

RESOLUTION # 37-2020

Resolution Revising the Geneva Police Department's Use of Force Policy

Whereas, the City of Geneva is a vibrant and diverse community in which unnecessary violence and police brutality have not place; and

Whereas, the existing Geneva Police Department policy regarding use of force contains ambiguities and outdated tactics that could be perceived to promote and/or condone unnecessary escalations, violence, and police brutality; and

Whereas, updates to the policy are both necessary and prudent in light of calls for significant police reform and accountability;

Now therefore be it resolved that, The Geneva Police Department's Use of Force Policy is hereby amended and updated according to the attached schedule of revisions, additions, and deletions; and

Be it further resolved that, the Geneva Police Department be apprised of these changes immediately and commence training and retraining of all officers and employees on the policy as amended; and

Be it further resolved that, the Chief of Police affirmatively attests to the City Manager and the City Council that the updated Use of Force Policy is the new and ongoing standard operating procedure of the Geneva Police Department in regard to Use of Force; and

Be it further resolved that, the Chief of Police, City Manager, and City Council affirm to the community that the updated Use of Force policy will be publicized and promulgated as the official Use of Force Policy for the Geneva Police Department beginning ten (10) days after adoption of this resolution.

REVISIONS TO POLICY: GENEVA POLICE DEPARTMENT GENERAL ORDERS: USE OF PHYSICAL FORCE/DEADLY FORCE & FIREARMS:

***Include implementation and guidelines for reporting incidents, discipline and trainings in cooperation with the Police Accountability Board (PAB).**

****In consultation with Police Accountability Board (PAB), implement guidelines for use of Social Workers as a proactive and post incident resource (Short term counseling, mediation, referrals to human services and other agencies, follow-up services, case status information, transportation, psychotherapy evaluations/services to officers and their families and community engagement)**

III. POLICY

D. "All use of physical force ~~or deadly physical force~~ will be to protect the officer or another person or to effectuate a valid and lawful public safety or law enforcement purpose" adding, **"All use of deadly physical force will only be to protect the officer or another person"**, with the understanding that deadly physical force should only be used to protect the life of the officer or another person.

L. ***9. Chief of Police will forward a physical or electronic copy of Use of Force Report to PAB as soon as feasible.**

M. Duty to Intervene

1. "Any officer present and observing another officer using force that he/she reasonably believes to be clearly beyond that which is objectively reasonable under the circumstances ~~shall~~ **will** intercede to prevent the use of unreasonable force, if and when the officer has a realistic opportunity to prevent harm."

***3. Incident Report will be completed by observing officer or supervising officer and forwarded physical or electronic copy to the PAB.**

N. Use of physical force or deadly physical force may only be implemented after exhausting all alternatives to use of force including:

- De-escalation
- Placing barriers between an uncooperative subject and a law enforcement officer.
- Containing a threat
- Moving from a position that exposes law enforcement officers to potential threats to a safer position
- Decreasing the exposure to potential threat by using

- Distance
- Cover
- Concealment
- Communication from a safe position intended to gain the subject's compliance, using:
 - Verbal persuasion
 - Advisements
 - Warnings
- Avoidance of physical confrontation, unless immediately necessary (for example, to protect bystander or witness, or stop dangerous behavior)
- Using verbal techniques, such as listening and explaining to calm an agitated subject and promote rational decision making
- Calling extra resources to assist or law enforcement officers to assist
 - More law enforcement officers
 - Crisis Intervention Team (CIT) law enforcement officers
 - Law enforcement officers equipped with less-lethal tools
 - Crisis Intervention Team, mental health and other health care professionals
- Any other tactics and approaches that attempt to achieve law enforcement objectives by gaining the compliance of the subject through less-lethal means.

VI. USE OF FIREARMS

C. Drawing and Displaying Firearms

1. a. An officer believes that circumstance exist which may justify the use of deadly physical force under this order (e.g. building searches, ~~no knock search warrants~~, high risk vehicle stops, confronting a person that the officer reasonably believes to be armed and dangerous, dealing with an injured or dangerous animal); and/or

D. Intentional Discharge of Firearm

2. All intentional discharge of a firearm will be reported on a Firearms Incident Report and investigated as a deadly force incident. This does not apply to training activities, legal hunting or target practice purposes ~~or those occasions when the firearm discharge was for purposes of destroying an injured or dangerous animal.~~

***3. A physical or electronic copy of the Firearms Incident Report will be forwarded to the PAB.**

E. Accidental Discharge of Firearm

(Consecutive numerical listing of policy is currently incorrect)

- 1.
- 2.
- 3.
- 4.
- 5.

6. In all cases of an accidental discharge of an issued firearm possessed as an exempt person, a Firearms Incident Report will be completed and the LT/DB will also conduct an internal investigation. ***A physical or electronic copy of the completed Firearms Incident Report will be forwarded to PAB by reviewing supervisor.**

VIII. USE OF FIREARMS-ANIMALS A.

2. The officer reasonably believes that the animal is presenting an **immediate** danger or threat of injury to the officer or another person.

3. Officer shall make all attempts to preserve the life of domesticated animals by removing themselves or others from threat of injury if possible BEFORE resorting to lethal force on animal.

6. The officer destroying the animal will complete an Incident Report **and Firearms Incidents Report if used** documenting the circumstances. The duty Supervisor will review the report for completeness and see that the proper procedures as set forth above in the Order were adhered to.

***7. The duty Supervisor will forward physical or electronic copy of Incident Report and Firearms Incidents Report to PAB.**

X. Initial Response Procedures

A. First Responder Procedures

(2. Error in numbering of policies. Number "2" is repeated between "8" & "9", but is a different policy procedure. 13 total policy numbers in this section.)

B. Notification Procedures

1. As soon as possible the following will be notified of a deadly physical force incident:

****f. Notify GPD Social Worker as soon as feasible.**

D. Procedure for Officers Involved in Deadly Physical Force Incidents

3. ~~Another officer~~ ****The responding GPD Social Worker** should be assigned to accompany the involved officer for support and to attend to his or her immediate needs. ****If GPD Social Worker is not available, another officer should be assigned to accompany the involved officer for support.**
5. The ****GPD Social Worker or Supervisor** will ensure that involved officer(s) are provided appropriate assistance in contacting family members or other support persons.
7. In the event the involved officer(s) are injured, the following procedures will be followed:
 - b. The ****GPD Social Worker or Supervisor** will ensure that the injured officer(s) receives any necessary assistance in contacting family members or other support persons and in facilitating arrangement for them to come to the medical facility.

XI. TRAUMA COUNSELING

- A. Confidential trauma counseling will be provided through the ****GPD Social Worker and EAP Program**, in all cases of use of deadly physical force as follows:

XII. FOLLOW-UP INVESTIGATION

- F. In the event another agency initiates an investigation of the incident, (e.g., the Federal Bureau of Investigation, ***PAB**), commences a civil rights investigation, the following procedures will be followed:

XIII. INTERNAL INVESTIGATION

- *G. The Chief of police will cooperate with any investigations initiated by the PAB in accordance with local law established through Article XV Police Accountability Board.**

XIV. ASSIGNMENT TO ADMINISTRATIVE DUTY

- *G. The Chief of police will comply with any additional disciplinary restrictions ordered by the PAB in accordance with local law established through Article XV Police Accountability Board.**

XV. PROHIBITED USES OF FORCE

- B. **Under no circumstances will an officer use forceful restraint that restricts a person's airway, including but not limited to choke holds or placing their knee on the back of a person's neck.**

XVI. TRAINING

A. All officers will receive training and demonstrate their understanding on the proper application of service during **bi-annual** in-service training.