



LAKE COUNTY FOREST PRESERVES
www.LCFPD.org

Preservation, Restoration, Education and Recreation

DATE: February 5, 2018

MEMO TO: Craig Taylor, Chair
Operations Committee

Agenda Item# 9.5

FROM: John F. Tannahill
Director of Public Safety

RECOMMENDATION: Recommend approval of a Resolution amending the Public Safety Division Policies and Procedures General Order 01-01-05 – Use of Force.

STRATEGIC DIRECTION SUPPORTED: Organizational Sustainability

FINANCIAL DATA: There is no immediate financial impact.

BACKGROUND: The State of Illinois amended The Police and Community Relations Improvement Act, effective August, 2017. The amendment requires that police officers who discharge their firearm, causing injury or death to a person or persons during the performance of their official duties or in the line of duty, submit to drug and alcohol testing as soon as practicable but not later than the end of their shift or tour of duty. The amendment requires all law enforcement agencies to adopt and follow a written policy regarding drug and alcohol testing in these circumstances.

The General Order amendment that would be approved by the attached Resolution would incorporate this requirement into the Public Safety Policies under General Order 01-01-05, which addresses “Use of Force”. Staff will also present separately a proposed Memorandum of Understanding with the Illinois Fraternal Order of Police Labor Council (FOP), which will effectively amend the District’s collective bargaining agreement with FOP to address this new requirement.

REVIEW BY OTHERS: Chief Operations Officer, Director of Administration, Corporate Counsel.

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR FEBRUARY MEETING
FEBRUARY 13, 2018**

MADAM PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **Operations Committee** presents herewith "a Resolution Amending a General Order of the Public Safety Division Policies and Procedures" "and requests its approval.

OPERATIONS COMMITTEE:

Date: 2/5/18 Roll Call Vote: Ayes: ___ Nays: ___
 Voice Vote Majority Ayes: ___ Nays: 0

**LAKE COUNTY FOREST PRESERVE DISTRICT
LAKE COUNTY, ILLINOIS**

**A RESOLUTION AMENDING A GENERAL ORDER OF THE PUBLIC SAFETY
POLICIES AND PROCEDURES**

WHEREAS, the Lake County Forest Preserve District has approved Public Safety Division Policies and Procedures, which include General Orders governing the conduct of the District's ranger police force (the "General Orders"); and

WHEREAS, the Police and Community Relations Improvement Act (the "Act") was amended to require police officers who discharge their firearm causing injury or death to a person or persons during the performance of their official duties or in the line of duty, to submit to drug and alcohol testing as soon as practicable but no later than the end of their shift or tour of duty; and

WHEREAS, the amendment requires all law enforcement agencies to adopt a written policy addressing this testing; and

WHEREAS, it is in the best interests of the District to amend General Order 01-01-05 governing Use of Force in substantially the form attached as Exhibit A to meet the requirement of the Act;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Lake County Forest Preserve District, Lake County, Illinois, **THAT**:

Section 1: Recitals. The recitals set forth above are incorporated as a part of this Resolution by this reference.

Section 2: Amendment to General Order. Amended General Order 01-01-05 governing Use of Force, in the form attached hereto as Exhibit A is hereby approved.

Section 3: Effective Date. This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

PASSED this ____ day of _____, 2018.

AYES:

NAYS:

APPROVED this ____ day of _____, 2018.

Ann B. Maine, President
Lake County Forest Preserve District

ATTEST:

Julie Gragnani, Secretary
Lake County Forest Preserve District
Exhibit No. _____

EXHIBIT A

LAKE COUNTY FOREST PRESERVE DISTRICT
PUBLIC SAFETY DIVISION
GENERAL ORDER NUMBER 01-01-05

SUBJECT: USE OF FORCE

DATE: January 01, 2003

Amended: February 13, 2018

A. POLICY

The Lake County Forest Preserve District Public Safety Division recognizes and respects the value and special integrity of human life. In vesting sworn certified Rangers with the lawful authority to use force to protect the public welfare, a careful balancing of interests is required. Therefore, it is the policy of the Division that a member will use only the force reasonably necessary to effectively bring an incident under control, while protecting the lives of the employee and other persons.

B. DEFINITION

1. Lethal force: Any use of force that is likely to cause death or great bodily harm.
2. Non-lethal force: Any use of force that is not likely to cause death or great bodily harm.
3. Use-of-force continuum: The continuum is a working model [sequence of steps] that depicts the dynamic relationship between a suspect's level of resistance and apprehension and the member's level of force used to overcome such resistance.

C. PROCEDURE

1. The Division's use-of-force model is structured as follows:
 - a. Officer presence
 - b. Voice request/command
 - c. Bare hand control/force
 - d. Pepper spray
 - e. Physical strikes and/or baton or other impact weapons
 - f. Lethal force

NOTE: OFFICERS SHOULD USE THE RESPONSE APPROPRIATE TO THE RESISTANCE OFFERED. THEY DO NOT NEED TO PROGRESS STEP BY STEP THROUGH THE CONTINUUM.

2. A Ranger's use of force must adhere to Division principles.
 - a. As the suspect's resistance escalates, so may the ranger's level of force increase. If the suspect's resistance decreases, the Ranger's use of force must decrease as well.
 - b. A member may use Division approved non-lethal force techniques and equipment to:
 - (1) protect the member and others from physical injury.
 - (2) restrain or subdue a resistant individual.
 - (3) bring an unlawful situation safely and effectively under control.

3. Guidelines for non-lethal force

A Ranger will evaluate the situation to determine which available non-lethal force technique or issued equipment will be used to control the situation without compromising her safety or that of a fellow member or innocent citizen.

4. Guidelines for lethal force

- a. Rangers are authorized to use lethal force in order to:
 - (1) Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily harm; or
 - (2) To prevent the escape of a person:
 - (a) from the vicinity of a violent crime or confrontation during which that person is reasonably believed to have caused or attempted to cause death or serious bodily harm to the officer(s) or other persons, and who is reasonably believed to be armed and to have committed a forcible felony to another person, or
 - (b) may otherwise endanger life or inflict other serious physical injury unless arrest without delay.
- b. Warning shots are not permitted. Firearms may only be discharged when the use of deadly force is justified.

5. Pepper spray

Pepper spray will be used when it is obvious that the first steps in the force continuum are, or will be, ineffective.

- a. The Division will issue and train officers in the use of pepper spray.
- b. The pepper spray will not be used unless the officer has received training in its use.
- c. Pepper spray may be used if a suspect under the control of a Ranger escalates resistance to the point that the suspect physically resists the Ranger's attempt to control the suspect.
- d. This resistance may include, but is not limited to, the suspect grabbing, pushing, punching, kicking, biting, or throwing objects at on the Ranger. Pepper spray may be used when the suspect is attempting to, or has already committed a battery on the Ranger.

e. When spray is used on a subject, the Ranger who has control of the subject will check regularly to assure that the subject does not stop breathing.

f. Normal decontamination procedures will be followed, or immediate medical attention will be provided if necessary or if requested by an individual.

6. Expandable Baton

a. The Division will issue an expandable (tactical) baton.

b. The baton may be used as a control weapon, in conjunction with weaponless non-impact control techniques, to apply steady pressure-to-pressure sensitive areas, thereby effecting control.

c. The baton may be used as a defensive impact/striking weapon.

d. A flashlights will not be used as a substitute for the baton.

7. Death or great bodily harm attributed to a ranger in the performance of police duty:

a. The Division will immediately initiate an investigation of the facts and circumstances. Where death is involved, the Lake County Major Crimes Task Force will immediately be requested to participate in the investigation. The Lake County States Attorney's Office will also be notified of the incident.

b. The member responsible for the death or serious injury:

(1) may be assigned, as deemed appropriate by the Superintendent, to administrative duty or leave of absence.

(2) will provide any weapon used in the incident to a Supervisor or investigating officer.

(3) will be available for official interviews and statements regarding the case, and will be subject to recall to duty, as determined by the Superintendent.

(4) will not discuss the case with anyone except the prosecuting attorney and Division personnel. This does not prohibit the officer from discussing the case with his attorney(s).

(5) The Public Act 100-0389: Section 1-25 The Police and Community Relations Improvement Act requires police officers who discharge their firearm causing injury or death to a person or persons during the performance of their official duties or in the line of duty, must submit to a drug and alcohol testing as soon as practicable but not later than the end of their shift or tour of duty.

8. Notification to Supervisor Regarding Use of Force:

The Ranger will notify the Supervisor when:

a. a Ranger requires medical attention as a result of a suspect using force, or
b. a Ranger uses lethal force, or
c. a suspect requires or requests medical treatment as the result of a Ranger using force. The Supervisor in turn will promptly notify the Superintendent of the occurrence.

9. The Ranger will notify the shift commander and Superintendent when:

a. a Ranger uses lethal force,
b. a Ranger sustains serious injury as a result of a suspect using force, or
c. a suspect is seriously injured as the result of a Ranger using force.

10. Post shooting stress and fatigue

- a. Psychological debriefing will be offered for any member who in the line of duty:
 - (1) discharges a firearm at another person, injuring or killing the person, or
 - (2) is seriously injured as a result of an assault with a firearm, or
 - (3) is referred to the District's psychological agency by a Supervisor,following a shooting incident.
- b. A psychologist will be made available to a member at the member's request who in the line of duty:
 - (1) has been involved in a shooting incident,
 - (2) is the victim of an assault, or
 - (3) has been a witness to a shooting incident.
- c. The affected member's Supervisor will ensure scheduling of the psychological debriefing;
- d. A member who discharges a firearm injuring another person may be excused from duty for the remainder of his tour of duty and his next scheduled work day. The excused absence may be extended by the Superintendent to include additional scheduled workdays.

11. Use of force report:

- a. An incident report will be completed by a Ranger when she uses:
 - (1) lethal force against a person,
 - (2) a non-lethal weapon (i.e. pepper spray, baton) on a person, or
 - (3) force that results in death or injury.
- b. An incident report will be completed by the victim Ranger when a subject:
 - (1) uses lethal force against a Ranger,
 - (2) uses a non-lethal weapon against a Ranger,
 - (3) uses force that results in injury to a Ranger, or
 - (4) forcibly obstructs or resists arrest, however slight.
- c. Should a member not be able to complete an incident report due to death or injury, the immediate Supervisor will ensure the form is completed.
- d. An incident report will be completed for each incident.
- e. A case report number will be used for the incident report and the report number of any other report taken in regards to the incident will be included in the report.

12. Incident Report

The incident report will be forwarded through the chain of command to the Superintendent, who in turn will forward the report directly to the Director. The Superintendent will be responsible for filing the reports and collecting the statistical information. Any information contained in the incident report will not be released to persons or agencies outside the Division, without prior approval from the Superintendent.

D. DEPARTMENT STANDARD

THIS GENERAL ORDER IS INTENDED FOR DIVISION USE ONLY. VIOLATIONS SHOULD SERVE ONLY AS A BASIS FOR DIVISION ADMINISTRATIVE SANCTIONS. VIOLATIONS OF LAW SHALL FORM THE BASIS FOR CIVIL AND CRIMINAL SANCTIONS IN A COURT OF LAW OR ADMINISTRATIVE PROCEEDING OUTSIDE THE DISTRICT.