



GENERAL ORDER

OAK BROOK POLICE DEPARTMENT

OAK BROOK, ILLINOIS

Title: RESPONSE TO RESISTANCE		Number: FOR-500
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1.3.1

500.1 Policy

It is the policy of the Oak Brook Police Department to utilize a reasonable level of force in achieving a lawful objective as provided by the 4th Amendment to the Constitution of the United States of America, which states:

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”

The force used by any member of the Oak Brook Police Department shall adhere to the requirements set forth in 720 ILCS 5/7, other related statutes, applicable case law, department general orders and training.

Oak Brook Police Department personnel will use that level of force which is objectively reasonable and necessary to accomplish a lawful objective. Examples of those objectives include:

- a. Defend themselves from bodily harm.
- b. Defend another from bodily harm.
- c. Protect property.
- d. Effect an arrest.
- e. Prevent escape.
- f. Effect the protective custody or involuntary admission of a subject pursuant to the Mental Health Act.

When determining the level of force used the department member must consider:

- a. The severity of the crime.

- b. The immediacy of the threat.
- c. Whether the suspect is actively resisting arrest or attempting to flee.

The force used by any department member will only be that which is required to overcome the resistance being offered by an offender.

500.2 Purpose

The purpose of this policy is to provide Officers with guidelines on the use of deadly and non-deadly force that are consistent with applicable law. This order is intended for internal department use only and should not be construed as the creation of a higher standard of safety or care in any civil or criminal procedure with respect to third party claims.

1.3.2

500.3 Definitions

Physical Force: Actual contact with a subject beyond that which is generally utilized to make an arrest or achieve a law enforcement objective.

Mechanical Force: Mechanical force involves the application of a device or substance, other than a firearm, to make an arrest or achieve a law enforcement objective.

Deadly Force: Any use of force that is likely to cause death or great bodily harm, or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious physical injury. Examples of those acts as specified in the Illinois Compiled Statutes, 720 ILCS 5/7-8, are as follows:

- a. “The firing of a firearm in the direction of a person to be arrested, even though no intent exists to kill or inflict great bodily harm; and,
- b. The firing of a firearm at a vehicle in which the person to be arrested is riding.”

The threat to cause death or serious bodily harm, by the production of a weapon or otherwise, so long as the officer’s purpose is limited to creating the apprehension that deadly force will be used if necessary, does not constitute deadly force.

Active Pointing: The actual pointing of a firearm or mechanical force option at another person to gain compliance or affect a lawful arrest. The act of un-holstering or carrying a firearm for the purpose of conducting a building search or providing general security is not considered active pointing.

Serious Physical Injury/Great Bodily Harm: A bodily injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss or impairment of the function of a bodily member or organ.

Unnecessary Force: Force that is uncalled for and that serves no legitimate purpose, or force that goes beyond that amount of force that is objectively reasonable under the circumstances.

Reasonable Belief: The facts and circumstances known to the Officer, which are such as to cause an ordinary and prudent person with the knowledge, training and experience of a Police Officer to act or think in a similar manner under similar circumstances.

Forcible Felony: “Forcible felony” means treason, first degree murder, second degree murder, 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 of threat of physical force or violence against any individual.

Police Officer: A Peace Officer as defined by Illinois Statutes, 720 ILCS 5/ 2-13.

Duty: Is meant to mean anytime an Officer is officially assigned to perform within the scope of law enforcement to include voluntary duty assignments.

Off-Duty: Is anytime an Officer is not acting within the scope of law enforcement duties. Officers of the Oak Brook Police Department are not required to carry a weapon while off-duty.

Less Lethal Ammunition: Ammunition designed to disable or control an individual without creating the likelihood of death or great bodily harm.

500.4 Use of Non-Deadly Force

The use or attempted use of non-deadly force on another person is not unlawful when used in compliance with Chapter 720 ILCS, Act 5/ Article 7:

- a. Section 1. Use of Force in Defense of Person. When an Officer believes that force is necessary to defend themselves or another against an imminent use of unlawful force.
- b. Section 2. Use of Force in Defense of Dwelling. When an Officer believes such force is necessary to prevent or terminate such other's unlawful entry into or attack upon a dwelling.
- c. Section 3. Use of Force in Defense of Other Property. Whenever used by an Officer in preventing or attempting to prevent an offense against a malicious trespass or other malicious interference with real (other than a dwelling) or personal property that the Officer has a legal duty to protect.
- d. Section 5. Use of Force in Making Arrest. A Police Officer need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. An Officer is justified in the use of force that the Officer reasonably believes to be necessary to affect the arrest and of force which he reasonably believes to be necessary to defend himself or another from bodily harm while making the arrest.
- e. Section 9. Use of Force to Prevent Escape. A Police Officer who has an arrested person in his custody is justified in the use of such force to prevent the escape of that person from custody as he would be justified in using if he were arresting such person.
- f. When used to restrain a mentally ill, mentally incompetent or mentally disabled person:
 1. Who is resisting efforts to be subdued for his or her own protection
 2. To prevent the individual from committing an act dangerous to themselves
 3. From committing an act dangerous to an Officer or others

A Community Service Officer, as defined in OPR-320, is only authorized to use force in self

defense or defense of another.

Force shall not be used in a punitive manner and department members will discontinue the use of lawful force whenever the offender ceases efforts to resist.

1.3.4

500.5 Mechanical Force Options

An Officer or Community Service Officer is not permitted to use a mechanical force option unless:

- a. The use of the device is approved by the Chief of Police.
- b. Formally trained by a certified instructor, and is qualified in its proficient use as determined by training procedures.

Officers and Community Service Officers will receive a minimum of biennially retraining with authorized mechanical force options.

- a. The Support Services Division Commander will arrange for all defensive tactics and mechanical force options training on a periodic basis.
- b. Retraining documentation shall be recorded and maintained in accordance with departmental training procedures and policy.

Community Service Officers are not permitted to utilize less lethal impact munitions or conducted electrical weapons.

1.3.6c

The use of a mechanical force option will be documented in the appropriate case report, including the detailed outcome of the incident.

The carrying or use of any force option not specifically authorized or issued by the Oak Brook Police Department is prohibited. Violators shall be subject to disciplinary action. Examples of unauthorized force options include, but are not limited to:

- a. Blackjacks
- b. Saps
- c. Sap-weighted gloves
- d. Nun-chukkas
- e. Brass or other metal knuckles
- f. Dirks, daggers or switchblades
- g. Tranquilizer guns
- h. Any other weapons or instruments of a like character as listed above.
- i. Firearms will not be used as bludgeons
- j. Flashlights or any other instruments not authorized for use as an impact baton will not be used unless the department member has no other reasonable recourse. Under those circumstances, the instrument is to be used in a manner consistent with training received in use of expandable impact batons.

The following mechanical force options are authorized:

- a. A department issued Expandable Impact Baton when used in accordance with

department policy, FOR-504.

- b. Oleoresin Capsicum (OC) when used in accordance with department policy, FOR-505.
- c. Department issued Less Lethal Munitions used in accordance with department policy, FOR-502.
- d. Conducted Electrical Weapon (CEW) used in accordance with department policy, FOR-503.

Canines, under certain conditions in accordance with department policy, OPR-311, may be deployed as a less lethal force option.

500.6 Use of Deadly Force

Officers are authorized to use deadly force only when they reasonably believe that the level of force is necessary to prevent:

- a. Imminent death or serious physical harm to either themselves or another person.
- b. The arrest of a suspect from being defeated by resistance or escape; and
 - 1. Is attempting to escape by use of a deadly weapon and indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

The Officer must give some warning of the imminent use of deadly force, if feasible.

1.3.3

The discharge of a firearm for the purpose of a warning shot is prohibited under any circumstances, without exception.

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

- a. The suspect is using deadly force and it is a necessary measure of self defense or defense of another.
- b. The totality of the circumstances, as reasonably known to the Officer, justifies the use of deadly force and are so compelling that the Officer reasonably believes that the risk of injury to the Officer or another person outweighs the risk of an Officer not firing from or at a moving vehicle.

500.7 Prohibited Use of Force

Department members shall not use a chokehold in the performance of their duties, unless deadly force is justified.

Department members shall not use a chokehold or any lesser contact with the throat or neck area of another in order to prevent the destruction of evidence by ingestion.

As used in this Section, "chokehold" means applying any direct pressure to the throat, windpipe, or airway of another with the intent to reduce or prevent the intake of air. "Chokehold" does not include any holding involving contact with the neck that is not intended to reduce the intake of air.

1.3.5

500.8 Medical Aid After Use of Force

After any application of force against an individual, if a department member observes the individual is clearly injured, the individual complains of being injured or the member reasonably believes the person is injured or is in need of medical attention, once it is safe and appropriate to do so the member shall:

- a. Render appropriate first aid within the limits of the member's training and available equipment.
- b. Immediately summon the fire department for medical assistance.
- c. Notify the on-duty Supervisor.
- d. Complete the appropriate incident reports regarding the injury and the
- e. circumstances.
- f. If possible, photograph the injured area (with and without scale of reference).

500.9 Firearms

An Officer shall not unholster or exhibit a firearm except under the following circumstances:

- a. Maintenance of the firearm.
- b. Securing the firearm.
- c. Training, practice or qualification with the firearm.
- d. Destruction of a sick or injured animal.
- e. When circumstances create a reasonable belief that it may be necessary for the Officer to utilize deadly force.
- f. When circumstances create a reasonable belief that the display of a firearm as an element of constructive authority will establish or assist in maintaining control in a potentially dangerous situation when done so in an effort to discourage resistance and ensure Officer safety.

Any discharge of law enforcement firearms, with the exception of training, practice or approved recreational purposes, whether intentional or accidental, on or off-duty, within or outside of the departments geographical jurisdiction, and whether or not personal injury or property damage results, shall immediately be brought to the attention of the Shift Supervisor by the Officer responsible for the firearm discharge. This requirement applies to any Officer aware of the firearm discharge, not only to the Officer responsible for firing the weapon.

1.3.6a

In those instances where the discharge was unintentional, negligent or accidental the Shift Supervisor shall immediately initiate an investigation and shall complete a report with the pertinent facts, including names and addresses of witnesses. The report shall be submitted to the Chief of Police via the chain of command.

If any significant property damage resulted from the unintentional, negligent or accidental discharge the Chief of Police will be notified immediately in accordance with department

policy, OPR-333, Special Notifications.

Whenever a firearm is discharged, whether accidentally or intentionally, and results in either an injury or a death, the Shift Supervisor shall immediately notify the following, regardless of the hour:

- a. Division Commanders
- b. Deputy Chief
- c. Chief of Police
- d. Illinois State Police Investigation Team
- e. State's Attorney's Office
- f. Coroner's Office (death only)

The discharge of a firearm in relation to a use of force will be investigated in accordance with department policy, FOR-501, Investigating Response to Resistance Incidents.

500.10 Reporting Procedures

An Incident Report and the Response to Resistance Report Form (Attachment A) must be completed whenever an Officer:

- 1.3.6d a. Actively points a mechanical or lethal force option.
- 1.3.6c b. Applies weaponless physical force beyond that which is normally needed to make an arrest.
- 1.3.6b c. Applies force upon another through the use of lethal or mechanical means.
- d. Uses force that results in or is alleged to have resulted in the injury or death of another.
- e. Uses deadly force.
- f. Is directed to do so by a Supervisor.

A copy of the Incident Report and the Response to Resistance Report Form shall be forwarded to the Support Services Division Commander.

1.3.12 500.11 Written Directives

Prior to carrying any weapons, Officers will be issued copies of and will be instructed in the policies regarding the use of force necessary to accomplish lawful objectives and rendering appropriate medical aid after the use of that force.

1.3.13 500.12 Review

In an effort to reveal patterns or trends that could indicate training needs and/or policy modifications, the Deputy Chief of Police shall conduct an annual analysis of all use of force incident reports. That analysis will be forwarded to the Chief of Police for review.

500.13 Issuing Authority

This General Order will supersede any directives or understandings in conflict.

By order of:



James R. Kruger Jr., Chief of Police

Revisions		
01-02-2013	Attachments	Changed ECD to CEW on Attachment A.
08-27-2015	Attachments	Revised Attachment A
01-04-2016	500.7	New Section: Prohibited Use of Force