



Jan 28, 2021

Proposed Draft of Urbana Police Department Use of Force Policy  
From: Champaign County ACLU/NAACP Champaign County Branch

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### **POLICY 300. DE-ESCALATION AND USE OF FORCE**

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## 1. PRINCIPLES, MISSION, AND SCOPE

**Value of Human Life.** Urbana Police Department is committed to the *10 Shared Principles* as the foundation of its approach to community public safety. Every peace officer and member of the Urbana Police Department is committed to treating all persons with dignity and respect. The Department values the life of every person in Urbana and considers sanctity of life to be the highest value.

Urbana Police Department rejects discrimination, as formalized by the Urbana Human Rights ordinance, including, but not limited to, discrimination by reason of race, color, creed, class, national origin, religion, sex, age, marital status, physical and/or mental disability, personal appearance, sexual preference, family responsibilities, matriculation, political affiliation, prior arrest or conviction record or source of income, gender identity, or any other discrimination based upon categorizing or classifying a person rather than evaluating a person's unique situation. All Urbana officers are trained and required to treat every person fairly and without bias. [Note: added "gender identity" to Urbana Human Rights ordinance list.]

The Urbana Police Department is committed to building and rebuilding public trust through transparency with the public about every use of force and accountability for every officer who uses or threatens force. Any violation of this policy and any use of excessive or unnecessary force will result in disciplinary action, up to and including termination, in addition to any criminal or civil liabilities provided by law.

The Department also resolves to build trust through ongoing collaborative exchanges, particularly with communities of color, which have been disproportionately affected by police uses of force. Rebuilding trust between the Urbana Police Department and Urbana's Black and brown communities requires understanding that past incidents involving force have had negative consequences for these communities. Bringing an active and intentional awareness of this historical trauma to officer training and daily interactions is an important component of effective de-escalation and community policing.

**Mission: Service Model of Policing.** The mission and purpose of the Urbana Police Department is to serve and support the community, promote peace, and ensure the safety of all people in Urbana. Officers are public servants who must communicate with every person with respect and whose primary responsibility is to preserve the life of all concerned. To meet this responsibility, every officer of the Department must commit to the ethic of doing no harm and to de-escalating conflict.

**Scope.** This policy specifies the limited authority the people of Urbana grant to their peace officers to use minimal, proportional, and objectively reasonable force when necessary to

preserve life and ensure public safety. The people of Urbana require their peace officers to avoid the need for force whenever possible and to use the least amount of force necessary under the circumstances. The authority to use physical force is a serious responsibility that shall be exercised judiciously and with respect for human rights, dignity and the sanctity of every human life.

**De-escalation as Mandatory Response.** De-escalation must be an officer's first response. Officers have a duty to de-escalate and avoid the need for any force, and they must use trauma-informed and appropriate de-escalation techniques, including respectful communication, verbal persuasion, taking time, and staying at a distance. Force must always be a measure of last resort.

**Use of Force Objectively Reasonable, Necessary, and Proportional.** Peace officers of the Urbana Police Department shall use only the minimal amount of force **objectively reasonable, necessary, and proportional** to effectively and safely resolve an incident, while protecting the lives of the officer and others. Officers shall ensure that force is used in a manner that minimizes injury to others, including the person against whom force is used and bystanders. The Urbana Police Department places restrictions on use of force by its members that go beyond restrictions set forth by law.

**Officers' Responsibility, Compliance, and Accountability.** All officers are responsible for knowing and complying with this policy and conducting themselves in a manner aligned with this mission. Any violation of this policy will subject the officer to disciplinary action, including and up to termination, in addition to any criminal or civil liabilities provided by law. Supervisors shall ensure that all personnel in their command know the content of this policy and operate in compliance with it. Supervisors who fail to do so will face disciplinary action, including and up to termination, in addition to any criminal or civil liabilities provided by law.

**Officers' Duty to Intervene.** All peace officers have a duty to intercede verbally and physically and to report any use of force that is not objectively reasonable, necessary, and proportional under the circumstances, without regard for chain of command. Officers shall promptly report any use of unnecessary force and the efforts made to intervene to a supervisor. Failure to report incidents involving the use of unnecessary or excessive force will result in disciplinary action. No member of Urbana Police Department shall discipline or retaliate in any way against a peace officer for intervening as required in this policy or for reporting unconstitutional or unlawful conduct, or for failing to follow what the officer reasonably believes is an unconstitutional or unlawful directive. [\[Note: Affirmative duty to intervene included in new IL law\]](#)

**Officers' Duty to Render Medical Assistance.** All officers must, as soon as reasonably practical, determine if a person is injured and render medical aid and assistance consistent with their training and request emergency medical assistance if necessary. [\[Note: Included in new IL law\]](#)

**Officers' Duty to Warn Before Using Force.** Officers shall identify themselves as a member of the Urbana Police Department and give a clear verbal or visual warning of their intent to use force and provide an objectively reasonable amount of time for the person to comply with the warning, before using force, unless doing so would create a substantial risk of death or great bodily harm. [NOTE: New IL law requires this before using **deadly** force.]

**Duty to Prevent Through Early Intervention and Officer Wellness.** The Urbana Police Department recognizes that through early intervention it may be possible to avoid the use of excessive force and prevent harm to the community. The Department will implement early intervention systems to identify law enforcement officers who are at risk for engaging in the use of excessive force and to provide those law enforcement officers with re- training and appropriate behavioral interventions, re-assignments or other appropriate consequences to eliminate that risk. [Note: The new IL law increases in-service and recruit training on officer wellness and mental health and establishes statewide services to provide regular mental health screenings for officers.]

**Duty to Participate in Community-centered Mental Health Response, Deflection, and Treatment.** ONE DOOR and/or other programs. [Note: To Be Developed.]

## 2. DEFINITIONS

- **FORCE.** Any effort to control, restrain, compel, or overcome the resistance of another person, including the use of physical force and suggested use of force such as unholstering or brandishing a weapon at another person.
- **DEADLY FORCE.** Any use of force that creates a substantial risk of causing death or serious bodily injury to another, including, but not limited to the discharge of a firearm or any weapon that, in the manner of its use, is capable of causing death or serious bodily injury.
- **OBJECTIVELY REASONABLE FORCE.** An objective standard of force. Determining whether force was objectively reasonable requires evaluating each use of force from the perspective of a reasonable officer, based on the totality of the circumstances known to or perceived by the officer involved at the time.
- **MINIMAL AMOUNT OF FORCE NECESSARY.** The lowest level of force within the range of objectively reasonable force that is necessary to effect an arrest or achieve a lawful objective without increasing the risk to others.
- **IMMEDIATE OR IMMINENT.** A threat of death or serious bodily injury is immediate or imminent when a reasonable officer in the same situation would believe that a person has the present ability, opportunity, and apparent intent to immediately cause death or serious bodily injury to the peace officer or another person. An imminent harm is not merely a fear of future harm, no matter how great the fear and no matter how great the likelihood of harm, but is one that, from appearances, must be instantly confronted and addressed.
- **CHOKEHOLD.** The use of any maneuver on a person that applies pressure to the neck, throat, windpipe, back, chest, abdomen or carotid artery that may prevent or hinder

breathing, reduce intake of air, or impede the flow of blood or oxygen to the brain, as well as transport methods and physical restraints that may create a substantial risk of positional asphyxia.

- **SERIOUS BODILY INJURY.** Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of any bodily member or organ or mental faculty.

### **3. DE-ESCALATION AND USE OF FORCE**

- (a) An officer, or any person whom the peace officer has summoned or directed to assist them, shall apply nonviolent means to resolve and de-escalate incidents before resorting to any use of force, and at all times shall limit the use of force in a manner consistent with the sanctity of human life.
- (b) An officer may use force only if all other objectively reasonable non-violent means would be ineffective and there is a basis for a lawful arrest, or the use of force is necessary to prevent imminent threat of bodily injury to another person.
- (c) In determining whether force should be used and, if necessary, the amount of force appropriate to use, an officer shall consider whether a person's conduct is the result of a medical condition, mental impairment, developmental disability, physical limitation, language barrier, drug or alcohol impairment, or other factor beyond the person's control. These situations, in which the person may have no criminal intent, may not make the person any less dangerous, but understanding their situation may enable officers to calm the person and to use de-escalation techniques while maintaining public and officer safety. Officers who act to de-escalate an incident, which may delay taking a person into custody while keeping the public and officers safe, will not be found to have neglected their duty. They will be found to have fulfilled it.
- (d) When any force is used, and consistent with sub-sections (a)-(c) of this Section, an officer shall:
  - (1) use only the amount of force that is objectively reasonable, necessary, and proportional under the circumstances;
  - (2) continue to use de-escalation techniques after they have initiated a use of force, including by continually assessing the situation and modifying the use of force as

circumstances change and in ways that are consistent with the officer's and other persons' safety;

- (3) immediately reduce the level of force as the threat diminishes, including by stopping force altogether;
  - (4) ensure that force is used in a manner that that minimizes injury to others, including the person against whom force is used and bystanders;
  - (5) ensure that assistance and medical aid are rendered to any persons who appear or indicate they are injured by the officer's use of force as soon as safe and practicable; and
  - (6) give a clear verbal or visual warning of their intent to use force and provide an objectively reasonable amount of time for the person to comply with the warning, before using force.
- (e) Any officer found by a preponderance of the evidence to have violated a provision of this Section shall be dismissed from employment, in addition to any criminal or civil liabilities provided by law.

#### **4. USE OF DEADLY FORCE**

- (a) An officer is justified in using deadly force **only** when such force is necessary for either of the following reasons:
- (1) To defend against an imminent threat of death or serious bodily injury to the officer or to another person; or
  - (2) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless deadly force is used.
- (b) Unless an officer is authorized to use deadly force as set forth in sub-section (a) of this Section, deadly force shall **not** be used:
- (1) against a person who presents a threat only to themselves or property;
  - (2) against a person suspected of only a minor or nonviolent offense;

- (3) in executing a warrant, unless the person on whom the warrant is being executed presents an imminent threat of death or serious bodily injury to the officer or to another person;
  - (4) in order to prevent the destruction of evidence or
  - (5) if the use of deadly force would create a substantial risk of serious bodily injury to other persons.
- (c) If deadly force is used as authorized in this Section, an officer shall give a clear verbal warning of their intent to use firearms or other deadly force before using such force, providing an objectively reasonable amount of time for the warning to be observed and heeded, unless providing such clear verbal warning would unduly place an officer or another person at risk of death or serious bodily injury.
- (d) Any officer found by a preponderance of the evidence to have violated a provision of this Section shall be dismissed from employment, in addition to any criminal or civil liabilities provided by law.

## 5. PROHIBITED USE OF FORCE

- (a) An officer shall not use a chokehold, for any purpose, in the performance of their duties.
- (b) An officer shall not use force as punishment or retaliation. [\[Note: included in new IL law\]](#)
- (c) An officer shall not fire toward or from a moving vehicle.
- (d) An officer shall not use a firearm as a club or impact weapon.
- (e) An officer shall not fire warning shots.
- (f) An officer shall not use force against a person who is handcuffed or otherwise restrained.
- (g) An officer shall not use force against a person who only verbally confronts or threatens them and does not impede a legitimate law enforcement function.

### **Additional Guidelines on deadly force:**

**Tactics Preceding the Use of Force and Proper Conduct by Officers.** Officers shall not contribute to precipitating the use of deadly force by placing themselves or others in jeopardy by taking unnecessary, overly aggressive, or improper actions. It is often a tactically superior

police procedure to de-escalate, withdraw, take cover or reposition, rather than the immediate use of force. The evaluation of an officer's use of deadly force will include consideration of the officer's tactical conduct and decisions leading up to the use of deadly force.

**Past Conduct.** An officer shall not use deadly force where the only basis for using the deadly force is that the person posed a threat of committing, or committed, a serious, violent crime prior to the encounter with police. Urbana peace officers are only authorized to use deadly force against a person who *currently and actively* poses an immediate threat of death to other persons and/or the officer.

## 6. PROHIBITED ACTION IN RESPONSE TO PROTESTS AND LARGE GATHERINGS

(a) Urbana Police Department and any person acting on their behalf shall not:

- (1) Discharge kinetic impact projectiles and all other non-or less-lethal projectiles in a manner that targets the head, pelvis, or back; [Note: rubber bullets]
- (2) Discharge kinetic impact projectiles indiscriminately into a crowd; or
- (3) Use chemical agents or irritants, including pepper spray and tear gas, prior to issuing an order to disperse in a sufficient manner to ensure the order is heard and repeated if necessary, followed by sufficient time and space to allow compliance with the order.

(b) Any officer found by a preponderance of the evidence to have violated a provision of this Section shall be dismissed from employment, in addition to any criminal or civil liabilities provided by law.

[Note: New IL law (1) Prohibits use of kinetic impact projectiles (rubber bullets) indiscriminately into a crowd; (2) prohibits use of all non-or-less-lethal projectiles in a manner that targets the head, pelvis, or back; and (3) requires officers give a warning and opportunity to disperse before using chemical agents.]

## 7. DUTY TO INTERVENE AND REPORT UNLAWFUL USE OF FORCE

- (a) An Urbana peace officer shall have an affirmative duty to intervene to prevent or stop another peace officer in their presence from using any unauthorized force or force that exceeds the degree of force permitted, if any, without regard for chain of command.
- (b) A peace officer who intervenes as required by this Section shall report the intervention to the appropriate person designated by Urbana Police Department in the manner prescribed. The report required by this Section must include, at minimum, the date, time, and place of the occurrence; the identity, if known, and description of the



participants; and a description of the intervention actions taken and whether they were successful. The report must be made within five (5) business days after the incident.

- (c) A member of the Urbana Police Department shall not discipline nor retaliate in any way against a peace officer for intervening as required in this Section or for reporting unconstitutional or unlawful conduct, or for failing to follow what the officer reasonably believes is an unconstitutional or unlawful directive
- (d) Any peace officer who fails to intervene to prevent the use of unlawful force as set forth in sub-section (a) of this Section or fails to report the intervention as set forth in sub-section (b) of this Section shall be subject to appropriate discipline. Nothing in this Section shall prohibit or discourage prosecution of any other criminal offense related to failure to intervene, including a higher charge, if supported by the evidence. [An "affirmative duty" to intervene is in the new IL law.]

## 8. TERMINATION OF USE OF FORCE (retained)

The use of physical force should be discontinued when resistance ceases or the incident is under control. When it is objectively reasonable that a person is fully in law enforcement's control, then the force **must be terminated**. Physical force shall not be used against people in restraints, except as objectively reasonable to prevent their escape or prevent imminent bodily injury to the individual, the officer, or another person. Only the minimal amount of force necessary to control the situation shall be used.

## 9. MEDICAL CONSIDERATIONS (RETAINED WITH ONLY LIGHT EDITING)

Once the scene is safe and as soon as practical, an officer shall provide appropriate medical care consistent with their training to any individual who has visible injuries, complains of being injured, or requests medical attention, or is rendered unconscious. This may include:

- providing first aid,
- requesting emergency medical services,
- and/or arranging for transportation to an emergency medical facility.

Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until they can be medically assessed. Individuals should not be placed or remain on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or

medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would be potential safety or medical risks to the individual (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable. See the Medical Aid and Response Policy for additional guidelines.

#### **10. DUTY TO REPORT USE OF FORCE**

- (a) All officers shall have an affirmative duty to report all use of force incidents, including use of deadly force, in the manner prescribed by Urbana Police Department.
  - (1) For each incident of use of force, the Department shall document the following:
    - (A) The date, time, and location of the use of force;
    - (B) Information about the person subject to use of force, including gender, age, ethnicity, and race defined as American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, or White;
    - (C) The number of officers that allegedly used, or were known to use force, on the person;
    - (D) The number, or estimated number, of officers deployed and/or present at the scene;
    - (E) Whether the type of force used was (i) physical contact, (ii) restraint, (iii) use of non-lethal weapon or firearm, and/or (iv) lethal weapon or firearm unholstered or discharged;

- (F) If the person subjected to the use of force (i) possessed any weapon(s) or tool(s) capable of inflicting great bodily injury, (ii) acted in a manner that indicated that they presented an imminent threat of bodily injury to another person, and (iii) the person subjected to the use of force attempted to resist restraint, to escape or evade detention, or to flee;
  - (G) Identify any injuries sustained, observed, or communicated by (i) the person subjected to the use of force, (ii) any peace officer who used force during the incident, and (iii) any bystanders to the use of force incident;
  - (H) Identify the number of witnesses, if any, to the use of force;
  - (I) Identify if the officer was wearing a body camera at the time of the use of force, and whether the body camera was operational at the time of the use of force; [Note: Body cameras are required by new IL law with phased roll-out from 2022-2025 depending on size of municipality]
  - (J) Identify whether the person subjected to the use of force was arrested, ticketed, or detained following the use of force; and
  - (K) Identify whether the use of force incident was or is currently subject to an investigation.
- (2) The number of incidents of unannounced entry into a residence, with or without a warrant, reported to the law enforcement agency during the preceding calendar month. For each incident of unannounced entry into a residence, the law enforcement agency shall report the following:
- (A) The date, time, and location of the use of unannounced entry;
  - (B) Information about the person subjected to the unannounced entry, including gender, age, ethnicity, and race defined as American Indian or Alaska Native, Asian, Black or African American, Hispanic or Latino, Native Hawaiian or Other Pacific Islander, or White;
  - (C) Whether an officer unholstered or discharged a weapon during the unannounced entry;

- (D) Whether the subject of the warrant was at the residence; and
- (E) Whether the residence was the correct address and actually related to the purpose of the warrant issued.

(b) All reports shall be accessible to the public under the Freedom of Information Act.

(c) Any officer who refuses or knowingly fails to provide truthful information as set forth in this Section shall be subject to appropriate discipline and, when necessary, criminal prosecution. Nothing in this Section shall prohibit or discourage prosecution of any other criminal offense related to the failure to provide truthful information regarding a use of force, including a higher charge, if supported by the evidence.

[NOTE: The new IL law makes it a class 3 felony if an officer, in their official duties, knowingly and intentionally (1) misrepresents facts describing an incident in any report or during any investigations regarding their conduct; (2) withholds any knowledge of the misrepresentations of another officer; (3) fails to comply with the body camera laws.]

## **11. USE OF MILITARY EQUIPMENT**

(a) As used in this Section, “military equipment” shall include, but is not limited to:

- (1) automatic weapons not generally recognized as particularly suitable for law enforcement purposes;
- (2) any weapons that are .30 caliber or greater;
- (3) silencers;
- (4) tactical vehicles, including highly mobile multi-wheeled vehicles, armored vehicles, and mine-resistant ambush-protected vehicles;
- (5) drones that include military-grade surveillance hardware or software;
- (6) facial recognition technology;
- (7) aircraft that are combat configured or combat coded, or have no established commercial flight application;
- (8) grenades, similar explosives, and grenade launchers;
- (9) chemical incapacitants, including tear gas, and other chemical agents;
- (10) Bayonets; and any equipment or technology acquired via the 1033 Program authorized under the National Defense Authorization Act, the Homeland Security Grant Program, the DOJ Byrne JAG grant program.

- (b) The Urbana Police Department may not apply for or obtain any military equipment from the federal government, any other state government, or from any private entity as that term is defined in 630 ILCS 5/1.
- (c) The Urbana Police Department may not use any military equipment.
- (d) All military equipment obtained by the Urbana Police Department shall no longer be in use within six months of the passage of this policy.

[Note: The new IL law bans the purchase/use of certain military equipment (tracked armored vehicles; weaponized aircraft, vessels, or vehicles; firearms and ammunition of .50 caliber or higher; grenade launchers; and bayonets) by law enforcement and requires law enforcement to publish notice of property requests from a military equipment surplus program.]

**12. TRAINING** When a new use of force policy has been established, training must be re-structured to ensure all officers are properly trained to follow its guidelines. This should include in-depth training in de-escalation, cultural competency, implicit bias, and procedural justice. Once the ONE DOOR (mental health and crisis intervention) program is established, officers must be re-trained to work within it.

[Note: The new IL law (1) Expands the training for probationary and permanent police officers to include at least 12 hours of role-playing, at least 6 hours of use of force techniques, specific training on safety, and at least 6 hours of training on high-risk traffic stops; (2) requires 40 hours of crisis intervention training for all new recruits; (3) increases in-service training on constitutional and proper use of officer authority, procedural justice, human rights, reporting child abuse and neglect, and cultural competency to bi-annually, instead of every 3 years; and (4) requires annual advanced first-aid training and certification.]

**TO BE ADDED:** Procedures for Reporting Incidents Involving Use of Force in the Department, to the Use of Force Review Board, and to the Civilian Police Review Board. See Section 10 for guidelines.