



**Meeting Date:** June 23, 2020

**To:** Michael Braiman, Village Manager

**From:** Kyle Murphy, Police Chief

**Subject:** Police Department Use of Force, Related Policies & Practices

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At the June 9, 2020 Village Board meeting, President Bielinski requested a report regarding the Police Department's use of force and related policies, best practices and complaint history. In response, this memorandum will discuss the following:

- Police Department policy implementation and review of practices
- Police Department's use of force and related policies
- Police Officer training
- Statistical data on use of force, traffic stops, pedestrian stops, arrests and personnel complaints

### **Policy Implementation and Review of Practices**

In 1986 the Wilmette Police Department was the 3<sup>rd</sup> agency in the State of Illinois and 29<sup>th</sup> in the Nation to be accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA). The Department has maintained and successfully received reaccreditation in 1991, 1996, 1999, 2002, 2005, 2009, 2012, 2015 and most recently 2018. The Wilmette Police Department has been found consistently compliant under the CALEA Advanced Law Enforcement Program by an outside agency review and evaluation of over 400 national standards covering the best policies and procedures in law enforcement. These include broad areas such as use of force, rights of citizens and detainees, diversionary programs, bias-based policing, community relations and internal affairs.

Law enforcement accreditation is a voluntary and ongoing process that requires an agency to develop a comprehensive, well thought out, uniform set of written directives that comply with national best practices and standards. Accreditation strengthens our accountability, both within the department and the community, through a continuum of standards that clearly define authority, performance and responsibilities. This program demonstrates our commitment to professionalism. Accreditation is intended to enhance

organization service capacities and effectiveness, serve as a tool for policy decisions and management, promote transparency and community trust and establish a platform for continuous review.

The Department's policies are greatly influenced by Federal and State laws, the International Association of Chiefs of Police, the Police Executive Research Forum, Accreditation and Illinois Law Enforcement Training and Standards Board. Policies are routinely reviewed and updated if laws, procedures, best practices or equipment changes. When policies are adopted or revised, they are communicated with department members, discussed in roll calls and any necessary training is completed.

An important component of accreditation is to document that not only do we have the proper policies in place, but that the policies are adhered to in our practices and interactions with the public. To ensure that the Department's policies are followed in practice, supervisors review all documents and reports related to public interactions including traffic citations, criminal incidents and arrests. Incidents related to motor vehicle pursuits, use of force, employee related crashes or injuries prompt additional supervisor review and investigation; this additional level of review includes a supervisor, Deputy Chief as well as the Police Chief.

Supervisors routinely select traffic stops at random to review and document adherence to proper procedures. The review is facilitated by the Department's use of squad car dashcam video recordings and microphones worn by police officers. The audio and video equipment are activated manually by the officer or anytime the vehicle's emergency lights are activated. Additionally, the system will capture thirty seconds prior to activation. Unless being held as evidence, recorded video media are held for a period no-less than ninety (90) days as required by State statute before they are erased and re-used.

Page 8 of this report discusses the Department's complaint and investigation procedures; however, it is worth noting that the vast majority of corrective actions taken by supervisors are a result of these supervisory initiated reviews in comparison to external complaints.

### **Use of Force and Related Policies**

Use of force laws, policies and training are largely guided by the landmark U.S. Supreme Court cases *Graham v. Connor*, 490 U.S. 386 (1989) and *Tennessee v. Garner*, 471 U.S. 1 (1985).

On occasion, Wilmette police officers will need to use force they reasonably believe necessary to effect an arrest and/or to defend themselves or another from bodily harm. The Wilmette Police Department has strict reporting requirements regarding incidents involving the use of force. Any such instance is documented and reviewed by multiple supervisory levels to ensure policy and law compliance and to identify training, procedural or equipment needs.

Documentation of the use of force is required in all instances and not only for the actual use of physical force but also the presentation or discharge of a firearm, CEW (conducted energy weapon, i.e. Taser) or oleoresin capsicum “pepper ball”.

Wilmette Police Department use of force policies are comprehensive and generally consistent with the recommendations made by the President’s 2015 Task Force on 21<sup>st</sup> Century Policing. To that end, Wilmette policies:

- Prohibit the use of unnecessary force
- Require members to intervene and report unnecessary force
- Prohibit chokeholds unless deadly force is justified
- Prohibit warning shots
- Prohibit shooting at moving vehicles unless imminent threat to life or great bodily harm exists
- Restrict placing a restrained prisoner on their stomach for more than one minute
- Require medical attention for injured persons
- Limits the type of force that can be used to respond to specific situations
- Require comprehensive reporting
- Consider the presentation of a firearm, CEW (taser) and pepper ball as a use of force which requires documentation

In addition to the Department’s use of force policy, which is attached, there are additional policies that address the safety of the public and members of the Department which are also attached for review:

- Prisoner restraint and transport
- Authorized weapons
- Conducted energy weapons
- Bias based policing

Of note, the purpose of the Department’s bias based policing policy is to “Reinforce procedures that serve to assure the public the Wilmette Police provide fair treatment and equal protection for all persons, at all times, without exception”. The attached policy requires that officers must be able to articulate the specific elements that caused him or her to believe a stop was lawful and proper, requires any member of the Department who observes a violation of the policy to report it to their supervisor and specifically outlines how an officer is to conduct stops to prevent any perception of biased policing.

### **Police Officer Training**

The Illinois Law Enforcement Training and Standards Board (ILETSB) is the State agency mandated to promote and maintain a high level of professional standards for law enforcement. Responsibilities include developing and providing quality training and education and establishing appropriate standards. The Board is also responsible for certifying personnel who have acquired the levels of education, training and experience necessary to perform the duties of law enforcement.

In Wilmette, a bachelor's degree is an application requirement for the position of police officer. Every new entry level police officer attends a State certified police academy for 560 hours of instruction. Upon their return, all officers must successfully complete a minimum 12-week field training program under the direct supervision of an experienced police officer certified to be a field training officer. This field training program is designed to give a probationary officer experience and training of all policies, procedures, rules and regulations. Daily observation reports measuring progress and competency are completed for each new employee.

In 2019, Wilmette officers received an average of 100 hours of training, including use of force involving de-escalation strategies. Additional mandated continuing education for all sworn officers includes but is not limited to firearms qualifications, law updates, use of force including scenario-based decision making, defensive tactics, constitutional and proper use of authority, procedural justice, civil rights, human rights, cultural competency, implicit bias and mental health awareness. Included in the civil rights and human rights training, Wilmette police officers received training on racial profiling, civil immigration law, unbiased evidence-based policing and legal basis for search and seizure.

De-escalation strategies have been a part of the Wilmette Police Department's use of force training for decades. Per the Department of Justice, de-escalation is the strategic slowing down of an incident in a manner that allows officers more time, distance, space and tactical flexibility during dynamic situations. These strategies are incorporated into Wilmette's defensive tactics, less lethal and deadly force training.

The ability to de-escalate situations is further improved by communication skills and mental health awareness training. To that end, more than 80% of Wilmette patrol personnel are certified in crisis intervention, commonly referred to as Crisis Intervention Team (CIT) training. Of note, this level of training exceeds industry recommendations which are that 25% of patrol staff should obtain CIT certification. CIT training includes:

- Mental illness signs and symptoms
- Child and adolescent issues
- Geriatric issues
- Co-occurring disorders – Substance abuse
- Verbal de-escalation and tactical response
- Returning veterans and PTSD
- Risk assessment and crisis intervention skills
- Law enforcement response and legal issues
- Medical conditions and psychotropic medications
- Autism and persons with intellectual and developmental disabilities
- Community resources

Supervisory and command staff personnel receive advanced training. In addition to completing the same annual training required of a patrol officer, management and career development programs are included. All supervisory personnel attend Northwestern University School of Police Staff and Command which is an intensive ten-week program

that prepares law enforcement managers for senior positions by uniquely combining academic principles with practical applications. Command level training options include the FBI National Academy at Quantico covering a wide range of leadership and specialized training or the Police Executive Research Forum Senior Management Institute for Police (SMIP). SMIP is held at Boston University's School of Law and is intensive training in management concepts and practices used in business and government. A demanding three-week course, SMIP brings together faculty from top universities, successful law enforcement chief executives and subject matter experts from the private sector.

Officer wellness and safety is a pillar of the 21<sup>st</sup> Century Policing Task Force. Because the ability to function at a high level is critical to building and maintaining public trust, physical and mental health of officers is paramount. Wilmette officers perform an age equivalent annual physical agility test and undergo annual medical exams. In addition to the Department's Social Services Counselor and Village's Employee Assistance Program, the Department recently instituted a peer support team providing access to a regional peer support program made up of officers and mental health professionals.

**Statistical Data**

Each year the Police Department prepares an Annual Report which is published on the Village website; the website contains reports dating back to 2004. The reports provide detailed information and analysis of the Department's training, crime statistics, use of force, traffic stops, and other policing metrics. [To view these reports, click this link.](#)

Use of Force

As discussed above, use of force is rare for a Wilmette police officer but is necessary in some circumstances. As the table below demonstrates, over the past five years some level of force has been used on average for 0.06% of all calls for service. Call for service include traffic crashes, traffic stops, delayed and in progress criminal or civil incidents, community service activities and the like. While not entirely representative of total police – citizen contacts, due to incidents that may have multiple citizens and or officers on scene, it provides a good benchmark for interactions with the public. Although there has been no increase in Part 1 crimes (most serious) over the last two years, there has been an increase in other minor offenses. This combined with increased officer-initiated traffic safety surveys, community relations and business activity is reflected in the increased calls for service in 2018 and 2019.

<b>Year</b>	<b>Calls for service</b>	<b>Arrests</b>	<b>Incidents of use of force</b>	<b>Only force used was presentation of a weapon</b>	<b>Injuries reported as a result of use of force</b>
2019	21,542	362	10	4	0
2018	20,285	370	9	4	0
2017	17,262	269	10	3	0
2016	18,398	405	12	3	1
2015	19,045	571	19	5	0

As illustrated above, some level of physical force is necessary in response to resistance and applied on average in approximately 3% of all arrests.

The Department further tracks use of force by race as documented below:

<b>Year</b>	<b>Caucasian</b>	<b>African American</b>	<b>Hispanic</b>	<b>Asian</b>
2019	5	2	2	1
2018	5	4	0	0
2017	5	3	0	2
2016	7	4	1	0
2015	12	5	2	0

In 2019, the Federal Bureau of Investigations (FBI) established National Use-of-Force Data Collection which allows users to view use of force incidents from a nationwide perspective with a goal to provide an aggregate view of the incidents reported and the circumstances, subjects and officers involved. The Wilmette Police Department has voluntarily participated in this program. It should be noted that of the Department's ten (10) use-of-force incidents in 2019, none of them met the below reportable standards for the FBI data collection program:

- When a fatality to a person occurs connected to use of force by a law enforcement officer
- When there is serious bodily injury to a person connected to use of force by a law enforcement officer
- In the absence of either death or serious bodily injury, when a firearm is discharged by a law enforcement officer at or in the direction of a person.

#### Traffic Stop Data

Per State statute, the Wilmette Police Department reports our data annually to the Illinois Department of Transportation. This data is then analyzed by an outside consulting firm and the reports are attached and can also be found [here](#).

In 2004, Illinois began collecting traffic stop data. A "traffic stop" occurs when an officer stops a motor vehicle for a violation of the Illinois vehicle code, or for a local traffic violation. The Traffic Stop Study data does not include traffic citations arising from traffic crashes, or in cases in which an officer stops a vehicle that has been linked to a specific crime, such as a vehicle wanted in connection with a robbery.

Over the last five years, the Wilmette Police Department's data demonstrates that our police officers are no more likely to stop a minority than they are to stop a Caucasian individual. The table below compares the Village's minority traffic stop ratio to the Statewide benchmark of Illinois law enforcement agencies.

	Traffic Stop Ratio					5-Year Average
	2015	2016	2017	2018	2019	
Wilmette Minority Stop Ratio	1.01	1.06	1.01	0.96	0.90	0.99
Statewide Minority Stop Ratio	1.25	1.38	1.49	1.56	*	1.44*

*\*2019 Statewide data is not yet available, the 4-year average is provided.*

The ratio denoted above measures the likelihood that minority drivers will be stopped by a law enforcement agency. To quantify this likelihood, the ratio between the percentage of minority stops of an agency and that community's estimated minority driving population is calculated. Wilmette data from the past five years helps to illustrate this concept:

- 24.71% of traffic stops in Wilmette involved minority drivers
- 25.12% is the estimated minority driving population in Wilmette
- The ratio for Wilmette is calculated as:  $24.71/25.12 = 0.99$ 
  - Conclusion: Over the last five years, a minority driver in Wilmette was **1% less** likely to be stopped than we would expect based on the estimated minority driving population

In addition to measuring the number of traffic stops, the Police Department tracks the reasons for each stop and the outcome of the stop. Detailed data figures are included in the attachments and a summary of the five-year average for Wilmette is below:

	Reason for Stop- Percentage of Total Traffic Stops			
	Moving Violation	Equipment Violation	License/Registration Violation	Commercial Violation
Caucasian Drivers	64.90%	19.97%	15.05%	0.08%
Minority Drivers	65.97%	21.35%	12.48%	0.20%

	Outcome of Stop- Percentage of Total Traffic Stops	
	Citation	Warning
Caucasian Drivers	31.91%	68.09%
Minority Drivers	32.41%	67.59%

In 2019, the ACLU conducted an audit of Illinois Law Enforcement agencies' 2017 statistics. Although the ACLU reported they found racial disparities in searches of minority drivers in Illinois, they reported that there was no statistical difference between the request to search, searches conducted and citation issued rates between Caucasian and minority drivers by the Wilmette Police Department.

Click the following link to view the Wilmette data from the ACLU study: <https://illinoistrafficstops.com/?agency=Wilmette%20Police>

### Pedestrian Stop Data

In 2015, the Illinois General Assembly passed Public Act 99-352 that supplements the Illinois Traffic Stop Study by mandating the collection of data on certain types of pedestrian stops. The law requires that data is to be collected on pedestrian stops that include "frisks, searches, summons and arrests." Reasons for stopping individuals may include reasonable suspicion, probable cause or a community caretaking role where someone needed assistance.

The Police Department reviews pedestrian stops for bias based policing to ensure actions adhere to Departmental policies and values. The table below documents the total number of pedestrian stops from 2016 - 2019 that were initiated by Wilmette police officers.

	<b>Caucasian</b>	<b>African American</b>	<b>Asian</b>	<b>Hispanic</b>	<b>Other</b>
<b>Number of Stops</b>	56	16	7	13	-
<b>% of Total Stops</b>	61%	17%	8%	14%	-

*Note: The State of Illinois does not have a four-year average of Statewide pedestrian stops for benchmarking purposes as they do for traffic stops.*

### Arrest Data

The Police Department tracks arrest data by race as documented in the table below. Recent juvenile and automatic expungement legislation has taken effect in Illinois which is reflected in the table and the impact clearly demonstrated in 2019.

<b>Race</b>	<b>Percent of Arrests by Race</b>				
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>
<b>Caucasian</b>	50%	54%	51%	55%	41%
<b>African American</b>	19%	23%	25%	23%	21%
<b>Hispanic</b>	15%	10%	15%	14%	12%
<b>Asian</b>	6%	5%	4%	3%	4%
<b>Pacific Islander</b>	0.1%	0%	0%	1%	0%
<b>Unknown/Expunged</b>	10%	8%	6%	4%	22%

### Personnel Complaints

Police Department employees are expected to conduct themselves in a professional manner at all times and in accordance with the Department's mission, values, policies and procedures. All individuals are able to submit complaints against a member(s) of the Police Department. Complaints can be submitted anonymously if preferred by the complainant.

Any complaint against the Department or a member is thoroughly investigated. This includes interviewing the complainant, witnesses, officer(s) involved and review of audio/video recordings from the in-car camera system. Incidents involving an accusation of sexual assault, officer involved shooting or an in-custody death would be investigated by

outside agencies. Findings for internal investigations are classified in one of the following dispositions:

- Sustained - The allegation is substantiated
- Not Sustained - The allegation is not substantiated as there is insufficient evidence to prove the allegation
- Unfounded - The allegation is false, or not factual; no misconduct took place; the incident did not occur or did not involve the employee named
- Exonerated - The incident occurred, but the employee involved acted lawfully and properly

There were no complaints of unnecessary or excessive force in the last five years, a summary of complaints is below:

<b>Year</b>	<b>External Complaint</b>	<b>Findings</b>
2019	Rudeness	Unfounded
2019	Rudeness	Sustained
2019	Conduct Unbecoming	Unfounded
2018	None	N/A
2017	None	N/A
2016	Unlawful Stop	Exonerated
2016	Improper Procedure	Unfounded
2016	Rudeness/Improper procedure	Exonerated
2015	Misconduct	Unfounded

### **Conclusion**

As is demonstrated in the discussion above, the Wilmette Police Department is a highly professional organization whose actions are representative of the values we espouse. The Department is committed to adhering to best practices in the field of law enforcement and to continual review and improvement of our policies, procedures and practices.

### **Documents Attached**

1. Illinois Traffic Stop Study- Wilmette
2. Illinois Pedestrian Stop Study- Wilmette
3. Wilmette Police Department Policies
  - Use of Force (Includes Use of Force Reporting Form)
  - Prisoner Restraint and Transport
  - Authorized Weapons
  - Conducted Energy Weapons
  - Bias Based Policing
4. Presentation

**ILLINOIS TRAFFIC STOP STUDY, 2015**

**Agency:**

**WILMETTE POLICE**

**Stops**

	White Drivers	Minority Drivers
Total Stops	3036	1027
Percentage Stops	74.72	25.28
Duration (Mean\Median)	9\8	10\9
Estimated Minority Driving Population		25.12
Ratio		1.01

**Reason for Stop**

	White Drivers	Minority Drivers
Total Stops	3036	1027
Moving Violations	1833	619
Equipment Violations	707	232
Licensing / Registration Violations	495	171
Commercial Vehicle Violations	1	5

**Outcome of Stop**

	White Drivers	Minority Drivers
Total Stops	3036	1027
Citation	1120	417
Written Warning	3	3
Verbal Warning/ Stop Card	1913	607

**Vehicle Consent Searches**

	White Drivers	Minority Drivers
Total Stops	3036	1027
Requested	42	12
Granted	30	11
Performed	27	11
Found	11	2

**Dog Sniff Searches**

	White Drivers	Minority Drivers
Total Stops	3036	1027
Vehicle Dog Sniff Searches	1	1
Dog Alerts	1	1
Search Performed	1	1
Contraband Found	1	1

Key Indicators	Total	WH	AA	AI	HIS	ASN	NH	N/S
Stops	4063	3036	303	15	346	357	6	0
Duration(Mean/Median)	9\8	9\8	9\8	8\7	12\10	9\8	10\10	0\0
Reason For Stop	Moving	2452	1833	178	7	191	242	1
	Equipment	939	707	65	4	81	77	5
	License	666	495	60	4	69	38	0
	Commercial Vehicle	6	1	0	0	5	0	0
	N/S	0	0	0	0	0	0	0
Outcome of Stop	Citation	1537	1120	102	5	164	145	1
	Written Warning	6	3	0	0	1	2	0
	Verbal Warning/SC	2520	1913	201	10	181	210	5
	NS	0	0	0	0	0	0	0
Vehicle Consent Searches	Requested	54	42	4	0	6	2	0
	Granted	41	30	3	0	6	2	0
	Performed	38	27	3	0	6	2	0
	Found	13	11	1	0	1	0	0
Dog Sniff Searches	Sniffs	2	1	1	0	0	0	0
	Alerts	2	1	1	0	0	0	0
	Alert Search	2	1	1	0	0	0	0
	Found	2	1	1	0	0	0	0







Summary of Traffic Stops for 2019 - WILMETTE POLICE						
	White	Black or African American	Hispanic or Latino	Asian	American Indian or Alaska Native	Native Hawaiian or Other Pacific Islander
<b>Panel: 1 Summary of Traffic Stops, Rates, and Rate Ratios with 95% Confidence Intervals. Total stops: 4,105. Total benchmark population: 326,084.</b>						
Stops	3,173	265	258	389	5	15
Benchmark	233,852	15,455	26,476	49,949	172	180
Stop Rate (95% Confidence Interval)	0.0136 (0.0131 - 0.014)	0.017 (0.015 - 0.019)	0.0097 (0.0086 - 0.011)	0.008 (0.007 - 0.009)	0.03 (0.009 - 0.07)	0.08 (0.05 - 0.1)
Rate Ratio vs White (95% Confidence Interval)	1.0	<b>1.3 (1.1 - 1.4)</b>	0.7 (0.6 - 0.8)	0.57 (0.52 - 0.64)	2 (0.7 - 5)	<b>6 (3 - 10)</b>
<b>Panel: 2 Summary of Reason for Stop - Number (Percentage of All Stops for the Racial Group with the Noted Reason for Stop) [95% Confidence Interval]</b>						
Moving Violation	2,247 (71%) [68% - 74%]	180 (70%) [60% - 80%]	170 (70%) [60% - 80%]	288 (74%) [66% - 83%]	5 (100%) [30% - 100%]	14 (90%) [50% - 100%]
Licensing/Registration	365 (12%) [10% - 13%]	26 (9.8%) [6.4% - 14%]	27 (10%) [7% - 20%]	29 (7%) [5% - 10%]	0 (0%) [0% - 70%]	1 (7%) [0.2% - 40%]
Commercial Vehicle	2 (0.06%) [0.008% - 0.2%]	0 (0%) [0% - 1%]	0 (0%) [0% - 1%]	0 (0%) [0% - 0.9%]	0 (0%) [0% - 70%]	0 (0%) [0% - 20%]
<b>Panel: 3 Summary of Outcome of Stop - Number (Percentage of All Stops for the Racial Group with the Noted Outcome of Stop) [95% Confidence Interval]</b>						
Verbal Warning	2,258 (71%) [68% - 74%]	212 (80%) [70% - 90%]	184 (70%) [60% - 80%]	288 (74%) [66% - 83%]	3 (60%) [10% - 100%]	8 (50%) [20% - 100%]
Written Warning	33 (1%) [0.72% - 1.5%]	9 (3%) [2% - 6%]	1 (0.4%) [0.01% - 2%]	3 (0.8%) [0.2% - 2%]	1 (20%) [0.5% - 100%]	0 (0%) [0% - 20%]
Citation	882 (28%) [26% - 30%]	44 (17%) [12% - 22%]	73 (30%) [20% - 40%]	98 (25%) [20% - 31%]	1 (20%) [0.5% - 100%]	7 (50%) [20% - 100%]
Citation Ratio vs White (95% Confidence Interval)	1.0	0.6 (0.4 - 0.8)	1 (0.79 - 1.3)	0.9 (0.7 - 1)	0.7 (0.02 - 4)	2 (0.7 - 3)
<b>Panel: 4 Summary of Vehicle Search Events - Number (Percentage for the Racial Group) [95% Confidence Interval]</b>						
Consent Search (% of Stops)	7 (0.2%) [0.09% - 0.5%]	5 (2%) [0.6% - 4%]	0 (0%) [0% - 1%]	1 (0.3%) [0.007% - 1%]	0 (0%) [0% - 70%]	0 (0%) [0% - 20%]
All Searches (% of Stops)	28 (0.9%) [0.6% - 1%]	7 (3%) [1% - 5%]	9 (3%) [2% - 7%]	1 (0.3%) [0.007% - 1%]	1 (20%) [0.5% - 100%]	0 (0%) [0% - 20%]
Contraband Found (% of All Searches)	17 (60%) [40% - 100%]	4 (60%) [20% - 100%]	5 (60%) [20% - 100%]	1 (100%) [3% - 100%]	1 (100%) [3% - 100%]	0 [ NA ]

**Summary of Traffic Stops for 2019 - WILMETTE POLICE**

	<b>White</b>	<b>Black or African American</b>	<b>Hispanic or Latino</b>	<b>Asian</b>	<b>American Indian or Alaska Native</b>	<b>Native Hawaiian or Other Pacific Islander</b>
Contraband Found Ratio vs White (95% Confidence Interval)	1.0	0.9 (0.2 - 3)	0.9 (0.3 - 3)	2 (0.04 - 10)	2 (0.04 - 10)	NA
<b>Panel: 5 Summary of Driver or Passenger Search Events - Number (Percentage for the Racial Group) [95% Confidence Interval]</b>						
Consent Search (% of Stops)	6 (0.2%) [0.07% - 0.4%]	5 (2%) [0.6% - 4%]	0 (0%) [0% - 1%]	2 (0.5%) [0.06% - 2%]	0 (0%) [0% - 70%]	0 (0%) [0% - 20%]
All Searches (% of Stops)	27 (0.9%) [0.6% - 1%]	6 (2%) [0.8% - 5%]	6 (2%) [0.9% - 5%]	2 (0.5%) [0.06% - 2%]	1 (20%) [0.5% - 100%]	0 (0%) [0% - 20%]
Contraband Found (% of All Searches)	3 (10%) [2% - 30%]	1 (20%) [0.4% - 90%]	0 (0%) [0% - 60%]	1 (50%) [1% - 100%]	0 (0%) [0% - 100%]	0 [ NA ]
Contraband Found Ratio vs White (95% Confidence Interval)	1.0	2 (0.03 - 20)	0 (0 - 10)	4 (0.09 - 60)	0 (0 - 70)	NA

<b>ILLINOIS PEDESTRIAN STOP STUDY, 2016</b>	
Agency	<b>WILMETTE POLICE</b>

<b>Community Demographics</b>	<b>Total</b>	<b>White</b>	<b>Black</b>	<b>AI</b>	<b>Hispanic</b>	<b>Asian</b>	<b>NH</b>	
	20465	17372	167	7	629	2285	5	
		84.89 %	0.82 %	0.03 %	3.07 %	11.17 %	0.02 %	

<b>Pat Down Stops</b>							
	<b>White</b>	<b>Black</b>	<b>AI</b>	<b>Hispanic</b>	<b>Asian</b>	<b>NH</b>	<b>N/S</b>
<b>Stops by Race</b>	57.14 %	32.65 %	0.0 %	8.16 %	2.04 %	0.0 %	0.0 %
<b>Stops With a Pat Down</b>	7.14 %	50.0 %	0.0 %	75.0 %	0.0 %	0.0 %	0.0 %
<b>Pat Downs Conducted by Consent</b>	0.0 %	62.5 %	0.0 %	66.67 %	0.0 %	0.0 %	0.0 %
<b>Pat Downs Conducted by Reasonable Suspicion</b>	100.0 %	37.5 %	0.0 %	33.33 %	0.0 %	0.02 %	0.0 %
<b>Search Beyond Pat Down</b>							
<b>Search Beyond Pat Down Conducted</b>	0.0 %	25.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %
<b>Search Beyond Pat Down Conducted by Consent</b>	0.0 %	50.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %
<b>Contraband Found During Consent Search</b>	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %
<b>Search Beyond Pat Down Conducted by Probable Cause</b>	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %
<b>Contraband Found During Search by Probable Cause</b>	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %
<b>Search Beyond Conducted Incident to Arrest</b>	0.0 %	50.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %
<b>Contraband Found During Search Incident To Arrest</b>	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %
<b>Outcome of Stop</b>							
<b>Stop Resulted in a Warning or Citation</b>	82.14 %	25.0 %	0.0 %	25.0 %	0.0 %	0.0 %	0.0 %
<b>Stop Resulted in a Custodial Arrest</b>	17.86 %	31.25 %	0.0 %	25.0 %	0.0 %	0.0 %	0.0 %

<b>Key Indicators</b>		<b>Total</b>	<b>White</b>	<b>Black</b>	<b>AI</b>	<b>Hispanic</b>	<b>Asian</b>	<b>NH</b>	<b>N/S</b>
<b>Total Stops</b>		49	28	16	0	4	1	0	0
<b>Pat Down Stops</b>	Stops With a Pat Down	13	2	8	0	3	0	0	0
	Pat Downs Conducted by Consent	7	0	5	0	2	0	0	0
	Pat Downs Conducted by Reasonable Suspicion	6	2	3	0	1	0	0	0
	Search Beyond Pat Down Conducted	2	0	2	0	0	0	0	0
<b>Search Beyond</b>	Search Beyond Pat Down Conducted by Consent	1	0	1	0	0	0	0	0
	Contraband Found During Consent Search	0	0	0	0	0	0	0	0
	Search Beyond Pat Down Conducted by Probable Cause	0	0	0	0	0	0	0	0
	Contraband Found during Search by Probable Cause	0	0	0	0	0	0	0	0
	Search Beyond Conducted Incident to Arrest	1	0	1	0	0	0	0	0
	Contraband Found During Search Incident To Arrest	0	0	0	0	0	0	0	0
<b>Outcome of Stop</b>	Warnings/Citations	28	23	4	0	1	0	0	0
	Arrested	11	5	5	0	1	0	0	0

ILLINOIS PEDESTRIAN STOP STUDY, 2017	
Agency	WILMETTE POLICE

Community Demographics	Total	White	Black	AI	Hispanic	Asian	NH	
	20465	17372	167	7	629	2285	5	
		84.89 %	0.82 %	0.03 %	3.07 %	11.17 %	0.02 %	

Pat Down Stops							
	White	Black	AI	Hispanic	Asian	NH	N/S
Stops by Race	43.1 %	44.83 %	0.0 %	10.34 %	1.72 %	0.0 %	0.0%
Stops With a Pat Down	32.0 %	53.85 %	0.0 %	33.33 %	0.0 %	0.0 %	0.0%
Pat Downs Conducted by Consent	25.0 %	42.86 %	0.0 %	50.0 %	0.0 %	0.0 %	0.0%
Pat Downs Conducted by Reasonable Suspicion	75.0 %	57.14 %	0.0 %	50.0 %	0.0 %	0.0 %	0.0%
Search Beyond Pat Down							
Search Beyond Pat Down Conducted	0.0 %	14.29 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0%
Search Beyond Pat Down Conducted by Consent	0.0 %	100.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0%
Contraband Found During Consent Search	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0%
Search Beyond Pat Down Conducted by Probable Cause	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0%
Contraband Found During Search by Probable Cause	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0%
Search Beyond Conducted Incident to Arrest	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0%
Contraband Found During Search Incident To Arrest	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0%
Outcome of Stop							
Stop Resulted in a Warning or Citation	60.0 %	26.92 %	0.0 %	50.0 %	100.0 %	0.0 %	0.0%
Stop Resulted in a Custodial Arrest	16.0 %	3.85 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0%

Key Indicators		Total	White	Black	AI	Hispanic	Asian	NH	N/S
Total Stops		58	25	26	0	6	1	0	0
Pat Down Stops	Stops With a Pat Down	24	8	14	0	2	0	0	0
	Pat Downs Conducted by Consent	9	2	6	0	1	0	0	0
	Pat Downs Conducted by Reasonable Suspicion	15	6	8	0	1	0	0	0
Search Beyond	Search Beyond Pat Down Conducted	2	0	2	0	0	0	0	0
	Search Beyond Pat Down Conducted by Consent	2	0	2	0	0	0	0	0
	Contraband Found During Consent Search	0	0	0	0	0	0	0	0
	Search Beyond Pat Down Conducted by Probable Cause	0	0	0	0	0	0	0	0
	Contraband Found during Search by Probable Cause	0	0	0	0	0	0	0	0
	Search Beyond Conducted Incident to Arrest	0	0	0	0	0	0	0	0
	Contraband Found During Search Incident To Arrest	0	0	0	0	0	0	0	0
Outcome of Stop	Warnings/Citations	26	15	7	0	3	1	0	0
	Arrested	5	4	1	0	0	0	0	0

ILLINOIS PEDESTRIAN STOP STUDY, 2018	
Agency	WILMETTE POLICE

Community Demographics	Total	White	Black	AI	Hispanic	Asian	NH	
	20465	17372	167	7	629	2285	5	
		84.89 %	0.82 %	0.03 %	3.07 %	11.17 %	0.02 %	

Pat Down Stops								
	White	Black	AI	Hispanic	Asian	NH	N/S	
Stops by Race	46.15 %	30.77 %	0.0 %	19.23 %	3.85 %	0.0 %	0.0 %	
Stops With a Pat Down	45.83 %	68.75 %	0.0 %	100.0 %	50.0 %	0.0 %	0.0 %	
Pat Downs Conducted by Consent	81.82 %	63.64 %	0.0 %	100.0 %	100.0 %	0.0 %	0.0 %	
Pat Downs Conducted by Reasonable Suspicion	18.18 %	36.36 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	
Search Beyond Pat Down								
Search Beyond Pat Down Conducted	45.45 %	9.09 %	0.0 %	30.0 %	0.0 %	0.0 %	0.0 %	
Search Beyond Pat Down Conducted by Consent	100.0 %	100.0 %	0.0 %	100.0 %	0.0 %	0.0 %	0.0 %	
Contraband Found During Consent Search	20.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	
Search Beyond Pat Down Conducted by Probable Cause	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	
Contraband Found During Search by Probable Cause	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	
Search Beyond Conducted Incident to Arrest	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	
Contraband Found During Search Incident To Arrest	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	0.0 %	
Outcome of Stop								
Stop Resulted in a Warning or Citation	25.0 %	31.25 %	0.0 %	20.0 %	50.0 %	0.0 %	0.0 %	
Stop Resulted in a Custodial Arrest	8.33 %	0.0 %	0.0 %	0.0 %	50.0 %	0.0 %	0.0 %	

Key Indicators		Total	White	Black	AI	Hispanic	Asian	NH	N/S
Total Stops		52	24	16	0	10	2	0	0
Pat Down Stops	Stops With a Pat Down	33	11	11	0	10	1	0	0
	Pat Downs Conducted by Consent	27	9	7	0	10	1	0	0
	Pat Downs Conducted by Reasonable Suspicion	6	2	4	0	0	0	0	0
Search Beyond	Search Beyond Pat Down Conducted	9	5	1	0	3	0	0	0
	Search Beyond Pat Down Conducted by Consent	9	5	1	0	3	0	0	0
	Contraband Found During Consent Search	1	1	0	0	0	0	0	0
	Search Beyond Pat Down Conducted by Probable Cause	0	0	0	0	0	0	0	0
	Contraband Found during Search by Probable Cause	0	0	0	0	0	0	0	0
	Search Beyond Conducted Incident to Arrest	0	0	0	0	0	0	0	0
	Contraband Found During Search Incident To Arrest	0	0	0	0	0	0	0	0
Outcome of Stop	Warnings/Citations	14	6	5	0	2	1	0	0
	Arrested	3	2	0	0	0	1	0	0

**Summary of Pedestrian Stops for 2019 - WILMETTE POLICE**

	White	Black or African American	Hispanic or Latino	Asian	American Indian or Alaska Native	Native Hawaiian or Other Pacific Islander
<b>Panel: 1 Summary of Pedestrian Stops, Rates, and Rate Ratios with 95% Confidence Intervals. Total stops: 20. Total benchmark population: 22,184.</b>						
Stops	8	7	1	3	1	0
Benchmark	18,324	134	613	3,108	0	5
Stop Rate (95% Confidence Interval)	0.0004 (0.0002 - 0.0009)	0.05 (0.02 - 0.1)	0.002 (<0.0001 - 0.009)	0.001 (0.0002 - 0.003)	NA	0 (0 - 0.7)
Rate Ratio vs White (95% Confidence Interval)	1.0	<b>100 (40 - 400)</b>	4 (0.08 - 30)	2 (0.4 - 9)	<b>NA</b>	0 (0 - 2,000)
<b>Panel: 2 Summary of Pat Down Events - Number (Percentage for the Racial Group) [95% Confidence Interval]</b>						
Pat Down (% of Stops)	4 (50%) [10% - 100%]	7 (100%) [40% - 100%]	1 (100%) [3% - 100%]	0 (0%) [0% - 100%]	0 (0%) [0% - 100%]	0 [ NA ]
Search Beyond Pat Down (% of Pat Downs)	4 (50%) [10% - 100%]	3 (40%) [9% - 100%]	0 (0%) [0% - 100%]	3 (100%) [20% - 100%]	1 (100%) [3% - 100%]	0 [ NA ]
Contraband Found (% of Searches, preceding row)	2 (50%) [6% - 100%]	2 (70%) [8% - 100%]	0 [ NA ]	0 (0%) [0% - 100%]	0 (0%) [0% - 100%]	0 [ NA ]
Contraband Found Ratio vs White (95% Confidence Interval)	1.0	1 (0.1 - 20)	NA	0 (0 - 7)	0 (0 - 20)	NA
<b>Panel: 3 Summary of Outcome of Stop - Number (Percentage of All Stops for the Racial Group with the Noted Outcome of the Stop) [95% Confidence Interval]</b>						
Warning/Citation	2 (20%) [3% - 90%]	1 (10%) [0.4% - 80%]	0 (0%) [0% - 100%]	0 (0%) [0% - 100%]	0 (0%) [0% - 100%]	0 [ NA ]
Custodial Arrest	1 (10%) [0.3% - 70%]	0 (0%) [0% - 50%]	0 (0%) [0% - 100%]	0 (0%) [0% - 100%]	0 (0%) [0% - 100%]	0 [ NA ]
Custodial Arrest Ratio vs White (95% Confidence Interval)	1.0	0 (0 - 40)	0 (0 - 300)	0 (0 - 100)	0 (0 - 300)	NA



**USE OF FORCE**

<b>ISSUE DATE:</b>	01/14/2020	<b>EFFECTIVE DATE:</b>	01/14/2020
<b>RESCINDS:</b>	12/01/2017 Version of same policy		
<b>INDEX CATEGORY:</b>	Chapter 1. Department Organization and Administration		
<b>REVIEWED BY:</b>	MURPHY #500	<b>REVIEWED DATE:</b>	01/14/2020

**PURPOSE**

To describe the Wilmette Police Department's policies and procedures regarding the use of force by its members in response to resistance or aggression.

**POLICY**

The use of force shall be restricted to circumstances authorized by law and only to accomplish lawful objectives. Members of this Department shall use the force they reasonably believe to be necessary to gain compliance with lawful orders or protect themselves or any other persons from bodily harm.

**PROCEDURE**

**I. Definitions**

The following definitions apply to all policies throughout this Manual:

- A. **Bodily Harm** – Any physical impairment of the condition of a person’s body, physical pain or illness or any offense listed in 720 ILCS 5/12-1 et seq.
- B. **Great Bodily Harm** or **Serious Physical Injury** – Bodily injury which creates, or is likely to create, a substantial risk of death or cause serious permanent disfigurement or loss, or extended impairment of the function of any bodily member or organ.
- C. **Force** – Application of measures either to intervene physically or dissuade a person from aggression or resistance.
  - 1. **Deadly Force** – force that is likely to cause death or great bodily harm.
    - a. Pursuant to 720 ILCS 5/7-8, deadly force includes:
      - i. The firing of a firearm in the direction of a person to be arrested, even though no intent exists to kill or inflict great bodily harm; and
      - ii. The firing of a firearm at a vehicle in which the person to be arrested is riding.
    - b. Additionally, the Department classifies the following intentional acts as deadly force:
      - i. Baton strikes to the head, throat, clavicle, groin, or spine.
      - ii. Conducted Energy Weapon (CEW) probe deployment or drive stun to the head, neck, or groin.
      - iii. Launching PepperBall rounds at a person’s head, neck, or groin.
      - iv. Respiratory neck restraints (per 720 ILCS 7-5.5).
    - c. Pursuant to 720 ILCS 5/7-8, a police officer’s discharge of a firearm using ammunition designed to disable or control an individual without the likelihood of death or great bodily harms shall not be considered deadly force.

- d. **Directed Fire** – the controlled discharge of firearm(s) into the present or former location of armed suspect(s) to prevent or limit his dangerous activities or movement, e.g. shooting, attacking, flanking, or retreating.
  - 2. **Physical Force** – any weaponless force applied by an Officer upon the person of another to obtain compliance with lawful orders; to effect an arrest or prevent an individual from committing any act which may endanger any person or place any person in a position of receiving a battery.
    - a. Physical Force does not include normal action(s) needed to effect an arrest or obtain compliance with a lawful order, such as verbal commands, handcuffing, searching, or escorting.
    - b. Physical Force shall include actions such as but not limited to, soft empty hand control techniques, hard empty hand control techniques, wrestling et cetera.
      - i. **Soft Empty Hand Control Techniques** – techniques that have minimal chance of injury to the subject. Includes the use of joint locks and pressure points to physically control a subject and gain compliance. These techniques are considered soft empty hand control techniques even when performed with handcuffs, flex cuffs, or other authorized restraining devices.
      - ii. **Hard Empty Hand Control Techniques** – techniques used that have a probability for injury to the subject. These techniques include striking a subject with the officer’s open hand, fist, forearm, leg, knee, foot or other part of body. When using hard empty hand control techniques, officers should aim their strikes at the large muscle groups of the subject’s thighs, upper arms, shoulders, torso, or nerve motor points.
    - c. **Neck Restraint** – any form of respiratory neck restraint (any method used to apply pressure to a subject’s trachea in order to gain control of the subject by pain compliance and strangulation) or any form of vascular neck restraint (any method used to apply pressure to the sides of the neck of a subject in order to gain control of the subject by vascular body compression).
  - 3. **Presentation of Lethal Weapon** – the intentional pointing of a lethal weapon at the person of a human being in order to obtain compliance.
  - 4. **Presentation of Pepperball Launcher** – the intentional pointing of a PepperBall Launcher at the person of a human being in order to obtain compliance.
  - 5. **Presentation of CEW** – the intentional drawing and pointing of the CEW at a person to obtain compliance or the announcement of intended use of the CEW.
  - 6. **Deployment of CEW** – the intentional drawing and either a Probe Deployment or Drive Stun.
- D. **Forcible Felony** (720 ILCS 5/2-8) – 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, 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 any individual.
- E. **Reasonable Belief** or **Reasonably Believes** (720 ILCS 5/2-19) – that the person concerned, acting as a reasonable man, believes that the describe facts exist.

- F. **Weapon** – an instrument designed to control another person by its actual or implied use. Shall apply to both lethal and less-lethal weapons in this Manual.
1. **Lethal Weapon** – a weapon, the use of which, is likely to cause death or great bodily harm; includes all firearms and is used interchangeably with the term “Firearm” throughout this Manual.
    - a. **Primary handgun** – a handheld firearm that sworn officers carry on duty.
    - b. **Secondary handgun or Backup Handgun** – a small, highly concealable firearm that sworn officers may carry for use in situations when the primary handgun or other authorized firearm is not operable or has become otherwise unavailable.
    - c. **Patrol Rifle** – a carbine rifle that may be deployed by sworn officers
    - d. **Animal Control Rifle** – a bolt action rifle that may be deployed and used by sworn officers to euthanize animals.
  2. **Less-Lethal** – a weapon, the use of which, is not designed to, and is less likely to cause death or great bodily harm. The following are examples of less-lethal weapons:
    - a. **Oleoresin Capsicum (O.C.) Spray** – an inflammatory derivative of cayenne pepper delivered by non-flammable propellant.
    - b. **PepperBall Launcher** – a weapon using a high-pressure gas to deliver projectiles that burst and release Oleoresin Capsicum (OC) powder irritant upon impact.
    - c. **Conducted Energy Weapon (CEW)** – Taser X2: A handheld Conducted Energy Weapon (CEW) manufactured by Axon International that can be used in two modes, probe deployment and drive stun for neuro-muscular incapacitation or pain compliance.
    - d. **Police Baton** – an intermediate less-lethal handheld impact weapon.
  3. **Weapons of Necessity** – tools or objects that are not usually designated as weapons, but may be used to overcome aggression or resistance in extreme emergencies or when other force options are not available.
- G. **Carry** – the possession of a weapon on one’s person or within one’s immediate access or control.
- H. **Officer-involved Death** (50 ILCS 727/1-5) - means any death of an individual that results directly from an action or directly from an intentional omission, including unreasonable delay involving a person in custody or intentional failure to seek medical attention when the need for treatment is apparent, of a law enforcement officer while the officer is on duty, or otherwise acting within the scope of his or her employment, or while the officer is off duty, but performing activities that are within the scope of his or her law enforcement duties. Officer-involved death includes any death resulting from a motor vehicle accident, if the law enforcement officer was engaged in law enforcement activity involving the individual or the individual's vehicle in the process of apprehension or attempt to apprehend.
- I. **Officer-involved Shooting** – for purposes of this policy officer-involved shooting means any instance that an officer discharges their firearm causing bodily injury or death to a person or persons while the officer is on duty or otherwise acting within the scope of his or her employment, or while the officer is off duty, but performing activities that are within the scope of his or her law enforcement duties.

## II. Necessary Force & Unnecessary Force

A. Necessary Force

1. In all instances, members of this Department shall use the force they reasonably believe to be necessary to lawfully and properly neutralize an unlawful action, or overcome resistance by a person to be taken into custody.
2. The amount of force any member of this Department may use must be objectively reasonable based on the totality of the circumstances known to the member when force is used.
3. It is not the intent of the Department to require or direct its members to apply and exhaust all lower levels of force prior to using a level of force they reasonably believe to be necessary, e.g. attempting to use OC spray to control a subject who is actively shooting a firearm is neither reasonable nor appropriate.

B. Unnecessary Force

1. The use of unnecessary force is prohibited. The use of unnecessary force includes:
  - a. Any force in circumstances when the use of force is unlawful;
  - b. Any force used as summary punishment or retaliation; and
  - c. Any force exceeding that which is objectively reasonable based on the totality of the circumstances known to the member(s) when force is used.
2. Members of the Department who witness or become aware of the use of unnecessary force shall immediately:
  - a. Intervene to prevent further use of unnecessary force, and
  - b. Report the incident to their supervisor.
3. Disciplinary action will result for:
  - a. Participation in the use of unnecessary force,
  - b. Failure to intervene immediately when other members use unnecessary force, or
  - c. Failure to report immediately the use of unnecessary force.

**III. General Use of Force**

A. Pursuant to 720 ILCS 5/7-5:

1. A police officer is justified in the use of any force, except deadly force, which he reasonably believes to be necessary:
  - a. To effect the arrest and/or
  - b. To defend himself or another from bodily harm while making the arrest.
2. A police officer is justified in the use of any force which he reasonably believes to be necessary to prevent a person from harming himself or another.
3. The justification of the use of Deadly Force is described in section IV of this policy.

B. Pursuant to 720 ILCS 5/7-9, a police officer or other person who has an arrested person in his or her custody is justified in the use of such force to prevent the escape of the arrested person from custody as (s)he would be justified in using if (s)he were arresting such person.

C. Pursuant to 720 ILCS 5/7-5.5, Officers are prohibited from using any type of chokehold except when the use of deadly force is authorized. Officers are prohibited from using a chokehold or any lesser contact with the throat or neck area on another in order to prevent the destruction of evidence by ingestion.

D. Physical Force

1. Soft Empty-Hand Techniques may be used:

- a. When verbal direction is ineffective or inappropriate
  - b. When other force options are not available or their use is not justified under the circumstances.
- 2. Hard Empty-Hand Techniques may be used:
  - a. When attempting to control an aggressive, unarmed suspect or;
  - b. When lesser levels of control have failed or have been determined by the officer to be inadequate, or
  - c. When the use of a baton would be justified; or
  - d. When the deployment of the CEW would be justified; or
  - e. When other force options are not available, or their use is not justified under the circumstances.
- E. Oleoresin Capsicum (O.C.) Spray
  - 1. Sworn personnel assigned to patrol duty shall carry Oleoresin Capsicum spray on their person while on duty.
  - 2. Sworn personnel may use Oleoresin Capsicum spray in situations when the use of empty hand control techniques or a higher level of response is justified.
  - 3. Authorized civilian personnel may use Oleoresin Capsicum spray under the following circumstances:
    - a. Against an animal who is threatening to harm him/her or another person or animal or
    - b. Against a person to prevent a battery against himself.
  - 4. Personnel shall refer to their training and written training materials for specific guidelines on proper O.C. application, post-exposure cleansing, and medical aid.
- F. PepperBall Launcher
  - 1. The PepperBall launcher may be used:
    - a. As an impact weapon,
      - i. The use of the PepperBall launcher directly on the person of an individual is authorized in those situations where the use of a baton would be justified.
      - ii. Officers must avoid deliberately aiming the PepperBall launcher at an individual's head, neck or groin, unless the use of deadly force is justified.
      - iii. Officers shall not launch glass-breaking rounds directly at an individual unless the use of deadly force is authorized.
    - b. To saturate an area when the use of O.C. would be justified.
    - c. When deadly force is justified. However, a PepperBall launcher is not intended to replace deadly force in those situations where deadly force is warranted.
  - 2. Officers shall refer to their training and written materials for specific guidelines on proper deployment, post-exposure cleansing, and medical aid.
- G. CEW
  - 1. Sworn personnel assigned to patrol shall carry a CEW on their person while on duty, if available.
  - 2. Sworn personnel shall not use a CEW on a subject who is only passive resisting.
  - 3. Sworn personnel may deploy and use a CEW when they reasonably believe the circumstances perceived at the time indicate that such application is necessary to control:
    - a. A violent or physically resisting subject, or

- b. A subject who has demonstrated, by word(s) and action(s), an intention to be violent, use active aggression or use defensive resistance and reasonably appears to present the potential to harm others or himself.
    - 4. Sworn personnel may use the CEW to do a drive stun to supplement the probes to complete a circuit and, to the lesser extent, to cause localized pain to assist in taking a subject into custody.
    - 5. Personnel shall refer to Conducted Energy Weapon Policy 1.08a, their training and written lesson materials for specific guidelines on proper CEW storage & inspection, Deployment, Probe or Drive Stun Deployment, Post-Deployment Considerations and medical aid.
  - H. Police Batons
    - 1. Officers assigned to patrol duty should have an authorized baton readily available on their person or in their duty bag within the patrol vehicle while on duty.
    - 2. Police batons should be used:
      - a. When a lesser degree of force is ineffective, or determined by the officer to be inadequate, and the use of deadly force is not authorized.
      - b. As protection against an assault or battery.
      - c. A baton strike should never be directed to the head, spine, or groin unless the use of deadly force would be justified, as the likelihood of death or great bodily harm increases with this type of force.
    - 3. The intentional use of a flashlight as an impact weapon is generally prohibited, except in extreme emergencies or when the use of deadly force would be justified.
    - 4. Personnel shall refer to their training and written materials for specific guidelines on proper baton use and medical aid.
  - I. Weapons of Necessity
    - 1. Members of this Department may use weapons of necessity in extreme emergencies or when the use of deadly force is justified.
    - 2. Weapons of necessity may include, but are not limited to: knives, vehicles, radios, or items in the environment.

#### **IV. Use of Deadly Force**

- A. Pursuant to 720 ILCS 5/7-5, a police officer 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 himself or another person.
- B. Pursuant to 720 ILCS 5/7-5, a police officer is justified in using deadly force only when he reasonably believes both that:
  - 1. Such force is necessary to prevent the arrest from being defeated by resistance or escape; and
    - a. The person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or
    - b. Is attempting to escape by use of a deadly weapon, or
    - c. Otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.
- C. Firearms shall not be discharged:

1. To halt any person who simply runs away to avoid arrest or escape from arrest, except where the officer has reasonable belief that the suspect poses a significant threat of death or serious physical injury to the officer or others.
  2. At persons who have committed misdemeanors or traffic violations.
  3. Merely to prevent the destruction or theft of property.
  4. At a subject whose action is a threat only to the subject himself, e.g. suicidal.
- D. Deadly force may not be used on mere suspicion that:
1. A crime, no matter how serious, was committed or
  2. The person being pursued committed the crime.
- E. The officer must reasonably believe the suspect committed an offense for which the use of deadly force is permitted.
- F. Justification for the use of deadly force must be limited to what reasonably appears to be the facts known by an officer at the time that he decides to use such force. Facts unknown to the officer, no matter how compelling, cannot be considered in later determining whether the use of deadly force was justified.
- G. Specific restrictions on using firearms.
1. Firing into crowds is authorized only when all of the following conditions are met:
    - a. No other force option is available to the officer.
    - b. The actions or threatened actions of the offender present a risk of death or great bodily harm to the officer and multiple innocent bystanders that outweighs the possible risk of death or great bodily harm to innocent bystanders posed by the officer's firing at the offender in a crowd.
    - c. The officer is physically close enough to the subject that shots fired by the officer can be reasonably believed to hit the subject; and
    - d. No innocent bystander is in the direct line of fire between the officer and the offender.
  2. Warning shots are prohibited due to the inherent danger of death or great bodily harm discharging of firearms poses to involved officer(s) or innocent third parties.
  3. Firing into buildings, through doors, windows, openings, or through barriers is only authorized where the threat lawfully fired at is reasonably believed to be present.
  4. Officers shall not fire at moving vehicles unless an imminent threat to life or great bodily harm exists.
  5. Officers should avoid placing themselves in locations where the subject's vehicle can be used against the officer as a weapon. When the subject's vehicle is the only weapon being used against the officer, the officer should attempt to get out of the way of the vehicle.
  6. Directed fire is prohibited except in extreme emergencies and in strict accordance with appropriate protocols set forth in training.

## **V. Firearm Usage Guidelines**

- A. Wilmette Police Officers while on duty may use a firearm only under the following circumstances:
1. When the officer is justified to use force likely to cause death or great bodily harm as pursuant to 720 ILCS 5/7-5;
  2. Presenting a firearm at a suspect to gain compliance;
  3. For authorized training and in compliance with appropriate safety procedures;

4. In order to destroy an animal:
  - a. That appears to be suffering from a fatal wound or sickness. A reasonable effort to locate and receive permission from the animal's owner should be made.
  - b. That appears to be mad or vicious and cannot otherwise be prevented from killing or seriously injuring any person.

#### **VI. Instruction in the Use of Force**

- A. All newly sworn personnel are issued copies of and provided instruction in department policies and the law regarding the use of force prior to being authorized to carry a weapon.
- B. As part of the Field Training and Evaluation Program, all newly sworn personnel are provided documented instruction in Department policy, procedures, statutes, et cetera regarding the use of force prior to being allowed to carry a weapon.
- C. All employees authorized to carry weapons shall receive annual instruction in the Department's use of force policy.

#### **VII. Medical Aid**

- A. After the incident is under control, it is the responsibility of every Department member present to arrange for professional medical attention for any person upon whom any force has been used when:
  1. The person complains of injury, or
  2. The Department member reasonably believes that the person needs medical attention or the need for treatment is apparent.
- B. If the incident occurs within the Village of Wilmette, the Wilmette Fire Department paramedics will be summoned.
- C. If the incident occurs outside the Village of Wilmette, comparable emergency personnel shall be summoned.
- D. When physical force or weapons are used, and if feasible, members should photograph subjects on whom force was used in order to document:
  1. The presence or absence of injuries and
  2. The extent of injuries sustained.
- E. These photographs should be submitted with the use of force report for the incident.

#### **VIII. Reporting Use of Force: General Guidelines**

- A. Reports are required whenever any employee takes action or uses force that results in, or is alleged to have resulted in, the death or injury to another human being.
- B. Chapter 1 Policy 10 describes the investigative and reporting procedures to be followed when an on-duty Department member:
  1. Discharges a firearm at a human being or
  2. Uses other force likely to cause death or great bodily harm to a person.
  3. If the incident is classified as an officer-involved death or officer-involved shooting, the Use of Force Report shall be completed by the on-duty supervisor.
- C. For all other use of force incidents, the following procedures shall be followed.
  1. Each Department member using force shall complete the Wilmette Police Department Use of Force Report (Policy 1.7.a). Reports shall be completed whenever a member:

- a. Discharges a firearm (other than for training or recreational purposes);
  - b. Applies Physical Force;
  - c. Uses a less-lethal weapon on a human being whether or not an injury results; or
  - d. Presents a Lethal Weapon, Pepperball Launcher or deploys a CEW at a person.
- 2. When a Department member either discharges a firearm or CEW at an animal whether or not an injury or death results, the Department member shall complete the appropriate sections of the Wilmette Police Department Animal Report (Policy 1.7.b).
- 3. In any of the above situations, a Department member shall complete the appropriate report with sufficient details, facts and observations prior to, during and after the use of force. At a minimum, such reports will address:
  - a. The aggression and or resistance by subjects that caused the member to respond with force:
    - i. Subject's actions;
    - ii. Physical cues;
    - iii. Verbal cues.
  - b. The De-escalation methods used, if able
  - c. The force option(s) used;
  - d. Medical aid provided after the use of force, if any; and
  - e. Any other attendant circumstances, e.g., traffic accident, et cetera.
- D. Unless prevented by physical or mental inability, e.g. officer hospitalization, the report must be submitted to the Shift/Unit or immediate Supervisor before the officer leaves his tour of duty.
- E. The Shift/Unit Supervisor shall be responsible for reviewing the use of force and ensuring that all appropriate reports are completed and forwarded to the Patrol Commander.
- F. The Patrol Commander shall review all reports, evaluate the use of force, and decide if further action is necessary. The Patrol Commander shall then forward all reports and recommendations to the Deputy Chief.
- G. The Deputy Chief shall review all reports, evaluate the use of force, decide if further action is necessary, and forward a written critique of each incident to the Chief of Police.
- H. The Deputy Chief, or his designee, will conduct an annual analysis of all incidents involving the use of force along with agency practices and policies regarding the Use of Force in order to determine patterns or trends, which may indicate,
  - 1. Training needs, or
  - 2. The need for policy modifications.

**IX. Reporting Assaults on Sworn Officers**

- A. All Reports are required whenever any employee is involved in an event where force is used against an officer, including but not limited to felony or misdemeanor charges.
- B. The Deputy Chief shall review all reports and evaluate the implications of each type of event.
- C. The Deputy Chief or their designee will conduct an annual analysis of all incidents involving assault on sworn officers along with agency practices and policies in order to determine patterns or trends, which may indicate:
  - 1. Training needs, or
  - 2. The need for policy modifications.

## CHANGE MANAGEMENT

The below table indicates the changes made to this policy from its previous version.

Section	Changes
I	Adds the definition of Officer-involved death and officer-involved shooting.
VIII	Updates the Reporting Use of Force: General Guidelines section



# Wilmette Police Department

## Use of Force Report



### OFFICER INFORMATION

Primary Officer: \_\_\_\_\_ Badge #: \_\_\_\_\_

Assisting Officer: \_\_\_\_\_ Badge #: \_\_\_\_\_

Assisting Officer: \_\_\_\_\_ Badge #: \_\_\_\_\_

### INCIDENT INFORMATION

Source of Assignment: Dispatched    Routine Patrol    Off-Duty / Other: \_\_\_\_\_

Date: \_\_\_\_\_ Time: \_\_\_\_\_ AM/PM    Shift: \_\_\_\_\_ Incident Number: \_\_\_\_\_

Location: \_\_\_\_\_

Dispatch Call Type: \_\_\_\_\_ Actual Incident type: \_\_\_\_\_

### SUBJECT INFORMATION

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ DOB: \_\_\_\_\_

Address: \_\_\_\_\_ TX: \_\_\_\_\_

Gender: M / F    Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Build: \_\_\_\_\_ Race: \_\_\_\_\_

Subject clothing description: \_\_\_\_\_

Prior Arrest History: Y / N (If yes attach criminal history)

Was Subject arrested: Y / N    Criminal Charges: \_\_\_\_\_

Reasonable belief Subject is under the influence of alcohol/drugs: Y / N

Reasonable belief Subject is impaired by a mental health condition: Y / N

### SUBJECT'S ACTIONS

<input type="checkbox"/> Weapon Used Against Officer	<input type="checkbox"/> Weapon Implied by Offender	<input type="checkbox"/> Threatened use of Weapon by Offender
<input type="checkbox"/> Attempted to Disarm Officer	<input type="checkbox"/> Striking/Kicking Officer	<input type="checkbox"/> Life Threatening Weaponless Assault
<input type="checkbox"/> Active Physical Resistance	<input type="checkbox"/> Pulling Away From Officer	<input type="checkbox"/> Wrestling/Pushing Officer
<input type="checkbox"/> Escape Attempt	<input type="checkbox"/> Not Responding to Command	<input type="checkbox"/> Verbal or Physical Danger Cues
<input type="checkbox"/> Suicide Attempt/Threat	<input type="checkbox"/> Threat or Actual Physical Harm Directed at Another	
<input type="checkbox"/> Other Action, Please Specify:		



# Wilmette Police Department

## Use of Force Report



### FORCE INFORMATION

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#### TYPE OF FORCE USED

<input type="checkbox"/> Sidearm Discharged	<input type="checkbox"/> Taser Discharged	<input type="checkbox"/> AR-15 Discharged	<input type="checkbox"/> PepperBall Discharged
If weapon discharged complete weapon information section.			

<input type="checkbox"/> Sidearm Displayed	<input type="checkbox"/> Taser Displayed	<input type="checkbox"/> AR-15 Displayed			
<input type="checkbox"/> Oleoresin Capsicum	<input type="checkbox"/> Baton/Control Instrument	<input type="checkbox"/> PepperBall Displayed			
<input type="checkbox"/> <b>Body Force:</b>					
<input type="checkbox"/> Neck Restraint	<input type="checkbox"/> Arm Bar	<input type="checkbox"/> Striking/Slapping	<input type="checkbox"/> Kicking	<input type="checkbox"/> Pushing	<input type="checkbox"/> Tripping
<input type="checkbox"/> Wrestling	<input type="checkbox"/> Take Down	<input type="checkbox"/> Pressure Point Control	<input type="checkbox"/> Knee Strike		
<input type="checkbox"/> Other, please specify:					

### RESULT OF FORCE APPLICATION

---

Indicate general areas of impact force was applied to subject: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Photos taken of injury/non-injury: Y / N                      Photos taken by: \_\_\_\_\_

Did the subject have visible injuries: Y / N                      If yes, describe in Wilmette Incident Report.

Did the subject complain of injury: Y / N                      If yes, describe in Wilmette Incident Report.

### SUBJECT MEDICAL TREATMENT INFORMATION

---

Did the Subject require medical attention from Wilmette Police or Fire Department Personnel: Y / N  
 If yes describe in Wilmette Incident Report.

Was the subject transported to the hospital  as a result of the force applied  for detox  mental health evaluation  injury not resulting from force application. (If any boxes are checked officers should collect paperwork from hospital)

Was subject admitted to the hospital: Y / N

EMS/ Fire Rescue Report #: \_\_\_\_\_ Hospital: \_\_\_\_\_

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# Wilmette Police Department

## Use of Force Report



### OFFICER MEDICAL TREATMENT INFORMATION

Was the Officer Injured: Y / N      Was the Officer Transported to the Hospital: Y / N

EMS/ Fire Rescue Report #: \_\_\_\_\_ Hospital: \_\_\_\_\_

### WEAPON INFORMATION

#### Firearm

Make:	Model:	Serial number:
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#### CEW

Make:	Model:	Serial number:
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Drive Stun: Y / N      Dart Probe Discharge: Y / N      Skin Penetration by Probes: Y / N

Approximate target distance at the time of the dart launch: \_\_\_\_\_

Multiple Cycles Necessary: Y / N      WMPD CEW Download Completed: Y / N / NA

CEW Firing Logs Reviewed: Y / N      Number of Cartridges Fired: \_\_\_\_\_

Officer Signature: \_\_\_\_\_ Badge Number: \_\_\_\_\_

#### Review Supervisor Comments:

<input type="checkbox"/> Interviewed Officer	<input type="checkbox"/> Interviewed Arrestee	<input type="checkbox"/> In-Car Video Available	<input type="checkbox"/> In-Car Video Reviewed
<input type="checkbox"/> Station video available	<input type="checkbox"/> Station video reviewed	<input type="checkbox"/> Witness(es) Located	<input type="checkbox"/> Other Video Located

Other Comments:

Review Supervisor Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### Review Commander Comments:

<input type="checkbox"/> Information is adequate	<input type="checkbox"/> More information is necessary	<input type="checkbox"/> Level of force conforms to policy
Meets requirements for National Use of Force Data Collection: <input type="checkbox"/> YES <input type="checkbox"/> NO		

Patrol Commander Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### Review Deputy Chief Comments:

<input type="checkbox"/> Information is adequate	<input type="checkbox"/> More information is necessary	<input type="checkbox"/> Level of force conforms to policy
Meets requirements for National Use of Force Data Collection: <input type="checkbox"/> YES <input type="checkbox"/> NO		

Deputy Chief Signature: \_\_\_\_\_ Date: \_\_\_\_\_

#### Review Chief Comments:

<input type="checkbox"/> Information is adequate	<input type="checkbox"/> More information is necessary	<input type="checkbox"/> Level of force conforms to policy
<input type="checkbox"/> Further investigation necessary, referred to:		

Chief Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**PRISONER RESTRAINT AND TRANSPORT**

<b>ISSUE DATE:</b>	06/15/20	<b>EFFECTIVE DATE:</b>	06/15/20
<b>RESCINDS:</b>	Same Policy Chapter 4.28 Prisoner Restraint and Transport		
<b>INDEX CATEGORY:</b>	Chapter 4. Patrol Operations		
<b>REVIEWED BY:</b>	K. Murphy #500	<b>REVIEWED DATE:</b>	06/15/20

**PURPOSE**

To provide guidelines for the safe transportation of prisoners immediately after arrest to the Wilmette Police Department for booking and holding.

**POLICY**

Prisoner transportation by members of this Department will be conducted-in a manner that assures the safety and security of the prisoner(s), the transporting officers, and the general public.

**PROCEDURE**

- I. **Legal Responsibility.** The transporting officer is legally responsible for the safety and custody of the prisoner being transported.
  
- II. **Searching Prisoners**
  - A. Transporting officers must assume that every prisoner may have had an opportunity to obtain contraband or a weapon prior to the time the prisoner is being prepared for transport by the transporting officer.
  - B. Prisoners shall be searched each time they come into the transporting officer’s custody, including transports to court appearances.
    - 1. An officer should never assume that someone else has searched the prisoner.
    - 2. Only an officer of the same sex should conduct prisoner searches.
    - 3. An officer may conduct a search of a handbag or the outer garments of a member of the opposite sex when it is reasonably necessary to do so.
  - C. The transporting officer shall search the vehicle used for transportation prior to and after each prisoner transportation.
  
- III. **Handcuffing and Restraining Prisoners**
  - A. Except as indicated in section G below, all persons arrested and transported in police vehicles to the police station, regardless of the charge, should be handcuffed behind the back. An officer shall always double lock both handcuffs.
  - B. If a person is to be handcuffed in front, the officer may use a restraint transport belt only after receiving supervisor approval. If necessary, an officer may secure a person who is an escape risk behind the back with the belt only after receiving supervisor approval. The restraint belt should be applied using the following steps:
    - 1. The restraint transport belt should only be applied after the subject is compliant.
    - 2. The officer may only apply the restraint transport belt after the subject is in the standing position (preferred) or kneeling position.

3. Place the belt on the prisoner in accordance with the manufacturer's recommendations.
4. The officer must double lock both handcuffs.
- C. If necessary, an officer may use leg restraints, only after receiving supervisor approval. Leg restraints should be applied using the following steps:
  1. The leg restraints should only be applied after the subject is compliant.
  2. The officer should only apply the leg restraints after the subject's hands have been handcuffed.
  3. The officer may only apply leg restraints when the subject is in a standing, kneeling, or prone position.
  4. The cuff parts of the leg restraints should be applied just above the subject's ankles with room for one finger between the cuff and leg.
  5. The officer must double lock both cuffs.
- D. Officers may use a restraint transport belt, handcuffs, flex cuffs, or leg restraints to restrain a prisoner who is "muscle bound" or overly obese behind the back. However, because of the chain length of leg restraints, they should only be used as a last resort.
- E. An officer shall not restrain a prisoner behind the back by binding the prisoner's feet to the prisoner's arms and hands (commonly referred to as hog-tie) under any circumstances.
- F. To prevent possibility of positional asphyxia, an officer shall not restrain a prisoner and lay the prisoner on the prisoner's stomach for more than one minute. This includes when transporting a prisoner or other person.
- G. Supervisory approval is required for the following situations for handcuffing persons in front:
  1. Elderly or ill persons arrested for minor offenses;
  2. Persons who are temporarily incapacitated, such as a serious wound to the arms or hands, or a woman in advanced stages of pregnancy, et cetera;
  3. Juveniles arrested for minor offenses;
  4. Prisoners in long-term transport situations, e.g., extradition or more than a two (2) hour drive).
- H. Prisoners may not be handcuffed to any part of the vehicle.

**IV. Identification and Documentation for Prisoners to be Transported.**

- A. Officers transporting prisoners to court or another detention facility shall, before accepting the prisoner for transportation, verify the identity of the prisoner(s). Methods of positive identification include, but are not limited to, a comparison of:
  1. Booking records,
  2. Photos, and
  3. Fingerprint records.
- B. Officers escorting prisoners to court or another detention facility shall forward the following documentation and property along with the prisoner:
  1. A copy of appropriate reports (Offense/Incident Report, Supplementary Report, DUI report, and the Arrest report et cetera).;
  2. The signed complaints and three (3) copies, if applicable;
  3. Pertinent medical information;
  4. The prisoner's personal property;
  5. The Property Custody report and Supplemental Property Custody report(s) for the prisoner's personal property; and

6. Information relating to the prisoner's escape or suicide potential or other traits of a security nature.

**V. Transportation Procedures**

- A. An officer shall not transport a prisoner in a police vehicle not equipped with a safety barrier without approval from a supervisor.
- B. If two escort officers are not available, then either or both of the following procedures may be used:
  1. The prisoner(s) are placed in a safety barrier equipped vehicle, and/or
  2. The transport vehicle is followed by another police vehicle.
- C. No more than two prisoners should be transported in a single vehicle, under ordinary circumstances.
- D. Prisoners who should be separated to prevent their talking to one another, should be transported separately.
- E. Prisoner seating in the vehicle:
  1. Prisoner(s) are to be placed in the rear seat starting with the side opposite the driver.
  2. In cars without barriers, if a second escort officer is used, he is to sit to the prisoner's left and behind the driver if there is only one prisoner.
  3. In cars with barriers, the second officer will sit in the front seat.
  4. When more than one prisoner is transported, the second officer will sit in the front passenger seat.
- F. Officers should secure prisoners in the seat with a rear seat safety belt. Officers are reminded that safety belting in a prisoner greatly reduces a prisoner's movement and possible officer safety hazard to the officer.
- G. Transporting officers should not lose sight of prisoners under their control.
- H. Requests by prisoner(s) to communicate with family, attorneys, et cetera while being transported will be denied until the destination is reached.

**VI. Vehicle Operation during Prisoner Transportation**

- A. Officers shall not engage in pursuit, high speed, code 3, or erratic driving while transporting prisoners.
- B. Officers may not make traffic stops or cause delays when transporting prisoners, unless such action is necessary to protect human life.

**VII. Prisoner Transportation Vehicles**

- A. Vehicles equipped with safety barriers are designated the Department's prisoner transportation vehicles.
  1. They will be modified to prevent exit from the rear seat without the aid of the transporting officer(s).
  2. These vehicles should be used to transport prisoners unless authorized by a supervisor.
- B. Officers assigned to barrier equipped vehicles are expected to perform routine police duties in addition to prisoner transport duties.

**VIII. Prisoners with Contagious Diseases**

- A. Officers should use reasonable precaution when transporting prisoners who may have contagious diseases.

- B. Following transport of a prisoner who may have a contagious disease, officers are required to disinfect the transport area of the squad car with a 15% bleach solution available in the janitor's closet and/or biohazard decontaminate chemical located in the police vehicle's biohazard kit.
  - C. Following transport of a prisoner who has a contagious disease and has likely contaminated the police vehicle, e.g., the prisoner's blood or other body fluids have been left in the vehicle; the officer shall immediately take the police vehicle out of service upon returning to the station.
  - D. The officer shall only spray the likely infected area with a biohazard decontaminate chemical.
  - E. The officer shall notify the watch supervisor and the telecommunicator. The officer shall fill out a Department communication form with necessary information (date, time, vehicle number, vehicle location, and possible location of biohazard) and place it on the log.
  - F. The officer will also note the vehicle is out of service in the appropriate area on the chalkboard in the roll call room.
- IX.** The police vehicle shall remain out of service until it has been decontaminated using the Department's Biohazard kit located in the janitor's closet.

**CHANGE MANAGEMENT**

The below table indicates the changes made to this policy from its previous version.

Section	Changes
All	Updated to new template format. No content change

## WILMETTE POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL

### DEPARTMENT ORGANIZATION & ADMINISTRATION

#### 8. Authorized Weapons

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**Purpose:** To describe the Wilmette Police Department's policies and procedures regarding the administration of authorized weapons.

**Policy:** It is the policy of the Wilmette Police Department to exercise the strictest control and accountability over all firearms, weapons, and ammunition its members may use either on or off duty.

**Procedure:**

**Definitions:** For the purpose of this policy, the following definitions apply;

**Weapon** – a tool designed to overcome aggression or resistance by its actual or implied use; refers to both lethal and less-lethal weapons in this Manual.

**Lethal Weapon** – a weapon, the use of which, is likely to cause death or great bodily harm; includes all firearms and is used interchangeably with the term “**Firearm**” throughout this Manual.

**Primary Handgun** – handheld firearm sworn officer carry on duty.

**Secondary Handgun or “Backup Handgun”** – small, highly concealable firearm sworn officers carry for use in situations when the primary handgun or other authorized firearm is not operable or otherwise available.

**Carbine**- shoulder-fired firearm, generally shorter than rifles, capable of greater accuracy than handguns.

**Less-Lethal Weapon** – a weapon, the use of which, is not designed to, and is less likely to, cause death or great bodily harm.

**Oleoresin Capsicum (O.C.) Spray** – an inflammatory derivative of cayenne pepper delivered by non-flammable propellant.

**Police Baton** – an intermediate force handheld impact weapon.

**Pepper Ball Launcher** – a less-lethal weapon using high pressured gas to deliver projectiles that burst and release oleoresin capsicum (O.C.) powder irritant upon impact.

**Carry**– the possession of a weapon on one's person or within one's immediate control.

#### I. Administration

##### A. Authority to Carry and Use Weapons.

1. Wilmette Police Department personnel are granted the authority to carry and use weapons in the performance of their duties by:
  - a. Second Amendment of the United States Constitution,
  - b. Section 22 of Article I of the Constitution of the State of Illinois,
  - c. 50 Illinois Law Compiled Statutes 710/2,
  - d. 720 Illinois Law Compiled Statutes 5/7-5; 5/7-8(b); 5/7-9,

- e. 720 Illinois Law Compiled Statutes 5/24-1(c)(3); 5/24-1.5(d); 5/24-2(a); 5/24-2(c)(1); 5/24-2(d); 5/24-2(e), 5/24-2.1(b); 5/24-3 (g)(1); 5/24-3/2(d)(1); 5/24-3.3 5/24-3.6 and 5/24-9.5(d)(1)(iii)
  - f. Village of Wilmette Ordinance 12-15.1.
2. Wilmette Police Department grants its personnel authority to carry and use firearms on or off duty only in absolute accordance with this Manual and all Federal, State, and local statutes.
  3. Only weapons and ammunition authorized by the Chief of Police will be used by agency personnel in the performance of their duties.
  4. Only personnel that have shown proficiency in their use may carry agency authorized weapons.
  5. The Deputy Chief of Operations will appoint a Firearm Program Supervisor who will be responsible for adherence to this policy by effecting the following activities:
    - a. A certified firearms instructor or armorer shall conduct and document the following inspections:
      - i. Agency owned handguns prior to their initial issuance to individual officers and at the officers' annual qualification with the respective handgun.
      - ii. Agency owned firearms not issued to individual officers prior to their initial deployment for duty use or training use and at the annual qualification with the respective weapons.
      - iii. Agency-owned PepperBall launchers prior to their initial deployment for duty use or training use and at officers' biennial qualification.
      - iv. Employee-owned weapons (primary handguns, secondary handguns, off-duty handguns), and ammunition to verify compliance with this policy prior to being carried by the employee and during the employee's annual qualification with the weapon.
    - b. Any weapon deemed unsafe will be immediately removed from use until a certified weapons instructor or armorer restores it to a safe and functional state.
    - c. Any officer who uses any weapon in the performance of their duty shall have the weapon inspected by a certified instructor or armorer as soon as possible prior to being put back into service.
    - d. All weapon inspections will be documented on the respective departmental form and forwarded to the Firearm Program Supervisor.
  6. Firearm Proficiency Training
    - a. The Firearms Program Supervisor shall effect a training program to maintain:
      - i. Annual Firearm proficiency for police officers, monitored by certified instructors
      - ii. Annual review of the use of force policies for police officers
      - iii. Biennial PepperBall proficiency for police officers.
    - b. All training shall be documented.
    - c. Remedial training



- a. The Defensive Tactics Program Supervisor shall affect a training program to maintain proficiency in defensive tactics for employees authorized to carry and use weapons.
    - i. All employees who are authorized to carry less-lethal weapons:
      - (a) Will receive training at least biennially for each approved weapon the employee is authorized to use.
      - (b) Will receive biennial weaponless control techniques (defensive tactics) training
      - (c) Will receive annual in-service training on the Department's Use of Force Policy.
    - ii. A certified defensive tactics instructor will monitor all proficiency training.
  - b. Remedial training
    - i. Any employee who is unable to qualify with a weapon authorized for on-duty carry shall, prior to resuming official duties, arrange for and pass a program of remedial training for the particular weapon with which the employee was unable to qualify.
    - ii. All remedial weapons training will be monitored by a qualified firearms instructor and documented by the Firearms Program Supervisor.
  - c. All training shall be documented.
3. Maintenance of Records
- a. The Defensive Tactics Supervisor shall maintain or cause to be maintained the following records on all less-lethal weapons approved by the department for official use:
    - i. Make
    - ii. Model
    - iii. Date of issuance
    - iv. Inspection and maintenance records.
  - b. Authorized less-lethal weapons are issued or made available via the Department's uniform order form.
  - c. The Defensive Tactics Supervisor shall maintain at minimum the following records on demonstration of proficiency:
    - i. Employee,
    - ii. Defensive tactics instructor monitoring proficiency,
    - iii. Authorized weapon,
    - iv. Qualification date
    - v. Remedial training of employees who are unable to demonstrate proficiency with an authorized weapon.

**C. Storage of Firearms**

**1. Police Station**

- a. When not being carried on duty by the officer, the agency issued duty pistol shall be stored in the officer's assigned locker.
  - i. Pistols should be stored in the weapon case supplied by the firearm manufacturer, or
  - ii. Laid flat on the top shelf of the lockers.



2. Secondary handguns must be small and carried secured in a holster and concealed from public view at all times except when in use.
3. Secondary handguns must be double action revolvers or double action only (DAO) semi-automatic pistols.
4. Exceptions may be made with the approval of the Chief of Police in the event of demonstrated operational need.
5. Only non-magnum hollow point ammunition is authorized for use in a secondary handgun.
6. The individual officer shall bear the expenses of secondary handguns, holsters, ammunition, et cetera.

**C. Off-Duty Handguns**

1. Off-duty firearms must be a revolver or semi-automatic pistol in good working order .22 or greater caliber.
2. Officers are prohibited from using ammunition designated “magnum” or “armor-piercing” in off-duty firearms.
3. Prior to carrying a non-Department issued firearm off duty:
  - a. A certified weapons instructor of the Department shall verify the firearm and ammunition to be used are in conformance to this policy.
  - b. A certified firearm instructor shall inspect the off-duty firearm to verify it is in safe operational order.
  - c. The officer shall demonstrate proficiency with the off-duty firearm through the Department’s off-duty firearm qualification course of fire.
  - d. The off-duty firearm to be used by the officer shall be properly registered with the Department, and
  - e. The ammunition approved for use in the off-duty firearm shall be recorded in agency records.

**D. Carbines**

1. The Department owned Colt AR-15A3 model AR6721 carbines are designated as secondary or support weapons.
2. Carbines are to be used during in-progress calls, securing perimeters, felony stops, and other high-risk incidents.
3. Only officers who have successfully completed the Department’s Tactical Carbine Course maintain their qualification status shall be issued the keys to unlock the vehicle’s weapon locking system.
4. Only officers who have successfully completed the Department Tactical Carbine Course and maintain their qualification status may deploy the weapon in accordance with the procedures set out in the Department Tactical Carbine Manual.
5. Carbines shall be deployed in accordance with the procedures described in the Department’s Tactical Carbine Manual.
6. Officers taking their vehicles to the wash shall secure the carbines by deactivating the electronic release mechanism.
7. An officer qualified with the carbines shall remove it from a vehicle to be taken out of service for an extended period of time (Village Yards for service, body shop for repairs, et cetera) and secure it in the department armory according to the procedures set forth in the Department Tactical Carbine Manual.

8. Supervisors should rotate carbine equipped vehicles through all qualified members of their shift during a given period to reinforce familiarity with the weapons, racks and related procedures.
9. Officers are permitted to purchase up to two (2) 20 or 30 round approved .223 magazines to be carried in their "Go Bag".

**E. NIPAS EST Members**

1. Members of the Department assigned to the Northern Illinois Police Alarm System (NIPAS) Emergency Services Team (EST) are issued the following Department-owned weapons:
  - a. Colt M4 Carbine
  - b. Heckler & Koch MP5 submachine gun
2. NIPAS EST members may carry personally owned handguns for NIPAS duties only with the prior approval of the Chief of Police.
3. Members must demonstrate proficiency per the NIPAS qualification course of fire prior to carrying any weapon for NIPAS duties.
4. Members shall carry only weapons with which they successfully demonstrate proficiency by passing at least annually NIPAS' qualification course of fire.
5. Members may use only ammunition that is either issued or approved by the Department or NIPAS.

**F. Modifications.**

1. No Department-owned firearm shall be modified from its original manufactured specifications without prior approval of the Chief of Police.
2. No approved or personally owned primary or secondary handgun carried on-duty shall be modified from its original manufactured specifications without prior approval of the Chief of Police.

**III. Range Requirements.**

- A. All employees must obey all Wilmette Police Department Range Safety Requirements. (Chapter #1, Policy #8.a)
- B. Employees who disregard any Department Range Safety Requirements may be subject to disciplinary action.
- C. Department Range safety requirements will be posted on the range where they will be visible to all personnel.

**IV. Less-Lethal Weapons.**

- A. Members of the Department may carry and use only those less-lethal weapons authorized by the Department.
- B. The Department authorizes and issues the following less-lethal weapons for carry and use by sworn police officers.
  1. Oleoresin Capsicum (O.C.) Spray
  2. Police Baton
  3. PepperBall Launcher
- C. The Department authorizes Community Service Officers and Parking Control Officers to carry and use O.C. spray on duty with prior approval of the Deputy Chief.

- D. All other items such as stun guns, brass knuckles, and weighted objects, e.g. blackjacks, sap gloves, are strictly prohibited.
- E. Members of the Department may carry and use only those agency-authorized less-lethal weapons with which they have successfully demonstrated proficiency.
  - 1. Members must demonstrate proficiency with any less-lethal weapon prior to carrying and using it.
    - a. Initial O.C. Spray training shall include an exposure to OC spray during the initial training.
    - b. All sworn personnel in line assignments shall be trained in and carry O.C. Spray.
  - 2. Members must demonstrate proficiency at least biennially with each less-lethal weapon they are authorized to carry and use.
- F. No Department personnel shall carry or use a less-lethal weapon until they have received department approved training and have been certified by an authorized instructor.
- G. The use of all less-lethal weapons is governed by any applicable state and Federal statute and this Department's Use of Force Policy, Chapter #1, Policy #7.

**V. Off-Duty Carry of Weapons**

- A. Non-sworn members of the Department are prohibited from carrying any weapons off duty, which would be prohibited by law.
- B. Wilmette Police Officers are prohibited from carrying a firearm while off duty prior to having successfully completed the Department's Field Training and Evaluation Program.
- C. The Department does not require or encourage sworn officers to carry any weapon off duty.
- D. The decision to carry firearms off duty is at the discretion of the individual sworn officer.
- E. Sworn Department members who carry firearms or other authorized weapons while off-duty shall abide by all federal and state laws and by all policies of the Wilmette Police Department.
- F. Sworn members of this Department may not carry firearms while off-duty when:
  - 1. Any measurable or detectable amount of alcohol is present in his or her body.
  - 2. They have consumed, or can anticipate consuming, alcohol or another intoxicating or hallucinatory drug or substance.
- G. Sworn Department members who carry firearms or other authorized weapons while off-duty shall not show, draw, present, or discharge the weapon at anybody unless they reasonably believe that such action is necessary to prevent imminent death or great bodily harm or any forcible felony.

**VI. Animal Dispatch Weapon**

- A. Sworn agency members who have demonstrate annual proficiency in its use may utilize the department owned Rueger .22 caliber rifle to dispatch animals. Officers will complete an Animal Report Form detailing the event when used. The agency will provide .22.ammunition specifically for this purpose and the weapon will be kept in the department armory when not in use

**Revision History**

The November 9, 2014 version updated May 1, 2014 version with language covering the go-bags and ammunition magazines.

The **May 1, 2014** version updated **October 1, 2011** version to reflect the change in issued department handgun to the Glock 22 Generation 4.

The **October 1, 2011** version updated **October 1, 2010** version with by authorizing the use of the .22 rifle to dispatch animals

The **October 1, 2010** version updated the **July 19, 2009** version with the changing of the title Deputy Chief of Operations to Deputy Chief due to the organizational changes of 2010.

# WILMETTE POLICE DEPARTMENT POLICIES AND PROCEDURES MANUAL

## DEPARTMENT ORGANIZATION & ADMINISTRATION

### Conducted Energy Weapon

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**Purpose:** This policy sets the guidelines for the Wilmette Police Department's procedures regarding the Taser model X2, commonly referred to as a Conducted Energy Weapon (CEW). This policy establishes procedures for the Taser X2 that shall be applicable to all Department members including but not limited to: the authorization, inspection & storage of CEWs; the required CEW training of authorized personnel; the deployment of the CEW; and daily and post deployment reporting and review requirements for the CEW.

**Policy:** The policy of the Wilmette Police Department is that Department members use objectively reasonable force to control and overcome resistance by individual(s) who are violent; to control individual(s) exhibiting threatening or potentially violent behavior; control individual(s) who are physically resisting arrest or detention; or control individual(s) when there is a reasonable belief that it is unsafe for members to approach within physical contact range of the individual(s), while protecting the safety of the Department members, the individual(s) and others. However, Department members are not expected to place themselves at unreasonable risk to deploy the Taser X2 nor shall members deploy a Taser X2 when facing a firearm or extended distance deadly forces threat unless circumstances reasonably permit such use. The Taser X2 when used in accordance with Department policy and training is considered a Less-Lethal Weapon.

#### Definitions:

**Taser X2:** A handheld Conducted Energy Weapon (CEW) manufactured by Axon International that can be used in two modes, probe deployment and drive stun. In probe deployment, the device fires two probes at a distance determined by the cartridge used. The probes are connected to the weapon by an insulated conductive wire. Electric pulses are sent along the wires to the probes with the intended effect being the temporary incapacitation of the intended subject. In the "drive stun mode", the Taser CEW is brought into contact or close proximity with the subject's body or clothing

**Deployment:** Taser X2 is considered deployed when it is drawn out by a Department member and presented to the individual(s) who the Department member is attempting to control.

**Neuro-Muscular Incapacitation (NMI):** An uncontrolled contraction of muscle tissue

resulting in temporary skill disruption, which debilitates the targeted subject. NMI occurs when a device is able to cause involuntary stimulation of both sensory and motor nerves. Levels of NMI range from limited area effects to significant body lock up relative to probe spread and conductivity.

**CEW Cartridge:** A replaceable cartridge that contains and fires the electrical probes intended to result in temporary NMI. CEW cartridges contain AFID identification tags and have expiration dates. The authorized CEW cartridge for the Department is the Smart Cartridge, which contains a small circuit board that communicates cartridge type (live vs. LS simulation), distance (15, 25) and status (loaded vs. deployed) to the X2 CEW.

**Anti-Felon Identification Tracking System (AFID Tags):** Small identification tags ejected from the CEW cartridge when fired that provides accountability for a CEW device. The AFID's contain individual unit serial numbers printed on them for identification purposes.

**Data Port:** A computer data port located on the back of the CEW that allows data to be downloaded from the device. Each time the device is fired a time and date is stored which can be downloaded to a computer database.

**Active Aggression:** For the purposes of this policy, "Active Aggression" will be defined as a reasonable belief by an officer that a subject is threatening or is committing: physical actions; an assault; or a battery against the officer or another person with less than deadly force. This includes, but is not limited to, actions by the subject such as psychological intimidation, advancing, challenging, punching, kicking, grabbing, and wrestling.

**Defensive Resistance:** For the purposes of this policy "Defensive Resistance" will be defined as any action by a subject that attempts to prevent an officer from gaining control of the subject. This includes, but is not limited to, actions on the part of the subject such as: fleeing, bracing, tensing, pushing, pulling or verbally signaling an intention to actively avoid or prevent the officer from gaining control.

**Passive Resistance:** Passive resistance is a refusal by an unarmed person to comply with an Officer's verbal commands or physical control techniques that does not involve the use of physical force, control, or resistance of any kind.

**Probe Deployment:** Probe deployment happens when the CEW is fired. Compressed nitrogen gas propels two darts on wires; the CEW sends an electronic signal via wires, which is intended to cause NMI.

**Drive Stun:** The CEW, with either an expended cartridge attached or without a cartridge attached, is brought into contact or close proximity with the subject's body or clothing. The drive stun creates discomfort due to the narrow spread of the CEW probes. Drive stun applications alone will likely not create NMI but may result in a NMI in conjunction with a "failed" probe deployment or close-range deployment.

**Sensitive Areas:** Areas of the body that officers should normally not intentionally target unless there is legal justification and in compliance with Department training. Officers shall not remove probes from sensitive areas, unless exigent circumstances dictate a necessity for this action. For the purposes of this policy, sensitive areas of the body will be defined as the

head, neck, face, female breast, chest or area of the heart, or genitals.

**CEW Operational Database:** A secure data file accessed by supervisors for the purposes of recording operational CEW use.

**CEW Program Manager:** An officer designated to perform the duties of lead instructor for CEW training, provide maintenance on CEWs to include ordering of expendable supplies and conduct the annual inventory/inspection of department owned CEWs.

## PROCEDURE

### I. AUTHORIZED CONDUCTED ENERGY WEAPON (CEW)

- A. The Taser X2 is the only CEW authorized for use by Wilmette Police Department Officers in the performance of their duties. Officers may only use Department issued CEW cartridges and CEW batteries. If reasonable necessary, Officers may use other CEWs with similar operation.
- B. A CEW will be signed out by the officer who will log their name, badge number, CEW identification number, and verify acceptable battery level; see Appendix A for CEW Sign Out Sheet. With the exception of exigent circumstances, no officer will remove a CEW from the station without it being signed out. The CEW will be turned in at the end of the officer's tour of duty and logged in.

### II. TRAINING

- A. Uniformed Officers assigned to the Patrol Division will wear the CEW while on duty, if available. Only Wilmette Officers who successfully complete the certification training course will be allowed to carry and deploy a CEW. The initial and annual training will include:
  - 1. Successful completion of the Department approved training course.
  - 2. Demonstrated proficiency in the deployment of a CEW.
  - 3. Current CEW Instructor Certification may be substituted for the Department initial and annual training courses

An officer who fails to pass any part of the Department approved training course will not be authorized to carry a CEW until successful completion of the training. If necessary, an officer may receive remedial training by a CEW Instructor.

### III. DEPLOYMENT

- A. Support Side Holster Carry: The CEW will be carried in a holster designed for the CEW on the non-dominant side of the officer's body.
- B. CEW Deployment.
1. Officers shall not use a CEW on a subject who is only passive resisting.
  2. Officers may deploy the Taser CEW against subjects to include detainees in custody who the officer reasonably believes to be displaying defensive resistance and/or active aggression. This includes detainees who are involved in the active damage to state supported property while in custody. When feasible, a large muscle group of the subject's body should be targeted.
  3. Officers may deploy the CEW against subjects who they reasonably believe pose a risk to themselves when unarmed tactics or lesser measures of control have been ineffective or would be unsafe given the circumstances at the time.
  4. The CEW may be deployed against aggressive animals if the officer has reasonable belief he is in danger of attack. The officer should attempt to target the center mass of the animal if feasible. Probes may be removed if it is safe to do so.
  5. When time and circumstances permit, officers should have a deadly force cover officer when deploying the CEW.
  6. If reasonable and tactically appropriate, the deploying officer should use verbal commands to attempt compliance prior to CEW deployment. If reasonable and tactically appropriate, prior to deployment the deploying officer or cover officer should announce "Taser" in a loud clear voice in an effort to let other officers know the CEW is being deployed.
  7. Generally, no more than one officer should discharge a CEW against a subject at one time unless there is a risk of death or great bodily harm.
  8. Officers will not intentionally target Sensitive Areas, which include the head, neck, throat, female breast, chest or area of the heart, genitals or known pre-existing injury areas without legal justification and compliance with Department training. It should be noted however, that deploying officers cannot predict the sudden movements of actively aggressive or resisting subjects and the subjects aggressive or resistive actions may result in the unintentional probe deployment to a Sensitive Area.

C. CEW Deployment Risk Factors: The presence of any of the following circumstances warrants careful consideration by an officer prior to CEW deployment:

1. Presence of flammable liquids/gases may cause spontaneous ignition.
2. Subjects in elevated positions that would foreseeably result in serious physical injury.
3. Unless there is a risk of death or great bodily harm, the CEW should not be deployed against a known pregnant woman
4. Subjects running/fleeing.
5. Subjects in bodies of water (i.e., lakes, pools, ponds); the subject may not be able to prevent himself from drowning.
6. Children: The younger the child the greater the justification necessary.
7. Subjects obviously frail, infirm, or elderly.
8. Subjects operating moving motor vehicles should not be subject to CEW deployment unless there is a risk of death or great bodily harm.

D. Post Deployment Considerations?

1. Officers who have successfully completed Department CEW training, may remove probes from non-sensitive areas. The Wilmette Fire Department will be requested to respond to the scene CEW for care and possible probe removal.
2. The expended CEW cartridge, wire leads and a minimum of two AFID tags shall be placed into evidence. If AFID tags are not recoverable, the circumstances must be documented on the offense incident report.
3. Any deployment of the CEW will be reported to the shift/unit supervisor as soon as feasible. The CEW will be relinquished to the program supervisor or designee who will download and analyze the CEW data through the Taser International Evidence Sync Upload site. Once the download is completed and CEW inspected it may be returned to operational use.
4. A Use of Force Report will be completed in the following circumstances:

- a. Any presentation of a CEW in an attempt to gain compliance.
- b. Any CEW cartridge deployment whether or not the probes contact the subject or penetrate the skin.
- c. Any CEW drive stun deployment.

E. Storage and Inspection.

1. The CEW will be inspected to include battery status followed by a brief 1-2 second spark test by the officer prior to the tour of duty. The following protocol will be used: Officers will remove the Taser from storage cabinet and place it in their holster and proceed to the Range. The CEW will be withdrawn from the holster and be pointed directly at the bullet trap and spark tested. Taser Spark Test:

- a. Un-holster the CEW.
- b. Point the CEW in a safe direction
- c. Put the safety switch in the up (ARMED) position
- d. Check battery status
- e. Press the Arc Switch
- f. Visually as well as audibly inspect the arc
- g. If the CEW does not function properly, DO NOT take it into the field
- h. If the CEW functions properly:
  - i. Put the safety switch in the down (SAFE) position
  - ii. Load if needed and holster the CEW
- i. Log battery status on sign out sheet (\*Battery status under 20 take CEW out of service and notify Watch Supervisor)

2. CEWs will be stored in the designated CEW storage cabinets.

3. The CEW Program Manager will be responsible for maintenance, annual inventory, and the stocking of equipment to sustain the CEW program. The CEW Program Manager will inspect all CEWs prior to approval for

department use and then annually to ensure the CEWs are in proper working condition. This inspection will be documented and list all CEWs that are authorized for department use.

F. Auditing

1. ECWs will be subjected to periodic data downloading. Regular downloading that is consistent with the manufacturer's recommendations will ensure that weapons have up-to-date firmware and a synced time clock. The data obtained will be reconciled with existing use-of-force reports for accountability.

# WILMETTE POLICE DEPARTMENT POLICY AND PROCEDURE

## PERSONNEL 7. BIAS BASED POLICING

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**Purpose:** The purpose of this policy is to:

1. Reinforce procedures that serve to assure the public the Wilmette Police provide fair treatment and equal protection for all persons, at all times, without exception;
2. Reaffirm the Wilmette Police Department's commitment to unbiased policing in every contact between police employees and the public;
3. Clarify the circumstances in which Officers can lawfully and properly consider race or ethnicity when making enforcement, detention or seizure decisions.

**Policy:**

- A. Wilmette Police personnel are required to deliver services and protection to all persons without regard to their race, ethnic background, gender, gender identity, sexual orientation, religion, economic status, age, cultural group, disability or any other class protected by law.
- B. Wilmette Police Officers must base enforcement, detention and seizure decisions on reasonable suspicion or probable cause, as required by law.
- C. Wilmette Police personnel are prohibited from engaging in bias based policing in the performance of their duties, including but not limited to traffic contacts, field contacts, custodial arrests and in asset seizures and forfeitures.
- D. Wilmette Police Officers may consider the reported race, ethnicity or national origin of a specific suspect or suspects in the same way they would use specific information regarding factors such as, but not limited to age, height, weight, et cetera about a suspect wanted for further investigation of a specific offense.

**Definitions:**

- A. **Bias based policing** - The differential treatment of an individual based on that person's having the actual or perceived common appearance or trait(s) of a group or class, such as but not limited to race, ethnicity, religion or sexual orientation.
- B. **Contact** - A personal communication in any form between a police employee and a private person. Face-to-face contacts are circumstances wherein the person is free to leave at any time.
- C. **Stop** - A temporary detention of a person for investigative or enforcement purposes. A stop involves police use of authority to compel a person to halt or to remain in a certain place. Both pedestrians and persons in motor vehicles may be stopped.
- D. **Reasonable Suspicion** - Also known as articulable suspicion, this suspicion is more than a mere hunch and is based on articulable facts or circumstances, from the observations, training and/or experience of the officer, which could lead a reasonably prudent police officer

to believe that criminal activity has been committed, is about to be committed, is in the process of being committed by the person or persons under suspicion; or which would lead a reasonably prudent police officer to believe that a person or persons need police assistance.

## Procedure:

### I. Officer Responsibilities

- A. Officers conducting stops must be able to articulate the specific elements that caused him or her to believe the stop was lawful and proper. Factors to be considered in determining whether reasonable suspicion exists for a stop may include, but are not limited to, the following. These factors are consistent with guidelines provided in Policy 5.12 and 4.14 of this manual, relating to traffic stops and field interviews.
1. Appearance - Does the person appear to fit the description of a person wanted for a known offense? Does the person appear to be ill or injured, or to be under the influence of alcohol or drugs, or otherwise unable to care for himself?
  2. Actions - Is the person running away from an actual or possible crime scene? Is the person behaving in a manner indicative of possible criminal conduct? If so, in what specific way?
  3. Demeanor - Is the person responsive to questions during the initial contact? Were answers evasive, contradictory, incriminating or otherwise suspicious? Did the person appear to be excessively nervous during the contact?
  4. Officer's Prior Knowledge - Does the Officer have knowledge of the person's criminal history (arrest and/or conviction)? Are prior offenses similar in nature to one that just occurred, or which you suspect is about to occur?
  5. Area - Is the person near the location of a known offense soon after its commission? Is the person in an area known for prior criminal activity? Officers should be able to articulate specific facts about the area, such as type and number of recent crimes or recurring crime patterns.
  6. Time of Day - Is it the time of day or night during which criminal offenses usually occur?
  7. Prior Police Training and Experience - Does the person's conduct resemble the pattern used in particular criminal offenses, recognizable to the officer based upon his or her past training and experience?
  8. Police Purpose - Might innocent people be endangered if immediate investigative action is not taken? How serious is the suspected criminal activity?
  9. Source of Information - If the officer's reasonable suspicion is based in whole or in part on information supplied by another person, who gave the information? For example, was it a witness, victim, criminal informant or police officer? Was the information obtained directly from the source, or in some other way? Was any part of the information corroborated prior to conducting this stop?

- B. Officers shall use only such level of force or show of authority as is reasonably necessary under the totality of the circumstances at hand to affect the stop. This may be a verbal request, a verbal order, or the use of reasonable physical force permitted by law and the Department's regulations on use of force. If circumstances exist that create probable cause to arrest, the officer may use that amount of force reasonable and justifiable to effect the custodial arrest and/or for self-defense as is permitted by law and the Department's regulations on use of force.

**II. Supervisor Responsibility**

- A. Supervisors shall ensure that personnel assigned to their shift or units are knowledgeable about this policy and, through consistent oversight that personnel at all times comply with its provisions.
- B. To accomplish the above, supervisors shall conduct training at least annually on this policy, and shall monitor the performance of personnel under their command to ensure that bias based policing does not occur.
- C. Supervisors receiving a personnel complaint or allegation of bias based policing shall accept and document the complaint in accordance with existing policy, and either investigate or forward the report through the chain of command as necessary.
- D. Supervisors shall ensure that violations of this policy result in corrective and/or disciplinary action as appropriate to the circumstances and work history of the officer. Corrective action may include counseling, reassignment or retraining. Disciplinary action may include written reprimand, suspension or termination.

**III. Duty To Report**

- A. Any member of the Department who observes or otherwise becomes aware of a violation or possible violation of this procedure shall immediately report it to his/her supervisor.

**IV. Training**

- A. Training regarding bias based policing, including legal aspects, shall be incorporated into the field training and evaluation program.
- B. Annual retraining on this policy, including legal aspects of bias based policing, should be conducted for all personnel.

**V. Preventing Perception of Biased Policing**

- A. In order to prevent mistaken perceptions of biased policing, each officer should conduct pedestrian and vehicle stops in the following way, consistent with procedures outlined in Policy 5.12 of this manual:
  - 1. Approach the person with courtesy and with a friendly yet professional demeanor.
  - 2. Introduce yourself to the person by name and agency affiliation.
  - 3. State the reason for the stop as soon as practical. In the absence of this explanation, misunderstanding and/or lack of cooperation can occur. In vehicle stops, the officer should provide this information before asking for the driver's license and registration, unless doing so will compromise officer safety.

4. Allow the person to present an explanation for his/her conduct, whether on foot or by motor vehicle.
5. Answer questions the person stopped may have.
6. Ensure that the stop is conducted in no longer a period of time than is reasonably necessary for the taking of appropriate action. Explain to the person stopped the reason for any delay, unless providing this information will compromise officer or public safety or frustrate the investigative purpose of the stop.
7. Provide your business card if appropriate or necessary.
8. If the reasonable suspicion is determined to be unfounded, offer an explanation and apology to the person stopped.

**VI. Internal Review**

- A. The Deputy Chief shall document an annual administrative review of agency practices regarding bias based profiling, including citizen concerns.

**Revisions History:**

The **October 1, 2010** revision updates the **August 18, 2008** version by changing Deputy Chief of Operations to Deputy Chief.

The **August 18, 2008** revision updates the **April 11, 2002** version by changing language in IV.B to indicate training “should” be conducted annually, from “shall”.