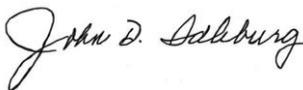


General Order		Issued: 06/08/2020	Policy Number: 1.6.01
 Lake County Sheriff's Office	Policy Title: Use of Force		
	Section: 1 – General		
	By order of the Sheriff:		Replaces: 01/22/2019
ILEAP Standards: ADM.05.01 – ADM.05.02			Page 1 of 6
<i>Any previously written orders, directives, or memoranda of Sheriff's Office policy dealing with this subject are hereby rescinded as of the effective date of the policy.</i>			

POLICY

“The Mission of the Lake County Sheriff's Office is to protect our diverse communities by maintaining order, upholding laws and defending the rights of all people.”

With this mission in mind, sworn personnel and correctional officers may find it necessary to use physical force on resistant or combative subjects. The use of physical force shall be restricted to circumstances authorized by law and to the degree that is reasonable and necessary to accomplish a lawful police task.

PURPOSE

To establish specific guidelines on the use of force by sworn personnel and correctional officers of the Lake County Sheriff's Office (LCSO) in the day-to-day performance of their duty.

DEFINITIONS

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.

Deadly Force – Illinois Statute (720 ILCS 5/7-8) defines “deadly force” as a force which is likely to cause death or great bodily harm and includes: (1) the firing of a firearm in the direction of the person to be arrested, even though no intent exists to kill or inflict great bodily harm; and (2) the firing of a firearm at a vehicle in which the person to be arrested is riding.

Less Lethal Weapons – A weapon which, by its design, is not intended to cause death or great bodily harm. Per Illinois Statute (720 ILCS 5/7-8), a peace officer's discharge of a firearm using ammunition designed to disable or control an individual without creating the likelihood of death or great bodily harm shall not be considered force likely to cause death or great bodily harm.

Reasonable Belief – Illinois Statute (720 ILCS 5/2-19) defines “reasonable belief” or “reasonably believes” as the person concerned, acting as a reasonable man, believes the described facts exist. The “reasonableness” of a particular use of force is judged by looking at whether the law enforcement officer’s actions were objectively reasonable in light of the facts and circumstances confronting the officer at the scene, without regard to the officer’s underlying intent or motivation.

Serious Physical Injury/Great Bodily Harm – A bodily injury that creates a substantial risk of death; causes serious, permanent disfigurement, or results in long term loss or impairment of the function of any bodily member or organ.

Warning Shot – Any discharge from a firearm, not in the direction of any person, in the attempt to signal, warn or direct a person.

PROCEDURE

I. Use of Force

- A. Sworn personnel and correctional officers shall use de-escalation techniques and other alternatives to higher levels of force consistent with his/her training whenever possible and appropriate before resorting to force and to reduce the need for force.
- B. Members shall only use such force as is reasonably necessary to enforce the law, effect an arrest, prevent an escape or to protect themselves or others from bodily harm. While there are varying degrees of force that may be justified depending on the totality of the circumstances, members may only use force which is reasonable to affect lawful objectives. In every instance where force is used, the member must have a belief that his/her actions were objectively reasonable considering the facts and circumstances confronting him/her at the scene. ([ILEAP ADM.05.01a](#))
- C. Illinois Statute (720 ILCS 5/7-5) defines the parameters of a peace officer’s use of force in making an arrest (including the use of deadly force): ([ILEAP ADM.05.01b](#))
 1. A peace officer, or any person whom he/she has summoned or directed to assist him/her, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He/she is justified in the use of any force which he reasonably believes to be necessary to affect the arrest and of any force which he/she reasonably believes to be necessary to defend himself/herself or another from bodily harm while making the arrest. ([ILEAP ADM.05.01c](#))
 2. However, he/she is justified in using force likely to cause death or great bodily harm only when he/she reasonably believes that such force is necessary to prevent death or

great bodily harm to himself/herself or such other persons or when he/she reasonably believes both that:

- a. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
 - b. The person to be arrested has committed or attempted a forcible felony that involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.
3. A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he/she knows that the warrant is invalid. (720 ILCS 5/7-5)
 4. Where feasible, the officer shall identify himself or herself as a law enforcement officer and warn of his or her intent to use deadly force. Members should also give some warning before using deadly force to prevent the escape of one who is fleeing. (Tennessee v. Garner 471 U.S. 1, 105 S. Ct. 1694 (1985) A permissible warning, however, does not include using a firearm to fire a warning shot. Warning shots are prohibited under this General Order. ([ILEAP ADM.05.01e](#)))
- D. Prior to using deadly force, officers should consider:
1. The threat to himself/herself or others.
 2. The immediacy of the threat.
 3. The ability of the offender to carry out the threat.
 4. The opportunity of the offender to carry out the threat.
 5. The perceived intent of the offender.
 6. The preclusion that all other options of force have proved ineffective or that by their very nature would be ineffective.

E. Restrictions on the Use of Deadly Force

Members **MUST NOT** use deadly force in the following circumstances:

1. Based on mere suspicion.
2. Based on words alone, no matter how antagonistic.
3. Against an escaping, non-violent, unarmed felony offender (Tennessee. v. Garner).

II. Use of Force to Prevent the Escape of an Arrested Person

A. Fleeing Felons (ILEAP ADM.05.01d)

1. Deadly force shall only be used to prevent the escape of a "fleeing felon" when the member reasonably believes that such force is necessary to prevent the escape and the suspect has committed or attempted to commit a forcible felony involving the infliction or threatened infliction of great bodily harm OR the suspect is attempting to escape by use of a deadly weapon OR the member has probable cause to believe that the suspect poses a threat of serious physical harm, either to the member or to others if not arrested without delay.
2. A peace officer or other person who has an arrested person in his custody is justified in the use of such force to prevent the escape of the arrested person from custody as he would be justified in using such force if he were arresting such person.

- B. Since circumstances will vary, it is not feasible to enumerate specific offenses and state with certainty the escape of a perpetrator must be prevented at all costs. Members must use their judgment and individual discretion as to whether the use of deadly force is objectively reasonable considering the facts and circumstances at the scene.

III. Warning Shots (ILEAP ADM.05.01e)

Warning shots are dangerous to members and citizens. No warning shots are permitted.

IV. Less Lethal Weapons

- A. Less lethal weapons that have been approved and issued by the LCSO may be used if reasonable and necessary to effect an arrest or defuse a dangerous situation.
- B. Less lethal weapons shall only be used by members who are authorized to use the weapons and have successfully completed all LCSO training and certification requirements.

V. Chokeholds 720 ILCS 5/7-5.5

- A. Members of the LCSO shall not use a chokehold in the performance of his or her duties unless deadly force is justified.
- B. Members of the LCSO shall not use a chokehold, or any lesser contact with the throat or neck area of another, to prevent the destruction of evidence by ingestion.

VI. Duty to Intervene

Members of the LCSO have an obligation to protect the public and other employees. It is the

duty of every employee present at a scene where physical force is being applied to either stop, or attempt to stop, another employee when force is being inappropriately applied or is no longer required.

VII. Rendering Aid and Medical Treatment

- A. LCSO personnel using any degree of physical force on a subject must summon emergency medical personnel to the scene when:
 - 1. The subject requests medical treatment.
 - 2. The subject complains of injury or continued pain.
 - 3. Personnel observe or suspect injury to the subject.
 - 4. The subject exhibits a reaction that is not consistent with normal reactions to exposure or does not substantially recover from the effects of Oleoresin Capsicum spray within the reasonable and expected time.
 - 5. Directed by a supervisor or acting supervisor.
- B. Appropriate medical aid should be rendered as quickly as reasonably possible. Appropriate medical aid may include:
 - 1. Increased observation to detect obvious changes in condition.
 - 2. Flushing chemical agents from the eyes.
 - 3. Applying first aid.
- C. After using a conducted electrical weapon (CEW), members must follow the guidelines in LCSO General Order 4.5.06 Conducted Electrical Weapons – IV. Responsibilities – F. Post Electrical Energy Shock Application Procedures for Persons when rendering aid and medical treatment.
- D. Medical treatment will be provided at a licensed, accredited medical facility by a licensed, accredited physician or by certified medical personnel at the scene of the incident under the supervision, direct or indirect, of a physician.
- E. LCSO personnel must prior to removing a subject from a medical facility, receive written authorization from the attending physician.
- F. Any injuries or complaint of injuries by the subject must be documented in the incident report.

VIII. Training (ILEAP ADM.05.02)

- A. All sworn personnel and correctional officers will receive annual training on the LCSO Use of Force policy.
- B. All newly hired LCSO sworn personnel will report to the Director of Training after their appointment to the LCSO. Upon completion of the basic academy, sworn personnel will receive instruction on use of force from the Training Division and will be scheduled to attend in-service training during their regularly scheduled in-service training dates.

IX. Discipline

Members violating this policy will be subject to progressive discipline up to and including termination in accordance with all applicable Sheriff's Office rules, regulations, and policies.