

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of the Sheriff's Office is expected to use these guidelines to make such decisions in a professional, impartial and reasonable manner.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury.

Force - The application of physical techniques or tactics, chemical agents or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed or restrained.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Deputies must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting deputies with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation and a careful balancing of all interests.

300.2.1 DUTY TO INTERCEDE

Any deputy present and observing another deputy using force that is clearly beyond that which is objectively reasonable under the circumstances shall when in a position to do so, intercede to prevent the use of unreasonable force. A deputy who observes another employee use force that exceeds the degree of force permitted by law should promptly report these observations to a supervisor.

300.3 USE OF FORCE

Deputies shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the deputy at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable deputy on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that deputies are often forced to make split-second decisions about the amount of force that reasonably

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appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation a deputy might encounter, deputies are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which deputies reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Sheriff's Office. Deputies may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of an improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires a deputy to retreat or be exposed to possible physical injury before applying reasonable force.

300.3.1 USE OF FORCE TO EFFECT AN ARREST

A deputy may use any force which he/she reasonably believes to be necessary to effect an arrest and may use any force which he/she reasonably believes to be necessary to defend him/herself or another from bodily harm while making an arrest (720 ILCS 5/7-5).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether a deputy has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include, but are not limited to:

- (a) Immediacy and severity of the threat to deputies or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the deputy at the time.
- (c) Deputy/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of deputies available vs. subjects).
- (d) The effects of drugs or alcohol.
- (e) Subject's mental state or capacity.
- (f) Proximity to weapons or dangerous improvised devices.
- (g) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (h) The availability of other options and their possible effectiveness.
- (i) The seriousness of the suspected offense or reason for contact with the individual.
- (j) Training and experience of the deputy.
- (k) The potential for injury to deputies, suspects and others.

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- (l) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the deputy.
- (m) The risk and reasonably foreseeable consequences of escape.
- (n) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (o) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the deputy or others.
- (p) Prior contacts with the subject or awareness of any propensity for violence.
- (q) Any other exigent circumstances.

300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Deputies may only apply those pain compliance techniques for which they have successfully completed Sheriff's Office-approved training. Deputies utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the person can comply with the direction or orders of the deputy.
- (c) Whether the person has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the deputy determines that compliance has been achieved.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

Deputies may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, deputies are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, deputies should not intentionally use any technique that restricts blood flow to the head, restricts respiration or creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Deputies are encouraged to use the techniques and methods taught by the Sheriff's Office for this specific purpose.

300.4 DEADLY FORCE APPLICATIONS

Use of deadly force is justified in the following circumstances:

- (a) A deputy may use deadly force to protect him/herself or others from what he/she reasonably believes would be an imminent threat of death or serious bodily injury.
- (b) A deputy may use deadly force to stop a fleeing subject when the deputy has probable cause to believe that the person has committed, or intends to commit, a felony involving the infliction or threatened infliction of serious bodily injury or death, and

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the deputy reasonably believes that there is an imminent risk of serious bodily injury or death to any other person if the subject is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if a deputy reasonably believes any of the following:

1. The person has a weapon or is attempting to access one and it is reasonable to believe the person intends to use it against the deputy or another.
2. The person is capable of causing serious bodily injury or death without a weapon and it is reasonable to believe the person intends to do so.

300.4.1 SHOOTING AT OR FROM MOVING VEHICLES

Shots fired at or from a moving vehicle are rarely effective. Deputies should move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants. A deputy should only discharge a firearm at a moving vehicle or its occupants when the deputy reasonably believes there are no other reasonable means available to avert the threat of the vehicle, or if deadly force other than the vehicle is directed at the deputy or others.

Deputies should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.4.2 CHOKEHOLDS

A member shall not apply direct pressure to the throat, windpipe or airway of a person with the intent to reduce or prevent the intake of air or should not intentionally use any technique, including a lateral vascular technique that restricts blood flow to the head, restricts respiration or creates a reasonable likelihood that blood flow to the head (chokehold) unless deadly force is justified (720 ILCS 5/7-5.5). A member 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 (720 ILCS 5/7-5.5).

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of the Sheriff's Office shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The deputy should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances. To collect data for purposes of training, resource allocation, analysis, and related purposes, the Sheriff's Office may require the completion of additional report forms, as specified in department policy, procedure or law.

[See attachment: Addendum A.pdf](#)

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300.5.1 NOTIFICATION TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.
- (b) The application would lead a reasonable deputy to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) Any application of the TASER device or control device.
- (e) Any application of a restraint device other than handcuffs, shackles or belly chains.
- (f) The individual subjected to the force was rendered unconscious.
- (g) An individual was struck or kicked.
- (h) An individual alleges any of the above has occurred.

300.6 MEDICAL CONSIDERATIONS

Releases prior to booking or release, medical assistance shall be obtained for any person who exhibits signs of physical distress, who has sustained a visible injury, expresses a complaint of injury or continuing pain, or who was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until he/she can be medically assessed.

Based upon the deputy's initial assessment of the nature and extent of the subject's injuries, medical assistance may consist of examination by fire personnel, paramedics, hospital staff or medical staff at the jail. If any such individual refuses medical attention, such refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another deputy and/or medical personnel. If a recording is made of the contact, or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling deputy shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the deputy reasonably believes would be a potential safety or medical risk to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Persons who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium"), or who require a protracted physical encounter with multiple deputies to be brought under control, maybe at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Deputies who reasonably suspect a

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medical emergency should request medical assistance as soon as practicable and have medical personnel stage away if appropriate.

300.7 SUPERVISOR RESPONSIBILITIES

When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved deputies. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the subject upon whom force was applied. If this interview is conducted without the person having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention.
- (d) Once the initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Evaluate the circumstances surrounding the incident. In light of this policy, ensure all reports are completed and identified CODE A and that the Division Lieutenant is notified verbally or via email in a timely manner. If there is a question of non-compliance with policy or the incident generates unusual attention, the Division Lieutenant should be verbally notified as soon as practical.
- (h) In all cases of use of force, supervisors shall file a follow-up report containing their findings, observations, and if they believe that there is a question of policy non-compliance or not and any recommendations that the supervisor may have.
- (i) Use of Force Form (Addendum A) shall be included with the Code A report and shall be completed by each deputy physically involved in the use of force incident as defined in 300.1.1.

[See attachment: Addendum A.pdf](#)

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In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 LIEUTENANT RESPONSIBILITY

The Lieutenant shall review each use of force by any person within his/her command to ensure compliance with this policy and to address any training issues.

The Lieutenant shall ensure that the Chief Deputy and the Chief of Corrections if applicable are aware of any incident involving use of force in a timely manner.

300.8 SHERIFF RESPONSIBILITIES

The Sheriff and/or Chief Deputy will review reports and all relevant information of an incident involving the use of force and will determine if the use of force was reasonable and appropriate or if a corrective measure or action is needed.

300.9 TRAINING

Deputies will receive periodic training on this policy and demonstrate their knowledge and understanding.

Attachments

Addendum A.pdf



DEKALB COUNTY SHERIFF'S OFFICE

USE OF FORCE/RESPONSE TO RESISTANCE REPORT



SUBJECT NAME: _____ DOB: _____ CASE #: _____
 Height: _____ Weight: _____ Race: _____ Build: _____
 Date of Report: _____ Date/Time of Incident: _____ Reporting Deputy: _____

SUBJECT'S ACTIONS (Check all that apply)

- Weapon or object used against deputy
Type of Weapon: _____
- Attempting to disarm deputy
- Life-threatening weaponless assaults
(choking, suffocating, severe beating, etc.)
- Striking or kicking deputy
- Wrestling with deputy
- Shoving deputy
- Pushing or pulling away from deputy
- Spitting on deputy
- Ran away from or avoided deputy
- Not responding to commands; refusing to obey
- Verbally abusive or threats
- Other: (Explain) _____

DEPUTY'S RESPONSES (Check all that apply)

- Deadly force, firearm use
- Deadly force, non-firearm
- Striking structural areas with baton/asp
Area Struck: _____
- Striking motor muscle groups with baton/asp
- Canine deployment Canine bite
- Taser Probes Drive stun
- Direct punches or kicks
- OC spray
- Joint manipulation techniques
- Physical control measures/physical restraint
- Pressure point control
- Hands on for handcuffing/searching only
- Verbal commands or directions given
- Other: (Explain) _____

DEPUTY'S EQUIPMENT USE: (Check all that apply)

- Handcuffs Feet Restrained Spit Hood Used Restraint Chair Any Displayed Weapon: (drawn, but not used)
- Firearm Bean Bags Taser Baton/Asp 40MM OC Spray Other: (Explain) _____

INJURY TO DEPUTY: (Check all that apply)

- No injury
- Reported but not observed
- Apparent injury
- Fatal
- Photos taken of injury
- Worker's Comp Report completed

INJURY TO SUBJECT: (Check all that apply)

- No injury
- Reported but not observed
- Apparent injury
- Fatal
- Photos taken of injury
- Describe injury or complaint: _____

REMEDIES TO SUBJECT: (Check all that apply)

- Water treatment for OC spray
- Medical attention offered but declined
- Deputy provided first aid
- Subject seen by ambulance/EMS
- EMS transport required for psych evaluation
- Subject transported to hospital
- Subject declined: Treatment Transport

OTHER FACTOR: (Check all that apply)

- Subject intoxicated
- Subject drug influence
- Subject had weapon available
- Subject known to resist
- Subject made suicidal threats or actions
- Subject had significant size/weight advantage

Use of force must also be documented in narrative form in the case report

DEPUTY SIGNATURE: _____

SUPERVISOR INITIAL: _____

Attach this form to case report

REVIEWED BY: _____