firing into crowds, or into buildings, windows, doors, or other openings when the person fired upon is not visible, and firing at or into a moving vehicle.
- Requires members to offer medical aid to those injured in a use of force incident and comport themselves in a manner that conveys the gravity of the incident and the member's concern for the injured.
- Requires members to intervene on the subject's behalf when any member observes violations of the use of force policy.
- Implements a mandatory minimum thirty-day administrative duty assignment for officers involved in a shooting incident.
- Creates new weapon-specific limitations, including:
 - members may only draw and display a firearm when the member has reasonable cause to believe it may be necessary for their safety or the safety of others.
 - limits Taser deployments to three cycles before an officer must re-access and look for other options.
 - requires justification for each separate deployment of Taser or OC Spray against a subject.
 - implements increased restrictions and new protocols for use of canines as a response option.