

Title 2

Chapter 1 Use of Force

Purpose

The purpose of this policy is to provide department members with guidance on the use of deadly and non- deadly force.

Policy

It is the policy of the department that officers will use only the amount of force that is reasonably necessary to control a person or to defend him/herself or another person from imminent threat. The use of force must be objectively reasonable. The officer must use only that force which a prudent officer would use under the same or similar circumstance.

Definitions

Deadly Force: The intentional use of a firearm or other instrument, the use of which would result in the high probability of death, or great bodily harm.

Non- Deadly Force: The use of force, which does not have a high probability of resulting in death. This includes any physical effort used to control or restrain a person, or to overcome a person's physical resistance.

Imminent Threat: An imminent threat is a threat that an officer reasonably feels is about to happen. To meet the criterion of "Imminent Threat", the person whom the officer is intending to use deadly force against must have all of the following:

- a. A weapon capable of inflicting great bodily harm or death (conventional or unconventional weapon);
- b. A display or indicated intent to cause great bodily harm or death to the officer or another person;

- c. A delivery system for utilizing the weapon or the capacity for utilizing the weapon.

Great Bodily Harm: A bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement, or which causes permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

Active Resistance: Behavior which physically counteracts an officer's control efforts and which creates a risk of bodily harm to the officer, subject, and/or other persons.

Choke Hold: The intentional and prolonged application of force to the throat, windpipe, or carotid arteries that prevents or hinders breathing or blood flow, reduces the intake of air, or reduces blood flow to the head. Ss 66.0511(1)(a).

Standards

State Statute 939.45 and 939.48 establish standards for police use of force. The department trains officers to use force consistent to these standards.

The reasonableness of an officer's use of force will be judged in the totality of circumstances present to the officer. An officer's use of force must be "objectively reasonable". Factors that officers will consider to establish the objective reasonableness of their actions include:

- a. The severity of the alleged crime at issue;
- b. Whether the suspect poses an imminent threat to the safety of the officer or others;
- c. Whether the suspect is actively resisting or attempting to evade arrest by flight.

Defense and Arrest Tactics System: The State of Wisconsin has developed the Defense and Arrest Tactics (DAAT) system. This is a system of verbalization skills coupled with physical alternatives. All officers will be trained in the DAAT system.

The DAAT system will serve as a guide to officers using force against another person. The department understands that the extreme stress of a forceful confrontation has many psychological and physical effects on an officer and as a result, the force used by an officer may not follow the constraints of the DAAT system. The reasonableness of an officer's actions will be judged in the light of the totality of the circumstances facing the officer.

Deadly Force

An officer may use deadly force:

- a. When the officer reasonably believes that he/ she faces an imminent threat of death or great bodily harm.
- b. When the officer reasonably believes that another person is facing imminent threat of death or great bodily harm.
- c. To prevent the escape of a suspect in any situation where the officer has probable cause to believe that the suspect poses a significant threat of death or great bodily harm to the officer or another person. Where practicable prior to discharge of the firearm, the officer should identify himself/ herself as a law enforcement officer and state their intent to shoot.

Choke Holds

An officer is not authorized to use a choke hold, except in life- threatening situations or in self –defense. Ss 66.0511 (2)

Special Considerations on the use and carrying of firearms:

- a. Except for maintenance, inspection or during training, officers shall not draw or exhibit their firearm unless circumstances create reasonable cause to believe that it may be necessary to use the weapon.
- b. Warning shots are not permitted and shall not be used.
- c. Target specific directed fire is defined as purposeful, controlled, sustained fire directed at a perpetrator who has caused or imminently threatening to cause death or great bodily harm to you or others, but whom you may not be able to clearly observe. The purpose of target-specific directed fire is to stop the threat when no other reasonable course of action would allow officers to perform a rescue, escape from danger, or otherwise prevent death or great bodily harm. Before using target specific directed fire, officers must meet the imminent threat criteria (weapon, intent, delivery system) and preclusion requirement. Officers must achieve target acquisition, identification and isolation, or else satisfy the greater danger exception, before shooting.
- d. Officers will respect citizen's rights to openly carry a weapon, and legally carry a concealed weapon. Officers must consider the totality of circumstances present and whether or not a person is presenting a threat to the officer or someone else before deciding on using their firearm to control a person that is openly carrying a weapon, or legally carrying a concealed weapon.
- e. All sworn personnel must receive a copy of this directive, and demonstrate their understanding, before being authorized to carry a firearm.

Use of Vehicles

Due to the high probability of death to a fleeing driver and his/her passenger(s), force to stop techniques, like firearms, are applications of deadly force and are governed by this directive. Force to stop techniques include full roadblocks, intentional vehicular contact at high speeds and moving roadblocks at high speeds. Force to stop techniques will only be used when deadly force is justified.

Destruction of Wild Animals

Supervisory approval is not required to use deadly force to destroy a wild animal. Officers are not required to write a report when using deadly force to destroy a wild animal, unless some other circumstances arise which should be documented. Officers should, however, log the destruction of the wild animal with dispatch and indicate the number of shots fired in the call summary. Officers may use deadly force to destroy a wild animal if:

- a. The wild animal presents a threat of bodily harm to the officer or someone else and deadly force is the only reasonable option available to stop the animal.
- b. A wild animal is diseased or gravely injured and deadly force is necessary to prevent further suffering of the wild animal.

In addition, officers may use deadly force to destroy a domestic animal if the animal presents a threat of bodily harm to the officer or someone else and deadly force is the only reasonable option available to stop the animal. In any other circumstance, officers will not destroy or euthanize a domestic animal. Instead, officers should refer the owner to the other resources that will assist with the domestic animal.

Use of Less Lethal weapons

1. X-26 Taser or other models approved by the Chief of Police: The X-26 Taser is an electronic Control Device. Patrol Officers who are trained in the use of the X-26 Taser are authorized to carry and use it. Officers may consider using a Taser when they are faced with either active resistance, or the threat of active resistance. The X-26 will be used in accordance with department procedures.
2. Oleoresin Capsicum (O.C): Oleoresin Capsicum is an aerosol irritant that is used when officers face active resistance or threat of active resistance. Officers who are trained in the DAAT system are authorized to carry O.C.
3. Police Baton: The police baton is an intermediate weapon that is used impede a subject, preventing him or her from continuing resistive,

assaultive or otherwise dangerous behavior. Officers who are trained in the DAAT system are authorized to carry a baton.

4. Specialty Impact Munitions (SIM): Specialty Impact Munitions are flexible or non-flexible projectiles, which are intended to impede a subject. SIM has less of a potential to cause death or great bodily harm than regular munitions. The department recognizes that combative, non-compliant, armed and or violent subjects cause handling and control problems that may require special equipment. SIM is appropriate for use when officers are confronted with these types of situations. Only Officers who have been trained in the use and deployment of SIM shall be authorized to utilize them. Officers who deploy SIM will notify a supervisor as soon as possible. SIM will be used in accordance with department Procedures.

Restraining Devices

Handcuffs: All persons who have been arrested will be handcuffed behind their back and the handcuffs will be safety locked. In instances where medical or physical problems precludes an officer handcuffing a person behind his/her back, officers may handcuff the person in front, securing the handcuffs to a belly chain or belt.

Officers may handcuff a person who is not under arrest if the officer reasonably feels that the person is, or may soon become, a threat to the officer. When an officer handcuffs a person for safety reasons and the person is not under arrest, the officer will write an incident report detailing the circumstances that lead to the officer to fear for his/her safety, and the actions that the officer took.

Ripp Restraints and Leg Irons: If officers handcuff a person, who is still combative and is kicking, leg irons may be applied to prevent the person from kicking any officers. In the event that officers are dealing with a person that continues to resist, officers may utilize soft restraints, such as the Ripp Restraint Sit Belt, in conjunction with the Ripp Restraint Hobble to prevent continued resistance. A person that is restrained in this manner will be constantly monitored.

By Order of:

Jerry Christman Chief of Police updated 07-19-2021