DEPARTMENT OF AVIATION
SAFETY AND SECURITY DIVISION
DIRECTIVE NO. 13-03

TITLE:	**USE OF FORCE POLICY**
ISSUE DATE:	**01 MARCH 2013**
EFFECTIVE DATE:	**02 MARCH 2013**
EXPIRATION DATE:	**UPON REVISION**
DISTRIBUTION:	**ALL PERSONNEL**
NOTICE OF RESPONSIBILITY:	**This Directive is a Written Order, the contents of which the recipients are responsible and accountable for.**
REFERENCE:	**SAFETY and SECURITY DIRECTIVE 13-03 - USE OF FORCE POLICY; and POLICY and PROCEDURE MANUAL, 2013 Revision, Ch. 1, Section 1 /4.2**
AUTHORITY:	**Chief Safety and Security Officer**

PURPOSE:

To establish guidelines on the use of force and for the proper documentation and investigation of incidents involving the use of force.

POLICY:

It is the policy of the CDA to provide clear procedures to Aviation Security personnel regarding the use of force in the performance of their duties. The safety of innocent persons and officers is of paramount importance.

The use of less than lethal weapons is classified as a use of force and is governed by this policy. The officers of this agency are authorized to carry less than lethal weapons so that they may successfully defend themselves and others from combative, resisting and/or violent individuals. A less than lethal weapon should be used when, in the officer's opinion, it is the best choice of weapon in a use of force situation. A less than lethal weapon is a tool that can be used at the discretion of the officer when the decision is made that the use of force is necessary

and reasonable under the circumstances. As with any use of force, the officer is accountable to the CDA for the use of a less than lethal weapon.

Only force reasonably necessary to defend a human life, effect an arrest or control a person shall be used by Aviation Security personnel. The force used by an officer shall only be that which is necessary to overcome the resistance being offered by an offender and to effect lawful objectives.

All sworn personnel must be issued copies of, and instructed in the Department's Use of Force procedure before carrying any police weapon.

LAW:
Certain state statutes form the reference on which this use of force policy is based. These laws are included in this procedure for reference purposes. Employees must be aware of prohibitions and restrictions in this procedure that place a higher standard on the use of force than are contained in state statute.

720 ILCS 5/7-5. Peace Officer's use of force in making arrest.
A peace officer .... need not retreat or desist from efforts to make a lawful arrest because of resistance to the arrest. He/She is justified in the use of any force which he/she **reasonably believes** to be necessary to defend the officer or another from bodily harm while making the arrest. However, he/she is justified in using **force likely to cause death or great bodily harm** only when the officer **reasonably believes** that such force is necessary to prevent death or great bodily harm to themselves or such other person, or when he/she **reasonably believes** both that:

> Such force is necessary to prevent the arrest from being defeated by resistance or escape; and,
>
> The person to be arrested has committed or attempted a **forcible felony** which 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/she will endanger human life or inflict great bodily harm unless arrested without delay.

A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he/she would be justified in using if the warrant were valid, unless he/she knows that the warrant is invalid.

DEFINITIONS:
720 ILCS 5/2-19. "Reasonable belief".
"Reasonable Belief or Reasonably Believes" means that the person concerned, acting as a reasonable person, believes that the described facts exist.

Great Bodily Harm is serious bodily injury that creates a substantial risk of death, causes serious or permanent disfigurement, or results in long-term loss or impairment of the functioning of any bodily member or organ.

720 ILCS 5/2-8. "Forcible felony".

"Forcible felony" means 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, aggravated kidnapping, kidnapping, aggravated battery resulting in great bodily harm or permanent disability or disfigurement and any other felony which involves the use or threat of physical force or violence against an individual.

Non-deadly force

Force, which, when properly applied, is less likely to cause death or great bodily harm.

PROCEDURE:

LEVEL OF FORCE CONTINUUM:

1. When the use of force is necessary and appropriate, members shall, to the extent possible, use an escalating level of force and will not employ a more forceful measure unless it is determined that a lower level of force would not be adequate, or such level of force is attempted and actually found to be inadequate.

LEVEL 1: Officer's Presence - An officer's appearance may be enough to dissuade some persons from engaging in resistive behavior. Factors which contribute to this level include perceptions of the officer's attitude, ability, and self-confidence.

LEVEL 2: Verbal Direction - Dialogue used by an officer can serve to diffuse potentially violent confrontations. It is important to observe that this level concerns WHAT an officer says and HOW he says it. The factors involved in this level include the officer's language, tone of voice, and confidence and/or posture and body language.

LEVEL 3: Empty Hand Control -- "Soft" techniques which have minimal chance of causing serious injury. These techniques include some pressure point control techniques and joint manipulations. "Hard" techniques that have a probability of causing injuries. These techniques include punches and leg strikes.

LEVEL 4: Impact Weapons - An officer may need to resort to the use of an impact weapon to control resistive behavior. These "hard" techniques have a probability of causing injuries. These techniques include impact weapon strikes.

Impact Weapon: A weapon (e.g., straight baton, collapsible baton or flashlight) which causes blunt trauma upon striking the soft tissue or skeletal frame of the human body to impair an individual's mobility or motor functions.

LEVEL 5: Lethal Force - Lethal force can be realized through the application of a variety of measures. Lethal force can also be applied by use of severe hard empty hand control or hard intermediate weapon control techniques. The application of any chokehold shall be considered lethal force.

NOTE: It is not the intent of this part of this procedure to direct officers to try each of the level options before escalating to the next. Each situation will dictate at which level a member will start.

DEADLY FORCE:

1. Officers shall, when feasible, exhaust all reasonable alternatives before resorting to the use of deadly force.

2. The use of deadly force must be based upon **reasonable belief** by the officer that such force is necessary.

3. Deadly force must never be used against any person based on mere suspicion alone.

4. An officer may use deadly force only when the officer reasonably believes that the action is in defense of human life, including the officer's life, or in defense of any person in immediate danger of great bodily harm.

5. Deadly force may only be used against a "fleeing felon" when the officer reasonably believes that the action is in defense of human life, including the officer's life, or in defense of any person in immediate danger of great bodily harm.

6. This directive is for internal use only and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense concerning third party claims. Violations of this directive, if proven, can only form the basis of a complaint by the CDA and then only in a non-judicial administrative setting.

7. Use of deadly force against a fleeing forcible felony suspect is prohibited unless the officer has probable cause to believe that the use of deadly force is warranted based on the limitations as set forth in this procedure.

United States Supreme Court decision U.S. 105 S. Ct. 1694 (1985) (Tennessee vs. Garner) ruled that the use of deadly force to prevent the escape of a suspected felon violates the Fourth Amendment prohibition against unreasonable seizure if used against an apparently unarmed, non-violent suspect (the case involved a burglary suspect). The Supreme Court further stated that deadly force may be used against an offender who has attempted or committed an offense involving the infliction or threatened infliction of great bodily harm. ***Deadly force may not be used against an unarmed, non-violent, property crime offender.***

The United States Supreme Court decision went on to state that when an officer is justified in the use of deadly force he/she will, ***if feasible****, first give a verbal warning. (Example: "Law Enforcement Officer, Halt").*

NON-DEADLY FORCE:

1. Officers are justified in the use of force they reasonably believe necessary to effect an arrest. They need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest.

2. Officers are justified in the use of force against another when and insofar as the officer reasonably believes that such conduct is necessary to defend the officer or another person against the imminent use of unlawful force.

3. Only the amount of force reasonably necessary to affect an arrest or control a person shall be used.

4. Force shall not be used punitively and officers will always discontinue the use of force when the offender stops resisting.

5. A CDA Security specified and approved ASP is the only authorized less than lethal weapon. Officers are prohibited from using or carrying blackjacks, saps, weighted gloves, etc.

6. The baton may also be used as a barricade or repelling device in crowd control situations, or a temporary restraining device.

7. Officers will provide for appropriate medical attention to any subject injured as a result of an officer's use of physical force or a lethal or less lethal weapon. Officers shall summon appropriate medical attention for any subject struck with a less than lethal weapon and in need of medical treatment as soon as feasible.

USE OF IMPACT WEAPONS

1. Impact weapons are considered to be less than lethal weapons.

   An officer need not attempt empty-hand control before using an impact weapon. The officer need only justify that empty-hand control would not be sufficient or practical to safely and effectively place an individual under control.

2. Officers who employ an impact weapon should do so with the intent to temporarily disable an individual and not to cause permanent injury or dispense punishment. Primary targets of a strike from an impact weapon should be an individual's major muscle groups, motor points, abdomen, limbs and/or joints. An officer should avoid the deliberate striking of an individual with an impact weapon in the groin, any part of the body above the shoulders, or the back. Striking these areas is permitted in situations where deadly force would be justified.

3. After striking an individual with an impact weapon, and control of the person has been obtained, the officer will afford the individual medical treatment should, in the officer's judgment, medical treatment be required or if requested by the person himself.

4. If there is an emergency, other objects or pieces of equipment may be used as an impact weapon "of necessity" (e.g. flashlights, tree branches, metal or plastic pipes, or tubes).

REPORTS AND INVESTIGATION:

1. A case report will be submitted when an officer:

   - takes any action that results in, or is alleged to have resulted in, injury or death of another person;
   - applies force through the use of deadly or non-deadly weapons;
   - applies force through the use of soft or hard empty hand techniques.

2. The case report will fully document the incident and be submitted to the officer's immediate supervisor before the end of the officer's tour of duty.

3. The shift supervisor will review the case report and forward a memorandum to the Chief of Safety and Security evaluating the officer's use of force.

4. The case report will be reviewed by the shift supervisor and forwarded through the chain of command to the Chief of Safety and Security.

5. In instances where use of force results in death or injury, the Chicago Police Department will conduct an investigation.

6. Upon completion of a use of force investigation, the officer's immediate supervisor will submit a report as to:

   - propriety of action taken;
   - endorsement of action taken; and
   - outline corrective measures taken or suggestions, if deemed necessary.

7. The supervisor's report shall be immediately routed as follows:

   - original to Deputy Commissioner of Security for retention
   - copy to employee file
   - copy to Assistant Commissioner of Security for Midway Airport (for incidents involving Midway personnel)
   - copy to Managing Deputy Commissioner Safety and Security
   - copy to Deputy Commissioner of Safety
   - copy to Chief of Safety and Security

8. This report shall be submitted immediately. Necessary supplemental reports may be forwarded within a reasonable length of time.

9. Any officer whose use of force results in a death or serious physical injury will be immediately detailed to a staff assignment pending an administrative review of the incident. The purpose of this assignment is to protect the interest of the CDA and the officer.

10. Whenever an officer is involved in the Use of Force, of any kind, on or off duty, in another jurisdiction, he/she shall, as soon as possible, notify the shift supervisor and relay the details of the incident. The Shift supervisor shall notify the Deputy Commissioner of Security who may assign a supervisor to investigate the incident.

SUMMARY

Nothing stated in the procedure grants immunity to the officer involved since each case must be met and dealt with according to individual circumstances. Officers are reminded that the safety of innocent persons and bystanders must be given primary consideration whenever the use of force is contemplated.