USE OF FORCE COMMUNITY WORKING GROUP RECOMMENDATIONS
September 25, 2020

General Order 03-02-01, Force Options

The Working Group provides the following recommendations specific to its review of the General Order G03-02-01, but incorporates all previous recommendations submitted to the Executive Steering Committee.

**Recommendation 1: Revise the Categories of Persons Subject to Force and the Force Options Authorized**

Current CPD policy identifies several different categories and subcategories of people against whom officers can use force, and allows officers to use unnecessary and disproportionate force against such persons. The standard for allowing officers to use force must simply be whether the person presents an imminent threat of bodily harm. The standard for allowing officers to use deadly force must simply be whether the person presents an imminent threat of death or great bodily harm. The categories of persons officers encounter and the specific force options authorized for each must be revised to limit force to only those persons who present a threat of bodily harm to another person. However, in all scenarios, officers remain bound by de-escalation and force mitigation principles. Although there are force options authorized for the various categories of persons below, CPD policy must make clear that officers are prohibited from using any particular force option unless it is the least amount of force necessary under the circumstances, and unless the amount of that force is proportional to the threat presented. See below for an outline of our recommended changes to Section IV. Levels of Resistance; see redline of G03-02-01 for complete revisions consistent with Working Group recommendations.

**IV. Levels of Resistance**

A. **Cooperative Person**: a person who is compliant without the need for physical force. No force options are authorized when dealing with a cooperative person.

B. **Resister**: a person who is uncooperative, but does not present an imminent threat of bodily harm to another person. The following non-force options are authorized when dealing with a resister:

1. Police Presence
2. Verbal Response
3. Holding Techniques

C. **Threat**: a person who is using or threatening the imminent use of force against another person or themself which is likely to cause physical injury. Threats are further subdivided into three categories: (1) a person whose actions constitute an imminent threat of bodily harm, with or without weapons, to a Department member, to another person, or to themselves; (2) a person for whom there is probable cause to arrest for a serious violent crime such as murder, attempted murder, aggravated discharge of a firearm, aggravated
criminal sexual assault, aggravated vehicular hijacking, or kidnapping, AND who attempts to evade arrest for such a crime; and (3) a person whose actions constitute an imminent threat of death or great bodily harm to a Department member or to another person.

1. Non-Deadly Threat. The person's actions constitute an imminent threat of bodily harm, with or without weapons, to a Department member, to another person, or to themselves. This category of threat may include a person who is armed with a deadly weapon but whose actions do not constitute an imminent threat of death or great bodily harm to another person. In addition to the force options authorized in Item IV-B for Resisters, the following force options are authorized when dealing with this type of non-deadly threat:

   a. Compliance Techniques
   b. Control Instruments
   c. Oleoresin Capsicum (OC) Spray and Capsaicin II Powder Agent Deployment
   d. Stunning
   e. Takedown
   f. Direct Mechanical

2. Person Suspected of a Violent Crime. A department member has probable cause to suspect the person has committed a serious violent crime, such as murder, attempted murder, aggravated discharge of a firearm, aggravated criminal sexual assault, aggravated vehicular hijacking, or kidnapping, and upon attempting to make such an arrest, the person flees or otherwise attempts to evade arrest. In addition to the force options authorized in Items IV-B and IV-C-1 for Resisters and Non-Deadly Threats, the following force options are authorized when dealing with this type of suspected violent criminal:

   a. Impact Weapons
   b. Impact Munitions
   c. Tasers

3. Deadly Threat. The person's actions constitute an imminent threat of death or great bodily harm to a Department member or to another person. In addition to the force options authorized in Items IV-B, IV-C-1, and IV-C-2 for Resisters, Non-Deadly Threats, and Persons Suspected of Violent Crimes, firearms and other deadly force responses are authorized when dealing with this type of deadly threat.
**Recommendation 2: Recognize the Deadly Potential of Tasers and Implement a Higher Standard for Authorized Use**

While Tasers are generally considered a “less-lethal” force option, they have contributed to the deaths of numerous people and caused serious injuries and lasting impacts. A Reuters study found that at least 49 people died after being shocked by a Taser in 2018, and at least 1,081 people have died following Taser use since the early 2000s.\(^1\) In 2017, the City of Chicago paid $500,000 to Elaina Turner who was Tased three times and subsequently miscarried.\(^2\) CPD officers have also used Tasers against people who were running away, causing them to fall and suffer serious brain injuries or death.\(^3\) A 2015 study found that healthy college students indicated that auditory recall and processes were affected for up to an hour after a Taser discharge.\(^4\) Additional studies have shown Tasers to cause cardiac arrests and adversely affect people with pacemakers and implanted cardioverter-defibrillators.\(^5\)

Current CPD policy authorizes officers to use Tasers without sufficient justification and against people who do not present any threat of bodily harm to another person. For example, CPD policy authorizes the use of Tasers against people suspected of possession of a small amount of drugs who attempt to run away. The policy must be revised to prohibit the use of Tasers unless the person presents an imminent threat of death or serious bodily harm to another person.

If the CPD refuses to implement a deadly force standard for Taser use, at a minimum, CPD must restrict Taser use to situations in which a person presents an imminent threat of bodily harm to another person. Furthermore, CPD must establish a deadly force standard for Taser use against certain categories of vulnerable people, including: children; the elderly; pregnant women; people in apparent medical distress or behavioral health crisis; people who present as frail, low body mass, or sickly; people who are handcuffed or otherwise restrained; and people who are at risk of serious physical injury or death due to situational hazards, such as falling from an elevated position, drowning, losing control of a moving car or bike, and in the presence of explosive or flammable material.

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\(^3\) Jessica D’Onofrio & Will Jones, *Video released by COPA shows Chicago police officer use Taser on man running away during South Side traffic stop*, ABC 7, January 26, 2018; David Thomas, *Largest City Hall settlements include election night arrests*, CHICAGO DAILY LAW BULLETIN, September 7, 2017; Mitch Smith & Adam Sege, *Family, friends mourn man hit by cop’s Taser: Chicagoan fell into light pole, was in coma for 2 weeks*, CHICAGO TRIBUNE, June 8, 2014.
