



Subject: Use of Force
General Order: 15-35R
Section Code: A-6

Issued: May 26, 2015
Effective Date: May 26, 2015
Termination Date:

Rescinds:

Reference CALEA Standards:

Amended Date: June 9, 2020

This order supersedes all previous written and unwritten guidelines and policies of the Mundelein Police Department on the above written topics.

TO: All Personnel

PURPOSE: The purpose of this policy is to provide Mundelein police officers with guidelines on the use of deadly and non-deadly force.

POLICY: The Mundelein Police Department recognizes and respects the value and special integrity of each human life. In vesting peace officers with the lawful authority to use force to protect the public welfare, a careful balancing of all human interests is required. Therefore, it is the policy of this department that peace officers shall use only that force that is both lawful and reasonable necessary to effectively bring an incident under control, while protecting the lives of the officer or another. All officers will act in good faith in the exercise of force. The officers' options can range from a continuum of verbal persuasion to deadly force.

- I. Definitions
 - A. Deadly force: any use of force that is likely to cause death or serious 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.

This shall include, but is not limited to, those acts specifically enumerated in 720 ILCS 5/7-8 of the Illinois Compiled Statutes.
 - 1. 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.
 - 2. The firing of a firearm at a vehicle in which the person to be arrested is riding.
 - B. Forcible felony: 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 of threat or violence against and individual. (720 ILCS 5/2-8)
 - C. Less than lethal force / non-deadly force: a concept of planning and force application, which meets operational objectives, with less potential for causing death or serious physical injury than conventional police tactics/equipment. Any use of force other than that which is considered deadly force. Less than lethal options include physical control (empty hand) techniques, compliance holds, leverage, takedowns, swarm, oleoresin capsicum (OC spray), impact weapons (ASP, flashlight,

bean bag round, etc.), stinger spike systems and use of an electronic control device (ECD).

- D. Great bodily harm / serious bodily harm: serious physical injury that creates a substantial risk of death, causes serious permanent disfigurement, or results in long-term loss of impairment of the function of any bodily member or organ.
- E. Reasonable belief: what an ordinary and prudent person in the same or similar circumstances would believe based upon their skills and training and knowledge of the facts surrounding the event as they existed at the time of the event.
- F. Immediate / imminent threat: a threat not separated in space or time that is directly or closely related. A threat that is likely to occur soon (Webster's New World Dictionary).
- G. Serious threat: a threat that creates a substantial risk of death or serious permanent disfigurement and/or could result in long-term loss or impairment of the function of any bodily member or organ.
- H. Chokehold: 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.

II. Procedures

A. Parameters for use of deadly force

- 1. Mundelein officers are authorized to use force.
 - a. It is inherent with the profession of law enforcement that a police officers will find the use of reasonable levels of force may be required in direct response to levels of resistance offered by an offender. Mundelein officers are authorized to utilize levels of force, up to and including deadly force if it is determined to be reasonable and necessary to affect lawful objectives, affect an arrest or to control a person.
 - b. The intentional punching, striking or grabbing of the throat (trachea), or blocking or restricting the carotid neck arteries (carotid chokehold), are unauthorized weaponless force techniques that result in the restriction of respiration or loss of blood flow to the brain. These techniques create a substantial likelihood of death or great bodily harm, and are therefore considered deadly force and shall be used only when the use of deadly force is justified.
- 2. Mundelein police officers are authorized to fire their weapons.
 - a. Mundelein police officers are authorized to fire their weapons in order to protect themselves or others from what is reasonably believed to be an immediate threat of death or serious bodily harm or to prevent the escape of a fleeing felon whom the officer has

- probable cause to believe will pose a significant threat to human life should their escape occur.
- b. Mundelein police officers may also discharge a weapon during range qualification or for recreational sporting events, to destroy an animal that represents a threat to public safety or as a humanitarian measure where the animal is seriously injured.
 - c. Except for maintenance or during training, Mundelein police officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon in conformance with this policy. Drawing and display of a firearm is authorized only if reasonably appropriate for officer safety in a potentially life-threatening circumstance. Even though the danger is not at the stage of firing the weapon in response to an imminent threat of death or serious physical harm, the threatened officer may point the firearm at the suspect. Officers should holster a firearm before attempting to handcuff or frisk a suspect.
3. Warning shots are prohibited.
 - a. The exception would be when the officer reasonably believes the warning shot will reduce the possibility that deadly force will have to be used directly against a violator and the warning shot can be made without substantial risk to other persons. This does not prohibit officers from using controlled suppressive fire in situations where it is deemed a tactical necessity to affect the rescue of innocent bystanders or officers. In these incidents, officers will exercise all due caution to avoid the possibility of death or injury to innocent persons.
 4. Officers shall not fire their weapons from or at a moving vehicle.
 - a. The exception would be the vehicle is creating a substantial and imminent threat of death or serious bodily injury to the public because of the vehicle's size, speed, high traffic density at that time and location and the danger to the public from shooting the moving vehicle clearly outweighs the danger to the public from not stopping the vehicle as soon as possible.
 5. Officers should not shoot at a suspect if innocent persons are known to be very near the suspect.
 - a. Officers should not shoot at a suspect if innocent persons are known to be very near the suspect or are known to be within the immediate field of fire, unless the threat of death or serious physical injury to the officer or others is presented in a sudden emergency requiring instant response.
 6. An officer's decision not to shoot.
 - a. Where safety considerations indicate a significant risk to an innocent public, the decision not to shoot will not be questioned

unless a reasonably competent officer would have refrained from shooting in a similar life-threatening emergency.

B. Parameters for use of non-deadly / less lethal force

Officers are authorized to use department approved non-deadly force techniques and issued equipment for resolution of incidents to protect themselves or another from physical harm; or to restrain or subdue a combative individual; or to bring an unlawful situation effectively under control.

1. Less lethal force/ impact projectiles - (bean bag rounds): officer may utilize impact projectiles against combative, armed and/or violent subjects that create handling and control problems where the use of these projectiles may assist with the de-escalation of these potentially violent confrontations. Training in the use of extended range kinetic energy impact projectiles, will consist of an approved end user program and annual re-certification as outlined in General Order C-1 (Firearms).
2. Oleoresin Capsicum - OC spray: officers may utilize OC spray to defend themselves from combative, resisting and/or violent individuals, while reducing the risk of inflicting or receiving injury. Officer may utilize OC spray in situations where crowd dispersal is needed in order to gain compliance with lawful orders. Officers will not spray a combative restrained/handcuffed prisoner unless the individual is continuing to resist or presents a threat and when other available means of control have been exhausted or would clearly be ineffective. Training and guidelines of use of OC spray are outlined in General Order C-5 (Oleoresin Capsicum - OC spray).
3. Electronic Control Device (ECD): officers may utilize an ECD in situations as outlined in General Order A-37 (Use of Electronic Control Device) including, but not limited to affecting an arrest, controlling a physically dangerous or violent subject, when a weapon is involved or there is reasonable belief that it is unsafe for officers to approach within physical contact range of the subject. Training and the guidelines of use of the ECD are outlined in General Order A-37 (Use of Electronic Control Device).
4. ASP expandable baton: officers may utilize the department issued ASP to control an aggressive, unarmed suspect or when lesser levels of force would be insufficient in overcoming the resistance provided by a suspect. Officers may utilize the ASP baton to defend themselves against assault by any person or dangerous / vicious animals. Officers should not use the ASP as a club and except in situations where deadly force would otherwise be justified, officers should avoid intentional blows to the head, throat, side of the neck, armpit or chest cavity as these may be lethal or permanently disabling. Officer will receive annual training and certification in the proper use of the ASP baton by a certified instructor.
5. Flashlight: flashlights are not intended or ordinarily to be used as a defensive weapon. However, if an officer is forced to defend himself with a flashlight, it will be used in accordance with the principals of the ASP Baton.

6. Weaponless control techniques: officers are authorized to utilize weaponless control techniques in response to resistance received from suspects. These techniques include, but are not limited to joint locks, pressure point pain techniques, and physical strikes or kicks to major muscles areas to temporarily stun or distract an offender. Officers will attend annual proficiency training in these techniques by a defensive tactics instructor.
 7. Stinger Spike System: the use of Stinger Spike Systems will be done in accordance with directions provided by the manufacturer in their service manual. Deployment of the Stinger Spike System will be done as specified in the General Order P-1 (Pursuit Driving).
 8. Defensive items of last resort: the use of items, which the department does not authorize as weapons, or train in their use as weapons, is prohibited unless circumstances indicate that their use is necessary to prevent death or great bodily harm to an employee or others.
- C. Duty to intervene
1. Any officer, regardless of tenure or rank present and observing another officer using force that is clearly outside what is considered to be objectively reasonable or proportionate under the circumstances shall attempt to safely intervene by verbal and physical means to prevent or mitigate such use of force.
 2. Officers shall promptly report their observations to a supervisor who will begin the use of force review, through the use of force reporting procedures. This review, once completed, shall be forwarded up the chain of command for further review and approval.
 3. An officer, regardless of tenure or rank who fails to intervene shall be subject to discipline to the same level as if they themselves engaged in the prohibited use of force.
- III. Department response
- A. Deadly force incident
1. On-duty watch commander
 - a. The on-duty watch commander shall notify the following personnel as soon as possible so that they can become involved in the actual investigation at the earliest point enabling the clearest possible picture of the incident:
 - Chief of Police
 - Operations supervisor
 - Support services supervisor
 - States Attorney
 - The Lake County Major Crimes Task Force and / or Illinois State Police Integrity Unit
 - Police chaplain or other clergy person

- b. The on-duty watch commander will ensure that the officer involved in the use-of-deadly-force incident is removed from the scene as soon as possible and that they are provided medical attention, regardless of any visible injuries. Officers are not to be left alone except as directed by the Chief of Police.
- c. The watch commander will ensure that the instrument used, including any firearm, ammunition or other related duty equipment are secured as evidence in the same condition as they were immediately following the incident. This should be done at a location away from the incident or later at the police department. Should an officer's weapon be taken as evidence, the officer will be issued another weapon before leaving the department if they desire.
- d. Each officer involved who discharged their firearm, causing injury or death to a person or persons, during the performance of their official duties or in the line of duty, must submit to drug and alcohol testing. The testing must be completed as soon as practicable after the officer-involved shooting, but no later than the end of the involved officer's tour of duty. (50 ILCS 727/1-25)
- e. Instruct and question the officer employing deadly force according to the "Supervisor's Public Safety Questions on Scene of a Deadly Force Incident (Addendum A) protocol. Unless the supervisor determines clarification of an officer's response to the public safety questions is necessary, the supervisor will not ask the officer additional questions.

2. Chief of Police

- a. The Chief of Police shall ensure that both the administrative and criminal investigation of the incident are conducted. An independent investigative unit (i.e., Lake County Major Crimes Task Force, Illinois State Police, etc.) will conduct the criminal investigation to ensure impartiality and the integrity of the investigation.

3. News releases

- a. Press releases and interviews are to be released from the Office of the Chief of Police only, unless he has delegated the responsibility for such duties to another officer. No other police officer may make statements to the media.
- b. Discussion of the details and circumstances regarding the case outside of the department or outside of police personnel is strictly prohibited.

4. Administrative leave

- a. Where an employee's use of force or actions related to the performance of their duty causes death or serious physical injury, the employee shall be placed on administrative leave pending the outcome of the investigation and until it is determined by a mental health professional that the employee is ready to return to duty.

5. Investigative reports and statements
 - a. Officers involved in deadly force situations resulting in the death of another shall be accorded all protection provided by Illinois law and the "Police Officers Bill of Rights." An officer involved in a deadly force incident will prepare and submit the necessary investigative reports detailing the incident as soon as practical after the occurrence but not prior to the officer having gone through a minimum of at least one sleep cycle. This will allow the officer time to rest mentally and physically and recall the incidents properly. It is understood that officers may need to relate public safety information such as descriptions of offenders, locations, weapons, continuing threat and crime scene matters prior to this occurring.
 - b. Officers so involved will be permitted the opportunity to consult with an attorney prior to the preparation of written reports. During any interview of a police officer involved in a deadly force incident the officer shall be allowed to have his/her attorney present.

B. Administrative review of critical incidents

1. All reported uses of force will be reviewed by the Chief of Police or his designee as indicated in section VII of this order. This will be done to determine whether departmental rules, policy or procedures were violated; the relevant policy was clearly understandable and effective to cover the situation; department training is currently adequate.
2. All policy violations or training inadequacies shall be reported to the Chief of Police for resolution.
3. It shall be mandatory for all officers to undergo counseling when involved in shooting incidents or accidents in which death or life-threatening injuries occur. Counseling will be from an individual of mutual agreement at no cost to the officer. Arrangements and/or requests for counseling or follow-up care in this regard are to be strictly confidential and are to be arranged directly through the Office of the Chief of Police.
4. Every effort should be made to ensure that officers involved in such incidents are offered counseling or other such services as quickly as possible in an effort to reduce the personal and family stress, which often follows such a traumatic event. Counseling will be provided in all cases involving the use of deadly force as follows:
 - a. On scene and/or at the medical facility as soon as possible.
 - b. Two (2) week follow-up.
 - c. Six (6) month follow-up.
 - d. One (1) year follow-up.
 - e. Other counseling as may be required by the employee or directed by the Chief of Police.

The purpose of voluntary and / or mandatory counseling is to assist all police officers. Such counseling shall not be utilized as a method of

discipline or discharge. The results shall remain confidential between the officer and his / her treating physician.

IV. Training

A. Deadly weapons

1. While on and off duty, Mundelein police officers shall carry only weapons and ammunition authorized by the department. Authorized weapons are those with which the officer has qualified and received departmental training on proper and safe usage. The Mundelein Police Department shall schedule regular training and qualification sessions for duty and off-duty weapons, which will be documented in accordance with the guidelines in General Order C-1 (Firearms).
2. All officers shall be issued copies of, and training on, this policy, before being authorized to carry a weapon. The receipt of policy and curriculum delivery shall be documented.

B. Non-deadly force weapons

1. Mundelein police officers are not permitted to use a non-deadly weapon unless trained in its proficient use as determined by the Mundelein Police Department. Non-deadly weapons authorized for use by Mundelein police officers are:
 - Issued pepper sprays
 - Issued ASP
 - Issued ECD
 - Issued Flashlight
 - Issued impact projectiles (bean bag round)

V. Medical aid after use of weapons

- A. After any application of force, if the officer observes injury or the suspect complains of injuries, the officer shall immediately obtain medical assistance for the suspect and notify the on duty watch commander.
- B. If the injury sustained by the subject requires treatment at a medical facility, the arresting officer or an officer designated by the watch commander shall accompany the ambulance to the facility and stand by until the subject is released from treatment.
- C. If the subject requires hospitalization, the officer shall immediately contact the on duty watch commander. It will be the responsibility of the watch commander to make the necessary notifications and arrangements for the security of the subject until they are released from treatment.

VI. Documentation

The Mundelein Police Department will document all incidents where force was used while in the performance of their duties, even if no arrest is made. All instances where an individual alleges to have been injured but shows no apparent sign of injury will also be documented. This will be done by:

- A. Filling out the Custody / Arrest Checklist (Addendum B) and forwarding it along with the arrest report to records. This information will be compiled monthly with a report being made to the Chief of Police. The Custody / Arrest Checklist will not become a permanent part of the arrest report.
- B. Filling out the computerized Use of Force incident details and forwarding it to the on duty watch commander for initial review of the incident and compliance with policy. Once completed, this information will be forwarded along with a copy of the incident report to the operations supervisor.

Any complaints of excessive or unnecessary uses of force shall be investigated by the on duty watch commander in accordance with established procedures outlined in General Order A-26 (Internal Affairs).

VII. Annual analysis

- A. The Mundelein Police Department will conduct an annual analysis of all Use of Force incidents. This analysis may reveal patterns or trends that could indicate training needs and / or modifications to the General Order(s).
- B. The operations division supervisor will be responsible for completing the analysis, which will encompass all Use of Force incidents filed in the previous calendar year (January 1 through December 31). This annual analysis will then be forwarded to the Chief of Police.

BY ORDER OF:



Eric J. Guenther
Chief of Police
Village of Mundelein

SUPERVISOR'S PUBLIC SAFETY QUESTIONS ON SCENE OF A DEADLY FORCE INCIDENT

Officer, we are required by policy to complete a public safety statement. Due to the immediate need to take action, you do not have the right to wait for legal or union representation before answering these limited questions.

1. Are you injured?
2. If you know of anyone who was injured, what is his or her location?
3. In what direction did you fire your weapon(s)?
4. If any suspects are at large, what are their descriptions?
5. What was their direction of travel?
6. How long ago did they flee?
7. For what crimes are they wanted?
8. With what weapons are they armed?
9. Does any evidence need to be preserved?
10. Where is it located?
11. Did you observe any witness(es)?
12. Where are they?

Officer, in order to preserve the integrity of your statement, I order you not to discuss this incident with anyone, including other supervisors or staff officers. You are directed to speak to your legal representative prior to making any further statements regarding this incident.

