



POLICY & PROCEDURE

LAKE DELTON POLICE DEPARTMENT

SUBJECT: **USE OF FORCE**

SCOPE: All Sworn Personnel

DISTRIBUTION: Policy & Procedure Manual

AUTHORITY: Chief of Police

REFERENCE: WI §175.44

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☐ RESCINDS

☒ AMENDING POLICY

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WILEAG 6TH EDITION STANDARDS:

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5.1.11, 5.2.1, 5.3.1

INDEX AS: Control Devices
DAAT (Defense and Arrest Tactics)
Deadly Force
Firearms
Less Lethal Weapons
Non-Deadly Force
Rendering Medical Aid, Use of Force
Reports – Deadly Force
Review – Deadly Force
Use of Force
Use of Less Lethal Weapons
Use of Non-Deadly Force
Warning Shots
Weapons Pre-Authorization

This Policy and Procedure consists of the following numbered sections:

- I. PURPOSE
- II. POLICY
- III. DEFINITIONS
- IV. GENERAL PROVISIONS
- V. USE OF NON-DEADLY FORCE
- VI. USE OF DEADLY FORCE
- VII. OFFICER'S DUTIES UPON USING FORCE

VIII. TRAINING

IX. DISTURBANCE RESOLUTION MODEL

I. PURPOSE

It is the purpose of this policy to provide officers with guidelines on the use of deadly and non-deadly force.

II. POLICY

It is the policy of this agency that its officers shall only use the amount of force that is reasonably necessary to accomplish the Officer's lawful purpose.

III. DEFINITIONS

- A. **BODILY HARM** – Physical pain or injury; illness or any impairment of physical condition [ss. 939.22(4)].
- B. **CONDUCTED ENERGY WEAPON (CEW)** (e.g., Taser™) – CEW's are non-lethal weapons designed to incapacitate a person from a safe distance. A device utilized by trained personnel that causes Electro-Muscular Disruption to a combative or potentially combative subject (a potentially combative subject is someone who is actively resisting, being physically assaultive, or threatening a physical assault). The use of this device is intended to cause the immediate, temporary cessation of violent behavior with minimal potential for causing death or great bodily harm.
- C. **DANGEROUS CRIME** – Any crime under the laws of any state or the United States which involves the use of force causing or creating a substantial risk of death or great bodily harm to another, or a threat, expressed or implied, which places a person in fear of death or great bodily harm to himself, herself, or another.
- D. **DANGEROUS WEAPON** – Any firearm whether loaded or unloaded; device designed as a weapon and capable of producing death or great bodily harm; any electric weapon, as defined in ss. 941.295(4); or any other device or instrumentality which in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm [ss. 939.22(10)].
- E. **DAAT (Defensive and Arrest Tactics)** – Arrest and defensive tactics guidelines that have been adopted by the Department of Justice's Law Enforcement Standards Board. DAAT is a system of verbalization coupled with physical alternatives for Wisconsin law enforcement.
- F. **DEADLY FORCE** – Any use of force that creates a substantial risk of causing death or serious bodily injury.

- G. **DISTURBANCE RESOLUTION** – A higher level of verbal control than a basic contact. Examples are arbitration and mediation, which are used to defuse dangerous situations. Also, the conceptual model for officer's use of intervention option.
- H. **ELECTRONIC RESTRAINT DEVICE (ERD)** (e.g., Nova Remote Activated Custody Control (RACC) Belt III™) – An ERD is designed to restrain violent individuals, where alternative restraint tactics have been or are reasonably likely to fail.
- I. **FORCE** – Any physical effort used to control or restrain another, or to overcome the resistance of another.
- J. **GREAT BODILY HARM** [ss. 939.22(14)] – Bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or serious bodily injury.
- K. **IMMINENT THREAT** – An impending likelihood of a physical confrontation; in this context, "Imminent Threat" of death or great bodily harm to you or another is a justification for the use of deadly force.
- L. **IMPACT WEAPON** – Instruments whose force is manifested by blunt force caused by striking. This policy recognizes trained, improvised or modified techniques when using impact weapons.
- M. **LESS LETHAL** – The use of flexible or non-flexible projectiles that are intended to temporarily incapacitate a subject and to minimize the potential for causing the death or serious bodily harm that may result from using conventional projectiles.
- N. **OBJECTIVELY REASONABLE** – The determination that the decision to use force, and the level of force used, is what a reasonable and prudent officer would use under the same or similar situations based upon the officer's evaluation of the situation, experience, training, and the totality of the circumstances known or believed to exist by the officer at the time the force is used.
- O. **OLEORESIN CAPSICUM** – Refers to a non-lethal, handheld aerosol restraint spray used as an alternative to physical confrontation to control combative subjects.
- P. **REASONABLE BELIEF** – The actor believes that a certain fact situation exists and such a belief under the circumstances is reasonable even though it may be erroneous [ss. 939.22(32)].
- Q. **CHOKE HOLD**-A physical maneuver or technique that restricts an individual's ability to breathe for the purpose of incapacitation.

IV. GENERAL PROVISIONS

- A. Officers shall use only that amount of force that is reasonable in order to control or apprehend persons based upon factors known to the officer at the moment force is to be applied, which include:
 - 1. The severity of the offense.
 - 2. Whether there is an imminent threat.
 - 3. Whether the person is actively resisting or is attempting to flee.
 - 4. Whether the situation is tense, uncertain, and rapidly evolving.
- B. Nothing in this policy and procedure shall prevent the officer from:
 - 1. Using words or acts that threaten the use of force including the display of a weapon, including an impact weapon, O.C., firearm or less lethal options to control or overcome a person's resistance which make these words or acts reasonably necessary.
 - 2. Utilization of a weapon during an investigation, building search or any other occasion where the officer reasonably believes that doing so is necessary for the officer's safety or the safety of another person.
 - 3. Shooting cover fire toward the perceived threat of death or great bodily harm in order to facilitate the movement of the officer or the movement of another to a position of safety.
 - 4. Shooting a firearm to summon aid or gain attention; Officers may use these options only under extremely **rare and unusual circumstances** and then **only** when in compliance with all other requirements of this policy.
 - 5. Firing warning shots when an officer would otherwise be permitted to use deadly force when the officer reasonably believes that a warning shot can be safely fired and may be effective in stopping the threat.
 - 6. Using dynamic applications of trained techniques, improvised or modified techniques, provided that these techniques are objectively reasonable under the circumstances.

V. USE OF NON-DEADLY FORCE

- A. Officers are authorized to use only that amount of force reasonably necessary to protect themselves or another from physical harm, to restrain or subdue a resistant person or to bring an unlawful situation safely and effectively under control, or to prevent the destruction of evidence. This force should be consistent with the Officer's training and experience, the Disturbance Resolution Model and any other applicable law.

- B. The application of objectively reasonable force requires officers to recognize that when a subject is fully under the control of police the application of force must terminate. Officers have an obligation to intervene to prevent or stop the known and apparent use of excessive force by another officer when it is objectively reasonable to do so. Pursuant to Wis§175.44, an officer who witnesses another officer using force in excess shall report such use of force to a supervisor as soon as practical. Additionally, officers may not be discharged, disciplined, demoted or denied promotion, transfer, or reassignment, or otherwise discriminated against as a result of the officer reporting any force in excess or intervening to prevent or stop the known or apparent use of excessive force.
- C. When circumstances reasonably permit, officers should use non-violent strategies and de-escalation techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).
- D. Other than when deadly force is justified, officers shall avoid using any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. (Example: Choke Holds).

VI. USE OF DEADLY FORCE

The use of deadly force is justifiable:

- A. In response to any behavior which has caused or imminently threatens to cause death or great bodily harm to an officer or another person or persons.
- B. To prevent the escape of a fleeing felon who has committed a dangerous crime and whom the officer reasonably believes will pose a significant threat to human life should escape occur, and if, where feasible, some warning has been given.
- C. When reasonable officers shall, prior to the application of deadly force, make efforts to identify him/herself as a police officer and that deadly force may be used, unless that officer has objectively reasonable grounds to believe the person is aware of those facts.
- D. The decision to shoot at or from a moving vehicle is prohibited if deadly force is not justified, or if shooting presents an unreasonable risk to the safety of officers or innocent others. For the purposes of this policy, an unreasonable risk is generally defined as risk which creates a greater danger to the officer or innocent others than that which already exists. Officers should recognize that substantial risks are present when attempting such shots, and should not exercise such an option except under the most extreme circumstances.

VII. OFFICER'S DUTIES UPON USING FORCE

- A. Whenever an officer uses force beyond escort holds or utilizes or discharges a firearm to gain control of a person, the officer shall submit any written report(s) required by the department.
- B. Whenever an officer uses force that causes bodily harm to another person, the officer shall as soon as practical render first aid to the person consistent with the officer's training, and call for any other medical aid and assistance as necessary.
- C. Whenever an officer causes death or bodily harm to a person, which requires that person to be admitted to a hospital for treatment, the officer shall report the incident to a supervisor as soon as possible.

VIII. TRAINING

- A. It is a requirement of the Lake Delton Police Department that all sworn personnel are provided with a copy of the use of force policy and demonstrate their understanding of the policy prior to being authorized to carry any firearm.
- B. The agency shall receive annual training on the use of force policy and procedures, de-escalation techniques, and related legal updates.

IX. DISTURBANCE RESOLUTION MODEL

DISTURBANCE RESOLUTION MODEL

APPROACH CONSIDERATIONS

Decision – Making

- Justification
- Desirability

Tactical Deployment

- Control of Distance
- Relative Positioning
- Relative Positioning with Multiple Subjects
- Team Tactics

Tactical Evaluation

- Threat Assessment Opportunities
- Officer/Subject Factors
- Special Circumstances
- Level/Stage/Degree of Stabilization

INTERVENTION OPTIONS

<u>Mode</u>	<u>Purpose</u>
A. Presence	To present a visible display of authority
B. Dialog	To verbally persuade
C. Control Alternatives	To overcome passive resistance, active resistance, or their threats
D. Protective Alternatives	To overcome continued resistance, assaultive behavior, or their threats
E. Deadly Force	To stop the threat

FOLLOW-THROUGH CONSIDERATIONS

A. Stabilize	Application of restraints, if necessary
B. Monitor/Debrief	
C. Search	If appropriate
D. Escort	If necessary
E. Transport	If necessary
F. Turn-Over/Release	Removal of restraints, if necessary

This Policy and Procedure cancels and supersedes any and all previous written directives relative to the subject matter contained herein.

Initial 04/23/2015