



MEMORANDUM

TO: Chief James R. Kruger Jr.

FROM: Commander Mark King

DATE: March 1, 2020

SUBJECT: 2020 Use of Force Analysis

In 2020, the Oak Brook Police Department generated or responded to 18,460 Calls for Service. Of those service calls, 276 resulted in arrest. Of the 276 arrests, nine required the use of force. Force was utilized in two instances to overcome resistance in making an arrest and seven instances for the purpose of providing Officer Safety in accordance with accepted police tactics.

Officers did not utilize deadly force. Deadly Force is defined as any use of force that is likely to cause death or great bodily harm, or which creates some specified degree of risk that a reasonable and prudent person would consider likely to cause death or serious physical injury.

Officers did not utilize a mechanical force option. Mechanical Force is defined as the application of a device or substance, other than a firearm, to make an arrest or achieve a law enforcement objective.

Officers utilized physical force (no other force option used) on two occasions. Physical Force is defined as actual contact with a subject beyond that which is generally utilized to make an arrest or achieve a law enforcement objective. The physical force technique most often utilized was a leverage technique.

Officers utilized active pointing (no other force option used) on five occasions. Active Pointing is defined as the actual pointing of a firearm or mechanical force option at another person to gain compliance or affect a lawful arrest. The act of un-holstering or carrying a firearm for the purpose of conducting a building search or providing general security is not considered active pointing. The force option most often "pointed" was the handgun (3) followed by a CEW (Taser) (2).

Officers utilized the display of a mechanical force option (no other force option used) on two occasions. Display is defined as the visible deployment of a firearm or mechanical force option to gain compliance or affect a lawful arrest when that force option is not pointed at another person.

Officers did not utilize active pointing in conjunction with the display of a mechanical force option.

Officers utilized active pointing or the display of a mechanical force option in conjunction with a physical force technique on one occasion.

The offender's level of intoxication or impairment seems to have contributed to their resistance in three of the nine instances in which force was used, mental crisis seems to have contributed to their resistance in 2 of the

nine instances in which force was used, and a combination of intoxication and mental crisis seems to have contributed in 1 of the instances.

The days on which force were most commonly used were Tuesday (2), Thursday (2), Saturday (2), and Sunday (2). The force response option most often utilized was a physical force technique. The greatest level of force used was the application of physical force.

I have included a brief synopsis of each incident in which force was used:

- OBPC200053: On Thursday January 9, 2020, officers were dispatched to Macy's for a retail theft in progress, with 4 male offenders selecting and concealing items. One of the offenders pushed a loss prevention agent to the ground after being confronted. All 4 exited the store without paying, then ran to a black Ford Fusion with no plates that was parked in the fire lane with another male offender driving. A sergeant located the vehicle stopped between 2 parked vehicles in the OBC lot, and pulled behind it, at which point it pulled away. He activated his overhead emergency lights and siren and attempted to stop the vehicle, which continued NB on Ring Rd., disobeying 2 stop signs and reaching approximately 45 MPH. The sergeant was concerned for possible pedestrians crossing on the east side of Nordstrom, so he pulled in front of the fleeing vehicle, effecting a stop. A passenger immediately exited the passenger side of the vehicle. At this point the sergeant drew his pistol in a constructive show of force to compel compliance and ordered all occupants to raise their hands. Two officers arrived on scene and also drew their weapons as they ordered the occupants out of the vehicle one at a time. As soon as they deemed the scene to be secure, all 3 officers holstered their firearms. The 5 offenders were all charged with burglary and retail theft, one was also charged with battery and one with fleeing and attempting to elude.
- OBPC2000476: On Saturday March 21,2020, an officer was monitoring Lombard PD's channel and heard a disturbance call from the Embassy Suites, with 2 subjects leaving in a vehicle. He shortly observed a vehicle E/B Butterfield at Meyers travelling at 62 MPH in a posted 45 MPH zone. He attempted to stop the car by activating his overhead emergency lights at Midwest and I-88, and the vehicle continued to speed up S/B. The officer activated his siren, but the vehicle still did not stop. The officer turned off his lights and siren, and continued to follow the vehicle from a safe distance, and eventually observed the vehicle pull into the Westmont PD lot and stop, with a damaged tire. The officer waited until a second officer arrived as backup, at which point they conducted a felony stop, both drawing their pistols and pointing them at the vehicle, occupied by 2 males. The driver immediately exited the car and laid down as ordered, but did not keep his hands visible. The second officer transitioned to a less lethal delivery system. Other officers arrived, including an Oak Brook PD sergeant, who visibly deployed his CEW during the handcuffing of both subjects. The driver was charged with 2 counts of DUI, fleeing and attempting to elude, speeding, no driver's license and no insurance. The passenger was released with no charges.
- OBPC2000568: On Monday April 20, 2020, A sergeant was advised by DuComm of a missing person who's I-Phone located him in the area of the Walter E. Smith parking lot in OBC. The caller's wife reported that her husband was several hours late coming home from work. The sergeant was in the area, and observed the missing person's pickup truck parked in the lot. Upon approaching the truck and initiating contact with the male driver, it was quickly apparent that he was very intoxicated, and there were many cans of beer in the cab and bed of the truck. After back-up officers arrived, the sergeant requested the driver to exit his vehicle, which he refused to do, became extremely angry, and began swearing at the officers. The sergeant asked repeatedly for him to exit, which he continued to refuse, after which the sergeant advised him he was under arrest and ordered him to exit. He again refused, yelling that they would have to pull him out. The officer finally asked if there was anything they could

do or say to get him to comply, but he continued to refuse to exit. At this point the sergeant opened the driver's door, and took control of the offender's left arm in an arm-bar escort technique and guided him out of the cab of the truck, with another officer taking control of the driver's left arm. They placed him against the side of the truck, and handcuffed him, checking for proper fit and double-locking the cuffs. The officer then searched the offender, locating a pocketknife in his pocket. During the handcuffing the offender was not actively resisting, but did not comply with any of the officer's instructions. Throughout the arrest, transport, and booking process, the offender continued to be verbally combative. He slammed his hands against the wall in the searching area, kicked the holding cell door, and aggressively jumped up from a sitting position on the bench in a combative posture when asked to submit to a booking photo. No force was used during any other portion of the arrest and booking procedure. The male was charged with DUI – Alcohol, Resisting an Officer, and Obstructing an Officer, and was released to his mother.

- OBPC2000568: On Tuesday April 28, 2020, officers were dispatched to a residence for a male who had been in an argument with his wife, stated "I cannot do this anymore, I want a divorce", then grabbed a kitchen knife and barricaded himself in a bathroom. The wife called 911, as she believed he was cutting himself in the bathroom. Upon arrival, officers attempted to communicate with the male through the door, during which time the male stated "I am going to write something down", which officers construed as the male contemplating harming himself. An officer used the battering ram to gain entry to the bathroom, and he then visibly deployed his firearm due to the presence of a knife, while a second officer secured the male. A third officer visibly deployed his less lethal delivery system during this incident. Officers then walked the male downstairs and out to a waiting OBFD ambulance, which transported him to Good Samaritan hospital for treatment and evaluation.
- OBPC2000596: On Thursday April 30, 2020, four officers responded to a domestic battery in which an adult son had battered and injured his elderly parents. The offender was located lying on the family room floor making non-sensical comments, and both parents were located with bleeding head injuries. An officer actively pointed his Conducted Electrical Weapon (CEW) at the offender's torso while the three other officers handcuffed him, using 2 sets of handcuffs, and double-locked the cuffs. When the offender was secured, the officer re-holstered his CEW. Based on the offender's irrational actions and statements, he was transported via OBFD ambulance to Elmhurst Hospital for evaluation. He was later released from a mental health facility in Des Plaines, picked up by OBPD detectives, charged, and taken to DuPage County Jail.
- OBPC2000609: On Sunday May 3, 2020, officers were dispatched to Walgreens for a retail theft in progress, with one male offender concealing numerous items on his person. One officer was first on the scene, where he observed the offender exiting the store. That officer asked him to stop, and the offender walked towards the officer, unzipping his jacket and removing merchandise. The offender continued to remove items and put his hands in his pockets, and the officer ordered him to "stop going in your pockets" numerous times, which the offender ignored. As a second officer is arriving, he also orders the male to stop putting his hands in his pockets. The first officer took hold of the offender's left hand in a handshake control escort technique, and pinned him against his squad car. Both officers then ordered the offender to place his hands behind his back, which he refused to do, and he continued to resist the officer's efforts. The second officer then takes hold of the offender's right arm in an arm bar leverage technique, and the 2 officers are then able to take the offender to the ground. An unknown Oakbrook Terrace officer assists them in holding the offender down, while they handcuff him. He appears to continue to resist the officer's attempts throughout the handcuffing. Three more Oak Brook PD officers arrive, and are directed to secure the black SUV the offender drove, which was occupied by an unknown number of persons. One of these officers visibly deploys his firearm for a brief period, while the other 2

officers remove the 3 occupants without incident. The male offender was charged with Burglary, Retail Theft, and Resisting a Peace Officer, and the three females were released from the scene.

- OBPC2000643: On Tuesday May 12, 2020, an officer pursued a vehicle for approximately 1 ½ minutes, covered approximately 1 ½ miles, and he reached a top speed of approximately 95 MPH. There was light traffic, and this occurred during daylight hours. When it was apparent that the fleeing vehicle was not going to stop, the officer terminated the pursuit, turning off all overhead emergency lights and siren, and slowing to 40 MPH. He followed the path of the fleeing vehicle, at the posted speed limit, and observed the vehicle crashed into a fire hydrant, with the female driver walking away from the vehicle. The officer drew his Conducted Electrical Weapon (CEW) and actively pointed it at the offender, ordering her to stop and get down on the ground. Once she complied, he told her to put his hands behind her back, and when she did, he put the CEW down on the ground and handcuffed her. He directed her to lie on her side (she later advised she was pregnant), then helped her into a sitting position, and upon the arrival of a second officer, they helped her to her feet and checked for proper fit and double-locked the handcuffs. While the officers were holding her arms, the offender was belligerent and intentionally banged her head on the hood of the squad car, and threatened to bang her stomach against the squad car to injure her unborn baby. Based on her irrational actions and statements and her threats to hurt herself and the unborn child, an ambulance was requested, and she was transported to La Grange Memorial Hospital via Broadview ambulance #7.
The female was charged with operating an uninsured vehicle, suspended registration, speeding, and fleeing/eluding a police officer. She was released on an I-Bond at the hospital emergency room.
- OBPC2000665: On Saturday May 16, 2020 at 2157 hours Villa Park PD was in pursuit of a stolen vehicle occupied by 4 M/B offenders wanted for aggravated vehicular hijacking from Maywood PD. The vehicle, pursued by departments other than Oak Brook, was abandoned by the offenders in a grassy area adjacent to I-88, west of York Rd., South of Wood Glen Ln. and all subjects fled on foot, jumping a fence and entering onto I-88. An officer located 2 offenders running on the ramp from Harger Rd. to W/B I-88. One subject stopped upon seeing the officer, and the other subject ran for approximately 30 more yards. The officer ordered both subjects to the ground, and actively pointed his firearm momentarily at one subject until he complied. The officer then transitioned to a high-ready position until the second subject complied and got onto the ground. At this point the officer holstered his firearm, and upon the arrival of 2 more officers, he handcuffed one offender without incident, and the other two officers handcuffed the second offender without incident.
Both offenders and the stolen vehicle were turned over to Maywood PD. The other 2 offenders were located and taken into custody by other police departments, and also turned over to Maywood PD.
- OBPC2000730: On Sunday May 31, 2020, An officer attempted to stop 5 suspicious vehicles in OBC after 1:00 AM during the period of civil unrest in the area. 4 of the vehicles fled from him, and one stopped. The stopped vehicle was occupied by an unknown number of people, and as the officer approached the vehicle he actively pointed his firearm at the vehicle until he was able to determine the number of occupants (4) and see all of their hands. Upon the arrival of back-up units, he reholstered his firearm.
All 4 occupants were identified and released, and the other 4 vehicles were not located.

Each instance of force was reviewed in accordance with General Order FOR-501. All were found to be objectively reasonable and necessary for the purpose of accomplishing a lawful objective.

I have attached a statistical summary of each incident as well as a table depicting the number of occasions in which force was used by an officer during each calendar year (beginning with 2013).

A review of all documents associated with each instance in which force was used did not reveal any pattern or trend that would necessitate additional training, policy modification or changes in equipment.