

**ILLINOIS LAW ENFORCEMENT
TRAINING AND STANDARDS
BOARD**

Evaluation of Guidelines for
Use of Force Training



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FOREWORD

The following Evaluation Guidelines for Use of Force Training ("Guidelines") are the culmination of over six years of work completed by the Use of Force Advisory Committee ("the Committee") of the Illinois Law Enforcement Training and Standards Board ("the Training Board"). The Committee's charge was to establish uniform standards and guidelines that set forth curriculum and testing modes that address use of force alternatives which are reasonable, necessary and within social, moral, ethical and legal expectations.

After reviewing all the major use of force continuums and models commonly used in Illinois and throughout the United States, the Committee developed the following Guidelines that all use of force programs certified by the Training Board must meet. The Guidelines were developed in such a manner that they can be used as an overlay to determine if existing or proposed use of force models, training aids, and training programs meet the standards established by the Training Board.

PREFACE

The need for comprehensive training programs for peace officers in the appropriate use of force is a matter of common sense and good management practice. Not surprisingly, the United States Supreme Court in City of Canton v. Harris, 489 U.S. 378 (1989), noted that a municipality which fails to train its officers in those essential functions of their jobs may be held liable for subsequent acts of misconduct by employees violating constitutionally protected rights of citizens. Police administrators universally agree that inappropriate use of force by peace officers can drive a wedge between peace officers and the communities they serve. History has recorded how incidents of misconduct in the application of force can spark widespread civil unrest.

Assessing the appropriateness of use of force and the parameters of a use of force training program necessitates a careful examination of state and federal legal requirements. The Use of Force by Peace Officers Making Arrests in Illinois is governed by the provisions of the Fourth Amendment to the U.S. Constitution, Article 1, Section 6 of the Illinois Constitution and the provisions of 720 ILCS 5/7-5 (1996).

Mindful of the importance of training in the appropriate use of force, and guided by state and federal legal requirements concerning use of force, the Training Board has developed the following Guidelines. The Guidelines are not designed as a state mandated training program or required force policy. Rather, they provide standards for evaluating existing or future training programs which a jurisdiction may seek to have certified by the Board prior to implementation.

PURPOSE

The following Guidelines are to be used by trainers in use of force to ensure their proposed training will meet the standards established by the Training Board. These Guidelines are to be used by the Training Board's Curriculum and School Standards Advisory Committee in making recommendations for certification of use of force training programs. While it is expected that Mobile Training Units, academies, and law enforcement agencies will choose to use various use of force training models with differing numbers of levels of force, they must ensure that their model and instruction comply with the standards established in the following Guidelines. These Guidelines are not intended to be used as a tool to assess the appropriateness of the use of force by a peace officer in any given circumstance.

The Guidelines were developed based upon the legal propriety of peace officers use of force in performing their duties under varying conditions. The Training Board will not certify any use of force training to be conducted under the auspices of the Training Board unless said training meets these established Guidelines. The Training Board also encourages law enforcement agencies to utilize the use of force guidelines when providing general use of force training.

PRINCIPLES

The Training Board recognizes that a jurisdiction may, for policy reasons, have use of force policies with more restrictive application of force than those outlined in these Guidelines. Of course, training in those jurisdictions consequently will be more restrictive than permitted by these Guidelines. The Guidelines are designed to set the parameters for evaluation of a use of force training program. Training programs failing to meet the parameters will not be approved for certification by the Training Board.

The Training Board has, through these Guidelines, made reference to some items of routinely used police equipment. By issuing Guidelines that reference commonly used items of policing equipment such as chemical agents, impact weapons, and firearms, the Training Board is not making any comment on the need to equip any peace officer with such instrumentalities. The Training Board has sought to address in these Guidelines the appropriate use of some of the more common items of equipment. Decisions as to how to equip peace officers are reserved to their respective jurisdictions.

Further, no specific training guideline is provided with regard to the required use of restraining devices. Jurisdictions throughout Illinois have varying policies on the employment of restraint devices such as handcuffs.

One final note concerns the application of these Guidelines in review of any individual training program. A simple mechanical application of these Guidelines in assessing any training program would be futile if it is divorced from the federal and state legal imperatives upon which they are based. Critical to any assessment of use of force training is the fact that application of force must be evaluated in the context of the totality of the circumstances by an objectively reasonable peace officer. Any approved program must address these important legal considerations which provide a context for application of the Guidelines. Accordingly, the following categories should always be presented against the backdrop of legal elements and parameters that establish the reasonableness of force used.

USE OF FORCE GUIDELINES

INJURY RISK POTENTIAL OF VARIOUS RESISTANCE LEVELS AND CONTROL OPTIONS

COOPERATIVE PERSON:

Is a person who is, or can be developed into, a cooperative individual.

INJURY POTENTIAL TO AN OFFICER(S):

Little or no injury potential to the officer exists if the person(s) remains cooperative.

CONTROL TACTICS / OFFICER(S) RESPONSE:

- Officer Presence
- Verbal Control
- Restraint Devices

INJURY POTENTIAL TO A PERSON(S):

Injury potential exists in every arrest; however, little injury potential is present to the person if he/she remains cooperative. Restraining device injury includes:

- Abrasions/Scratches
- Minor Bruising

PASSIVE RESISTER:

Is a person who exhibits no resistive movement in response to verbal and other direction. (A Passive Resister may merit an Active Resister response when presenting a credible threat to the officer or resister through: an agitated demeanor, verbal threats or words signifying an intent or ability to use violence or resistance).

INJURY POTENTIAL TO AN OFFICER(S) AND/OR OTHERS:

The potential to create injury by a passive resister is mainly attributed to the resister having to be lifted or moved around by the officer. The officer may experience any of the following:

- Muscular Injury
- Joint Injury
- Ligament Injury
- Abrasions/Scratches

CONTROL TACTICS I OFFICER(S) RESPONSE:

The control tactics that are utilized upon a passive resister include:

- Joint Manipulations
- Pressure sensitive area techniques
- Other appropriate compliance techniques
- Chemical Agents*

INJURY POTENTIAL TO A RESISTER(S):

While the possibility of soft tissue damage does exist, it is remote. Injuries could include:

- Muscular Injury
- Joint Injury
- Ligament Injury
- Abrasions/Scratches

*Case law on the use of chemical agents including O.C. is not well developed in Illinois. In the available decisions, certain courts have expressed concerns about the use of chemical agents against a passive resister should be reviewed by the trier of fact based on the totality of the circumstances (see e.g., Lamb v. City of Decatur, 947 F. Supp. 1261 (C.D. Ill. 1996)).

ACTIVE RESISTER:

A person who exhibits resistive movement to avoid physical control, or as a Passive Resister presents a credible threat to the officer through: an agitated demeanor, verbal threats or words signifying an intent or ability to use violence or resistance.

INJURY POTENTIAL TO AN OFFICER(S) AND/OR OTHERS:

The potential to create injury by an actively resistant subject is greatly increased. This is due to the nature of the person's actions, which are in affect attempts to avoid control. This could be attempted by mere muscular tension or actual movement (slight evasive movement of the arm, flailing or full flight).

An active resister could create the same types of injuries as a passive resister. However, the likelihood of injury is greatly increased, due to the dynamic movement involved:

- Muscular Injury
- Joint Injury
- Ligament Injury
- Abrasions/Scratches
- Lacerations

CONTROL TACTICS / OFFICER(S) RESPONSE:

The control tactics that are utilized when encountering an active resister; include:

- Stunning techniques (with or without control instruments)
- Take-Downs
- Chemical Agents
- Control Instrument Techniques
- Canine Deployment
- Electro-Muscular Disruption Device *

INJURY POTENTIAL TO A RESISTER(S):

The extent of injuries that could possibly result from the application of these techniques is similar to the injuries possible at the passive resister level. The likelihood of injuries is increased because of the dynamic nature of the techniques incorporated.

These injuries could include:

- Muscular Injury
- Joint Injury
- Ligament Injury
- Abrasions/Scratches
- Lacerations
- Effects of Chemical Agents
- Some potential for serious bodily injury if Resister under influence of alcohol/drugs or compounded by mental illness while exhibiting "excited delirium."

Special attention and aftercare should be given to Resisters after the deployment of Electro-Muscular Disruption Devices.*

*See "Guidelines for Policy Development for Deployment of Electro-Muscular Disruption Devices."

AGGRESSIVE/ASSAILANT:

A person that performs physical actions, without weapons that are aggressive and he or she demonstrates behavior that is likely to cause physical injury.

INJURY POTENTIAL TO AN OFFICER(S) AND/OR OTHERS:

The potential for the person to cause injury is very likely at this level of resistance. Proximity of the person to the officer and the person's highly agitated or combative state are contributing factors to the increased potential for injury to all parties involved. As a result of striking or wrestling with the officer, injury could result. The resulting injuries could include:

- Lacerations
- Minor Broken Bones
- Chipped Teeth
- Connective Tissue Damage
- Bruising

CONTROL TACTICS/OFFICER(S) RESPONSE:

The control tactics that are utilized by the officer in this type of situation are techniques such as:

- Punches, kicks and other striking techniques
- Impact Tools
- Take-Downs directed at the skeletal structure of the body
- Non-Lethal weapons

INJURY POTENTIAL TO AN ASSAILANT(S):

The resulting injuries could include:

- Lacerations
- Minor Broken Bones
- Chipped Teeth
- Connective Tissue Damage
- Bruising

DEADLY FORCE ASSAILANT:

A person whose actions will probably cause death or great bodily harm.

INJURY POTENTIAL TO AN OFFICER(S) AND/OR OTHERS:

Resistance of this type has the likelihood of creating the most severe injuries of all resistance categories. The resulting injuries could include:

- Death
- Great Bodily Harm (e.g., major broken bones, large gaping wounds, loss of organs or injuries likely to cause death or permanent disabilities)

CONTROL TACTICS/OFFICER(S) RESPONSE:

The police officer's response to this type of attack or resistance is the use of deadly force. This could include:

- Firearms
- Other measures which could result in death or great bodily harm.

INJURY POTENTIAL TO AN ASSAILANT(S):

The resulting injuries could include:

- Death
- Great Bodily Harm (e.g., major broken bones, large gaping wounds, loss of organs or injuries likely to cause death or permanent disabilities)

LEGAL CONSIDERATIONS FOR USE OF FORCE TRAINING

Any approved use of force program must address these important legal considerations which provide a context for application of the guidelines. Accordingly, the following categorized levels should always be presented against the backdrop of legal elements and parameters that establish the reasonableness of force used.

I. GOVERNING FEDERAL AND STATE LAW

A. FEDERAL REQUIREMENTS

1. Fourth Amendment for seizure (arrest) situations
2. Fourteenth Amendment Due Process Clause for pretrial detention situations

B. STATE REQUIREMENTS

1. Article I, Section 6 (III. Constitution for Seizure (Arrest) situations)
2. Force in effecting arrest - 720 ILCS5/7-5 (1996)
3. Force in preventing escape - 720 ILCS 5/79 (1996)

II. APPLICABLE LEGAL STANDARD

A. SEIZURE

1. Arrest by use of non-deadly force

Objective reasonableness viewing totality of the circumstances.
See Graham v. Connor, 490 U.S. 385, 395 (1989)

2. Arrest by use of deadly force

Same objective reasonableness standard as above except that the Supreme Court has provided specific guidance that deadly force may only be used where "the suspect poses a threat of serious physical harm, either to the officer or to others..." Tennessee v. Garner, 471 U.S. 1, 11 (1985).

3. Use of Force against Pretrial Detainees

The use of force against pretrial detainees is governed by the standard of "deliberate indifference". Bell v. Wolfish, 441 U.S. 520, 99 S. Ct. 1861, 1864 (1979). See also Graham 490 U.S. at 395 N. 10.