

# Glendale Heights Police Department

**GENERAL ORDER # 121**

**SUBJECT:** Use of Force Review Board

**ACTIVE DATE:** 06-11-2019

**RESCINDS:** GO #121, issued 09-24-2018

**AUTHORITY:** Douglas R. Flint, Chief of Police

**RELATED DOCUMENTS:** Officer Defensive Action Report

## **.01 Purpose**

This order creates a Use of Force Review Board to review all incidents where reportable force is used by a sworn member of the Glendale Heights Police Department. This order also sets forth policy and procedures by which the Board will be governed.

## **.02 CALEA Standard**

4.2.2

## **.03 Policy**

The Glendale Heights Police Department has a responsibility to ensure that any incident involving the use of force by an officer of this agency is both reasonable and necessary. To that end, it shall be the policy of the Glendale Heights Police Department to review all reportable use of force incidents to determine whether the officer's conduct complied with those requirements, or if there are any policy, training, weapon, equipment, or discipline issues that must be addressed.

## **.04 Definitions**

**Deadly Force**—Any force which is likely to cause death or great bodily harm. (720 ILCS 5/7-8)

**Great Bodily Harm**—Any 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.

**Justified**—A finding in a Use of Force Review that concludes the officer's use of force was reasonable and necessary, and complied with Department policy.

**Less Lethal**—A technique or weapon, the use of which is not designed to, and is less likely to, cause death or great bodily harm.

**Non-Deadly Force**—Any use of force other than that which is considered deadly force. This includes any physical effort used to control or restrain another, or to overcome the resistance of another by the application of defensive or offensive techniques or weapons. Such force or weapon use is not intended to cause death or great bodily harm.

**Not Justified**—A finding in a Use of Force Review that concludes the officer's use of force was either not reasonable or necessary, or did not comply with Department Policy.

**Objectively Reasonable**—In determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the totality of the facts and circumstances known at the time, including but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject, and the danger to the community.

**Reasonable Belief**—The person concerned, acting as a reasonable person, believes that the described facts exist. (720 ILCS 5/2-19)

**Reportable Use of Force**—An on or off-duty incident wherein an officer, pursuant to his/her official capacity, uses a level of force requiring notification to a Shift Supervisor and written report, as prescribed by Section .40 of GO #120.

**Serious Use of Force**—Any incident where an individual or individuals suffers death or great bodily harm resulting from a law enforcement officer's police actions, including the intentional or unintentional discharging of a firearm, other than for recreational purposes; training, or to destroy an injured or dangerous animal.

## **ORDER**

### **.10 Composition of the Use of Force Review Board**

A. The Chief of Police or his/her designee shall appoint Department members to serve on the review board for a period of two years.

1. The Use of Force Board shall consist of the Deputy Chief of Operations, three Sergeants and five Patrol Officers.
2. In the event the Deputy Chief of Operations is on leave the Chief of Police may temporarily appoint the Deputy Chief of Support to the Board.

B. In the event of an incident requiring review, the Deputy Chief of Operations shall convene a Use of Force Review Board Panel (Panel) consisting of the following Board members to conduct the review:

1. Chairman: Deputy Chief of Operations
2. Sergeant
3. Sworn Officer below the rank of sergeant

C. For each Panel a quorum shall consist of three members; two supervisory members and one patrol officer. A majority decision shall be necessary between the members for a panel determination.

D. The following conditions shall excuse a member from selection to the Use of Force Review Board / Panel:

1. Probationary Officer
2. Sergeant/Officer was involved in the incident(s) under review
3. Sergeants/Officers providing good cause, at the discretion of the Deputy Chief of Operations (i.e., Union Rep Status, extenuating circumstances, etc.)

E. After being selected to a Panel, the members shall be given notice by the Deputy Chief of Operations or his/her designee of their selection.

F. A Panel will be convened within seven (7) calendar days of receipt of an Officer Defensive Action Report or other report involving an officer's reportable use of force, when practical.

G. The Panel shall convene at a place and time selected by the Deputy Chief of Operations. Thereafter, the Panel may reconvene at such times and places as its members may deem necessary or advisable.

H. Upon request of the Deputy Chief of Operations, a civilian clerical assistant within the Department may be assigned to record minutes, information, etc., during the time the Panel is convened. The clerical assistant shall not take part in the review, and selection must be authorized by the Chief of Police.

### **.15 Scope and Responsibility**

A. The Panel shall be charged with the responsibility of reviewing all relevant facts and circumstances related to each incident where reportable force is used by an officer of this agency. This shall also include incidents where an officer's use of force was not reported as required by Department policy but later confirmed through an authorized internal investigation.

B. The scope of the Panel's review will be to determine whether the officer's use of force was justified or not justified, and/or if there is a need to address any of the following issues:

1. Policy—revisions necessitated by ambiguities or omission(s)
2. Training—the necessity for remedial training or revisions in training/tactics or practices
3. Weapon(s) and/or Equipment—faulty, outdated, or issues caused by improper use
4. Discipline—identification of a procedure, order, or rule infraction requiring referral to the Chief of Police for action

C. If the Panel determines there is insufficient information available to render a finding, it may also recommend the matter be referred for further investigation.

#### **.20 Procedures Governing Use of Force Review Board Panel**

A. The Chairman shall preside over the review and will be responsible for obtaining any and all relevant documentation pertaining to the use of force incident.

B. The rules of evidence shall not apply to the Panel's review. The Panel shall consider any evidence it deems relevant to the incident.

C. While participating in a review, no member of the Panel shall release information regarding the incident or details of the review to any person not a member of the Panel. This shall also include discussing deliberations or releasing information to the officer whose actions are being reviewed.

D. Any documents obtained by the Panel shall be treated as confidential and shall not be released or removed from the police department without written approval from the Chief of Police.

E. All members of the Board shall conduct reviews in good faith and employ their best efforts to arrive at a fair and objective finding based on Department policy, the law, and the recognized standard of Objectively Reasonable.

F. Incidents involving a serious use of force shall not require a panel review until the findings of the outside agency and DuPage County State's Attorney's investigations are complete. The panel may convene upon conclusion of the investigations at the direction of the Chief of Police.

#### **.25 Findings and Recommendations**

A. Following its review of the use of force incident, the Panel will submit a report detailing its findings and recommendations to the Chief of Police. The Panel's report shall be considered advisory in nature and the Chief of Police will not be bound by the findings or recommendations contained therein.

1. The report shall be signed by all members of the Panel.
2. Any member of the Panel who dissents from the findings and recommendations of the Board, in whole or in part, may submit a separate correspondence to the Chief of Police citing the areas of agreement and dissent, and reasons supporting the dissent by attaching it to the Panel findings at submission.

B. Based on the Panel's report and all related documents, the Chief of Police shall render a final determination regarding the officer's use of force and on any recommendations submitted by the Panel.

1. Any disciplinary action stemming from a use of force incident, other than a suspension to a sworn member, imposed by the Chief of Police, shall be final and binding. This provision disallows the opportunity for a member receiving a reprimand from having the Department Disciplinary Review Board hear the matter, since one panel has already done so. Collective Bargaining Agreements may supersede this section.

C. Subsequent to the determination by the Chief of Police, the involved officer(s) will receive written notice of the outcome of the Use of Force Review.