



# ROCKFORD POLICE DEPARTMENT

## GENERAL ORDER

**NUMBER:** 1.09

**TITLE:** Response to Resistance

**SERIES NUMBER:** 1

**SERIES TITLE / SUBJECT:** Law Enforcement Role, Responsibilities and Relationship

**TOPICS/ REFERENCE:** Deadly Force, Use of Gun, Use of Firearm, Use of Less Deadly force, Investigation of Deadly Force Incidents

**APPENDICIES:** None

**ORIGINAL EFFECTIVE / ISSUE DATE:** August 2, 2006

**DATE OF LAST REVISION:** November 4, 2013

**THIS ORDER REMAINS IN EFFECT UNTIL REVISED OR RECINDED**

**CALEA STANDARDS:** 1.3.1 - 1.3.2 - 1.3.3 - 1.3.4 - 1.3.5 - 1.3.6 - 1.3.7 - 1.3.8 - 1.3.13

**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.

This General Order is comprised of the following numbered sections:

- I. DEFINITIONS AND TERMINOLOGY
- II. FORCE OPTIONS
- III. PROVIDING MEDICAL TREATMENT
- IV. DESTRUCTION OF ANIMALS
- V. EFFECTIVE DATE
- VI. REVIEWS, REVISIONS AND CANCELLATIONS

I. Definitions and Terminology:

- A. **Deadly Force:** That force which can reasonably be expected to cause death or great bodily harm.
- B. **Officer:** Sworn Personnel who works for the Rockford Police Department in return for financial compensation.

- 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 injury.
  5. Warning Shots – Under no circumstances are warning shots permissible. (CALEA – 1.3.3)
- 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, extended range impact weapons (ERIW). Less-lethal weapons may be referred to as intermediate tools. (CALEA - 1.3.4)
- G. Lethal Ammunition: Ammunition that is, by design and application, intended to cause great bodily harm or death.
- H. Medical Treatment (CALEA - 1.3.5)
1. First aid: First aid includes, but is not limited to, the mere cleaning of a scrape or cut, applying a bandage, flushing of the eyes with water, or

2. providing an ice pack. First aid may be administered by Rockford Police Department personnel or a medical professional.
  3. 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
  4. Hospital admittance: Admittance to a hospital for the treatment of injuries as a result of any use of force.
- I. Reasonable Belief - Facts, circumstances or knowledge present to the officer sufficient to justify a thought or feeling. (CALEA - 1.3.2)
- 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 severity of the crime
  2. Whether the subject was an immediate threat to the officer or others
  3. Whether the subject was actively resisting arrest
  4. Whether the subject was attempting to evade arrest by flight
  5. The objectively reasonable perception of a threat to the officer or third party
  6. Imminence of the threat to the officer or third party
  7. Physical differences (e.g., age, size, relative strength, skill level, injuries, exhaustion, number of officers verses subjects);
  8. Influence of drugs or alcohol on the subject;
  9. Proximity of weapons to the subject;
  10. Availability of other options;
  11. Training and experience level of the officer
  12. Potential for injury to officer, third party, or the subject;
  13. Risk of escape; and
  14. Other exigent circumstances
  15. Availability of back-up officers
  16. The environment
- 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. (CALEA - 1.3.2)
  - 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.
  - 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. (CALEA - 1.3.1)  
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. (CALEA - 1.3.2)
      - a. Firearm Discharges
    - 2. Less-lethal force (CALEA - 1.3.4)
      - a. Police Patrol Canine
      - b. Impact Weapons (other than intentional strike to the head);
        - 1) Wooden baton
        - 2) Expandable baton

- 3) Specialty impact munitions; and
- 4) Any other object used as an impact weapon
- c. Taser
- d. Weaponless Defense Techniques (includes but not limited to):
  - 1) Personal Weapons
    - a) Hand/palm/elbow strikes;
    - b) Kicks;
  - 2) Take-downs;
    - a) Arm-bar takedown
    - b) Modified arm-bar takedown
  - 3) 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.
  - 1) Oleoresin Capsicum or other chemical agent
- F. Other:
  - a. Intentionally pointing a firearm at a person
  - b. Handcuffing
  - c. Verbal persuasion
  - d. 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. (CALEA -1.3.5)

### 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 pose 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 general case report will detail all facts and circumstances of the shooting of the animal. A supervisor must also respond to the scene and leave a supplemental report

### V. Effective Date:

- A. The Department's Policy on Response to Resistance (formally Use of Force) became effective on August 2, 2006.

### VI. Reviews, Revisions and Cancellations:

- A. This General Order will be reviewed annually by the Supervisor of Training and, when necessary, revised or cancelled in accordance with the procedures for reviewing written directives established in General Order *10.01 – Written Directives*.
- B. Any officer with suggestions for revisions and/or improvements to this order are encouraged to submit their ideas to the Commander of the Administrative Services Bureau.

BY ORDER OF

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Chet Epperson

Chief of Police