



ROCKFORD POLICE DEPARTMENT

GENERAL ORDER

NUMBER: 1.06

TITLE: RESPONSE TO RESISTANCE

SERIES NUMBER: 1 - ADM

SERIES TITLE: ADMINISTRATION

TOPICS / REFERENCE: DEADLY FORCE, USE OF GUN, USE OF FIREARM, USE OF LESS DEADLY FORCE, INVESTIGATION OF DEADLY FORCE INCIDENTS

APPENDICES: A

ORIGINAL EFFECTIVE / ISSUE DATE: AUGUST 02, 2006

DATE OF LAST REVISION: APRIL 17, 2017

THIS ORDER REMAINS IN EFFECT UNTIL REVISED OR RESCINDED

POLICY:

The Rockford Police Department recognizes the value of human life and is committed to respecting human rights and the dignity of every individual. This policy prohibits personnel from using unreasonable force. This policy requires personnel to intervene in situations where they reasonably believe, based on the totality of the circumstances, that other personnel are subjecting a person to unreasonable force.

Personnel who use unreasonable force are subject to discipline for violating Departmental policy. Federal and state laws also provide for civil liability and possible criminal sanctions against personnel who use unreasonable force.

PURPOSE:

The purpose of this order is to set forth the Rockford Police Department's policy and procedures for Departmental personnel's response to resistance.

These guidelines are not meant to be all-inclusive, since each incident must be dealt with on an individual basis, but are intended as broad guidelines to assist the employees and supervisors involved.

This Order is comprised of the following numbered section:

- I. DEFINITIONS AND TERMINOLOGY**
- II. FORCE OPTIONS**
- III. PROVIDING MEDICAL TREATMENT**
- IV. DESTRUCTION OF ANIMALS**

APPENDICES:

A. USE OF FORCE DOCUMENTATION GUIDE

I. DEFINITIONS AND TERMINOLOGY:

- A. Deadly Force:** That force which can reasonably be expected to cause death or great bodily harm.
- B. Officer:** Members of the Department who are dedicated by oath to the law enforcement profession and who possess the power of arrest.
- C. Firearm discharges:** The act of discharging a firearm loaded with lethal ammunition. Firearm discharges are classified as:
1. **Lethal:** An intentional firearm discharge at a person, regardless of injury.
 2. **Discharge at an animal:** A firearm discharge for the purpose of dispatching an injured or vicious animal.
 3. **Unintentional:** A firearm discharge that occurred as a result of an unintentional trigger pull or other unexpected external cause.
 4. **Other firearm discharge:** No use of force investigation is required for any of the following:
 - a. An intentional discharge while at a range facility
 - b. A discharge while engaged in a lawful recreational activity such as hunting or target practice
 - c. A discharge at an object (e.g. street light, alarm box, door lock, or vehicle tire) to accomplish a tactical police purpose that does not result in injury.
 5. **Warning Shots:** Under no circumstances are warning shots permissible.
- D. Impact Weapons:** Any object that is used or designed to be used to apply force to an individual by coming into physical contact with that individual. Hand held impact weapons include the wooden baton, the expandable baton and may include impromptu weapons.
- E. Imminent Threat:** Imminent threat refers to an impending threat or resistance that an officer reasonably believes will occur, based on the totality of circumstances. Imminent is not limited to immediate or instantaneous. A person may pose an imminent threat even if that person is not pointing a weapon at the officer. A person is an imminent threat if the person is reasonably perceived by an officer to have the present means, intent, opportunity, and ability to complete the threat, regardless of whether the threatened action has been initiated.
1. **Intent:** The subject's apparent desire, which can be indicated by words, body language, or actions.

2. **Means:** The instrument, mechanical or physical, that may be used to cause injury.
 3. **Opportunity:** The time and/or place which allows the subject to use the means to cause injury.
 4. **Ability:** The subject has the capability to carry out the action or threat.
- F. Less-lethal force:** Any use of force, other than deadly force, which by design and application is less likely to cause great bodily harm or death. However, the possibility of an unintended lethal outcome, although rare, exists. Less-lethal force includes the application of chemical munitions, baton (wood or expandable), Taser Conducted Electrical Weapon (CEW), or extended range impact weapons (ERIW).
- G. Lethal Ammunition:** Ammunition that is, by design and application, intended to cause great bodily harm or death.
- H. Medical Treatment:**
1. **First aid:** First aid refers to medical attention that is usually administered immediately after the injury occurs and at the location where it occurred. It often consists of a one-time, short-term treatment. First aid can include cleaning minor cuts, scrapes, or scratches, treating a minor burn, applying bandages and dressings, removing debris from the eyes, drinking fluids to relieve heat stress, or providing an ice pack. First aid may be administered by Rockford Police Department personnel or a medical professional.
 2. **Emergency Medical Treatment:** Any treatment beyond first-aid, including Cardio-Pulmonary Resuscitation (CPR) and rescue breathing, administered by Rockford Police Department personnel or a medical professional including the following: physicians, physician assistants, nurses (RN), paramedics, emergency medical technicians (EMT), Fire Department personnel; and
 3. **Inpatient Care:** Managed care services delivered to a patient who needs physician care for more than 24 hours in a hospital.
- I. Reasonable Belief:** Facts, circumstances or knowledge present to the officer sufficient to justify a thought or feeling.
- J. Reasonable Force:** Force that is objectively reasonable based upon the totality of the circumstances. The standard used to determine objectively reasonable force is articulated in the United States Supreme Court decision, [Graham v. Connor, 490 U.S. 386 \(1989\)](#). The Graham decision holds that the reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, without regard to the officer's underlying intent or motivation. The determination of reasonableness must be based on the totality of circumstances and must include a consideration that police officers are often forced to make split second decisions in circumstances which are tense, uncertain, and rapidly evolving. The determination of reasonableness is not based on the 20/20 vision of hindsight. Personnel are not required to use the least assertive

option and shall consider the following criteria when determining which level of force to use:

1. The officer's legal justification for stopping the suspect;
2. The severity of the crime known to the officer at the time force was used;
3. Whether the subject was an immediate threat to the officers or others;
4. How the subject was actively resisting arrest; and
5. How the subject was attempting to evade arrest by flight.

K. Serious Bodily Injury:

1. A serious impairment of physical condition, such as:
 - a. Loss of consciousness;
 - b. Concussion;
 - c. Bone fracture;
 - d. Protracted loss, impairment, serious disfigurement, or function of any bodily member or organ (includes paralysis); or
 - e. Wound requiring extensive suturing.

L. Specialty Impact Munitions:

1. Intermediate or long range less-lethal force options which may be hand delivered or propelled from specialized launching devices or firearms, which by design and application are intended to immobilize, incapacitate, or stun a human which is less likely to cause great bodily harm or death.

M. Subject:

1. The singular term "subject" is used, but it is understood that "subject" can refer to a single person, multiple individuals, or a crowd.

N. Third Party:

1. The singular term "third party" may refer to person involved other than the officer or subject.

O. Use of Force:

1. Any physical or mechanical intervention used by an officer to defend, control, overpower, restrain, or overcome the resistance of an individual ([See Use of Force Documentation Guide](#)).

P. Verbal Persuasion:

1. A technique to control a subject's action or behavior with words.

Q. Violent Felony:

1. Any felony which involves:
 - a. Use of deadly force;

- b. Force which creates a substantial risk or death of great bodily harm; or
- c. The threatened use of deadly force coupled with the apparent ability to complete the threat.

R. Weaponless Defense Techniques:

- 1. A series of techniques an officer performs using movement and strength to defend against or control a resisting subject.

II. FORCE OPTIONS:

A. Personnel will use reasonable force when force is used to accomplish lawful objectives. Consistent with law, this policy requires that the force option used is reasonably objective and not that the least assertive option be used. What is objectively reasonable under the totality of the circumstances of each case determines the appropriate force option. Personnel shall de-escalate force to a lesser level when the officer reasonably believes the lesser level of force becomes appropriate:

- 1. **Deadly force:** Officers may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's own life, or in defense of any person in imminent danger of serious physical injury. Definitions of conditional terms, such as those for reasonable belief, serious bodily injury, or similarly used terms that are used to qualify the directive, shall be included:
 - a. Firearm Discharges.
- 2. **Less-lethal force (includes but is not limited to):**
 - a. Police Patrol Canine;
 - b. **Impact Weapons (other than intentional strike to the head):**
 - i. Wooden baton;
 - ii. Expandable baton;
 - iii. Specialty impact munitions; and
 - iv. Any other object used as an impact weapon.
 - c. Taser;
 - d. **Weaponless Defense Techniques (includes but not limited to):**
 - i. **Personal Weapons:**
 - A.** Hand/palm/elbow strikes;
 - B.** Kicks;
 - ii. **Take-downs:**
 - A.** Arm-bar takedown;
 - B.** Modified arm-bar takedown.
 - iii. **Control holds:**

- A.** Escort position;
 - B.** Wrist lock;
 - C.** Shoulder pin;
 - D.** Scarf hold.
- e.** Chemical Munitions: either deployed by hand or launched via a specialty weapon:
 - i.** Oleoresin Capsicum or other chemical agent.
- f.** Other:
 - i.** Intentionally pointing a firearm at a person;
 - ii.** Handcuffing;
 - iii.** Verbal persuasion; and
 - iv.** Officer presence.

III. PROVIDING MEDICAL TREATMENT:

- A.** Officers shall ensure that when necessary, or upon complaint of injury, medical aid is provided and/or professional medical assistance is summoned as soon as practical for any subject upon whom force has been used.

IV. DESTRUCTION OF ANIMALS:

- A.** While not in the category of deadly force against a person, an officer shall be authorized to discharge his firearm as necessary to kill a dangerous animal if the animal posed a threat to the officer or to others and there is no other practical way to eliminate or avoid the threat, or as a humanitarian measure when the animal is seriously injured. A supervisor will be summoned to the scene to assess the use of force. A general case report will detail all facts and circumstances of the shooting of the animal. A Level 4 Blue Team report will be completed by the officer that discharged his/her weapon.

ALL GENERAL ORDERS REMAIN IN EFFECT UNTIL REVISED OR RESCINDED.

ANY MEMBER OF THE DEPARTMENT MAY, BY VIRTUE OF EXPERTISE OR POSITION OF FUNCTION, BE DESIGNATED TO AUTHOR OR PROVIDE SOURCE MATERIAL FOR A WRITTEN DIRECTIVE. THE OVERALL AUTHORITY TO ISSUE, MODIFY OR APPROVE WRITTEN DIRECTIVES IS DESIGNATED TO THE CHIEF OF POLICE. HOWEVER, AUTHORITY AND RESPONSIBILITY TO ISSUE DIRECTIVES IS DELEGATED TO THE FOLLOWING.

ALL GENERAL ORDERS ARE SCHEDULED TO BE REVIEWED ANNUALLY BY THE GENERAL ORDER REVIEW COMMITTEE AND WHEN NECESSARY, REVISED OR

CANCELED IN ACCORDANCE WITH THE PROCEDURES FOR REVIEWING WRITTEN DIRECTIVES ESTABLISHED IN GENERAL ORDER 1.10 – WRITTEN DIRECTIVES.

ALL NEW AND REVISED GENERAL ORDERS SHALL BE APPROVED BY THE CHIEF OF POLICE BEFORE ISSUE/REISSUE.

ANY EMPLOYEE WITH SUGGESTIONS FOR REVISIONS AND/OR IMPROVEMENTS TO THIS ORDER ARE ENCOURAGED TO SUBMIT THEIR IDEAS TO THEIR RESPECTIVE DISTRICT COMMANDER OR BUREAU CHIEF.

BY ORDER OF

04/18/2017

Daniel G. O'Shea

Chief of Police