

<b>SHEBOYGAN FALLS POLICE DEPARTMENT POLICY</b>		TITLE: <b>USE OF FORCE</b>	
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## I. PURPOSE

The purpose of this policy is to provide Sheboygan Falls Police Department sworn personnel with the guidelines for the use of deadly and non-deadly force. Proper use of force decisions, based on reasonableness, ensure due process for citizens and provide protection for the officer and the Department.

## II. POLICY

It is the policy of the Sheboygan Falls Police Department that sworn personnel use only the amount of force that is objectively reasonable and necessary to arrest, restrain, or control a suspect. Deadly force shall never be resorted to until every other reasonable means of apprehension or defense has been exhausted or would have been proven ineffective.

This policy is based on the Defense and Arrest Tactics (DAAT) program of the State of Wisconsin as developed by the Training and Standards Board (Department of Justice-Bureau of Training and Standards).

Police officers should identify themselves and state their intent to shoot before using a firearm whenever safety permits.

## III. DEFINITIONS

**Choke Hold:** A physical maneuver or technique that restricts an individual's ability to breathe for the purpose of incapacitation.

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

**Deadly Force Justification:** Any behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.

**Defense and Arrest Tactics:** A system of verbalization skills coupled with physical alternatives. It is the specific system formulated, approved and governed

by the State of Wisconsin Training and Standards Board.

**Excessive Force:** The use of more force than is reasonable. The use of excessive force will not affect the validity of an arrest. However, it will expose the officer to a civil suit, discipline, or both, and in aggravated circumstances, possible criminal liability.

**Electronic Control Device:** A Neuro-Muscular Incapacitation weapon that disrupts the body's ability to communicate messages from the brain to the muscles causing temporary motor skills dysfunction to a subject. Commonly known as a Taser.

**Great Bodily Harm:** 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 other serious bodily injury.

**Intervention Options:** Trained techniques recognized in the DAAT system. These techniques may include additional techniques trained and authorized by the Sheboygan Falls Police Department.

**Kinetic Energy Impact Projectiles:** Flexible or non-flexible projectiles, which are intended to incapacitate a subject with minimal potential for causing death or great bodily harm when compared to conventional projectiles.

**Less-Lethal Force Philosophy:** A concept of planning and forced application, which meets operational objectives, with less potential for causing death or great bodily harm than conventional police tactics.

**Non-Deadly Force:** That amount of control where the level of force is not likely to result in a high probability of death.

**Objectively Reasonable:** In determining the necessity for force and the appropriate level of force, officers shall evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the crime, the level of threat or resistance presented by the subject and the level to the community.

**Officer:** Any sworn Wisconsin certified law enforcement officer representing the City of Sheboygan Falls.

**Reasonable Force:** A physical act by a police officer in the performance of duty when used to accomplish a legitimate law enforcement goal and the level of force used is reasonable considering all the facts and circumstances known to the officer

at the time of the incident.

**Reasonably Believes:** Information an ordinary, prudent, and reasonably intelligent police officer believes that a certain fact situation exists and such belief is reasonable under the circumstances known to the officer at the time the officer acted.

#### IV. PROCEDURE

It is the intent of the Sheboygan Falls Police Department that its officers utilize this model for how officers should deal with situations in which they must intervene to resolve a disturbance, following DAAT and Firearms training, and adopted by the Wisconsin Law Enforcement Standards Board (WLESB).

#### DISTURBANCE RESOLUTION

The outline presents a more specific model of how to proceed when responding to any disturbance or potential disturbance (*i.e.*, serving an arrest warrant on someone).

##### A. APPROACH CONSIDERATIONS

1. Decision-Making
  - a. Justification
  - b. Desirability
2. Tactical Deployment
  - a. Control of Distance
  - b. Relative Positioning
  - c. Relative Positioning with Multiple Subjects
  - d. Team Tactics
3. Tactical Evaluation
  - a. Threat Assessment Opportunities
  - b. Officer/Subject Factors
  - c. Special Circumstances
  - d. Level/Stage/Degree of Stabilization

##### B. INTERVENTION OPTIONS

If the initial approach leads an officer to intervene, officers have a range of responses open to them. These are outlined in the Intervention Options, which identify the various tactics available to an officer.

Intervention Options are divided into six modes, each reflecting the need for an increasing level of control. Although the Intervention Options are divided into five modes, officers can move from one mode to another as appropriate. Officers are authorized to use the amount and level of force reasonably necessary to control a subject. For example, if dialog—talking with a person—is enough to control them, officers do not need to use more force. On the other hand, some situations may be so extreme that officers need to use deadly force. At any time, if a different level of force is appropriate, officers can use it. Here are six key rules for the use of force:

1. The purpose of using force is **to gain control** in pursuit of a legitimate law enforcement objective. If verbalization is effective in gaining control, it is always preferable to physical force.
2. Officers may initially use the level and degree of force that is reasonably necessary to achieve control. Officers need not escalate step-by-step through the Intervention Options. As the situation dictates, an officer may move from any mode if the officer reasonably believes that a lower level of force would be ineffective.
3. At any time, if the level of force an officer is using is not effective to gain control, the officer may **disengage** and/or **escalate** to a higher level of force.
4. Once officers have gained control of a subject, they must **reduce** the level of force to that needed to maintain control.
5. Officers must always maintain a position of advantage.
6. Any officer who observes an improper use of force shall intervene and stop the inappropriate use of force when it is safe and reasonable to do so. The incident shall immediately be reported to a supervisor. The supervisor will investigate the circumstances associated with the use of force.

<b>MODE</b>	<b>PURPOSE</b>
A. Presence	To present a visible display of authority
B. Dialogue	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

In any use of force, officers should be prepared to explain where the force was in the

Intervention Options and why they resorted to the level of force they did. When an officer uses force as a part of their law enforcement duties, their use of force must be either a trained technique, a dynamic application of a trained technique, or a technique not trained but justifiable under the circumstances. An officer must detail this information clearly in an incident report.

### C. FOLLOW-THROUGH CONSIDERATIONS

The third part of Disturbance Resolution is *Follow-Through Considerations*, which refers to an officer's actions after using force. These are critical. Once an officer has taken the step of putting someone in custody, officers are responsible for that person's well-being. Even if the officers have to use force to subdue them, once officers achieve control, they must mentally and physically shift gears to follow-through procedures. These fall naturally into six phases:

- |                      |   |
|----------------------|---|
| 1. Stabilize         | Application of restraints, if necessary |
| 2. Monitor/Debrief   |   |
| 3. Search            | If appropriate                          |
| 4. Escort            | If necessary                            |
| 5. Transport         | If necessary                            |
| 6. Turn-Over/Release | Removal of restraints, if necessary     |

## V. AUTHORIZED LESS-LETHAL WEAPONS

### A. AEROSOL PEPPER PROJECTOR:

1. Aerosol Pepper Projector: The Aerosol Pepper Projector, Oleoresin Capsicum (OC), has been authorized for use by the Sheboygan Falls Police Officers. The Department-issued OC aerosol will be First Defense brand OC with a non-flammable carrier with a non-toxic propellant. No chemical agent is authorized or allowed. (This excludes CN and CS-based defense sprays from use.)
2. Officers will be trained in the use of OC, and be familiar with its various uses.
3. The Aerosol Pepper Projector is used to overcome passive and/or active resistance or its threat. Officers who use an Aerosol Pepper Projector must use it consistent with DAAT Training and the WLESB.
4. After using OC on a subject, and after the subject is under control, the officer will assess the person's medical needs. Removing the subject to fresh air and flushing the area with cold water may be used as immediate care. If additional care is needed, the officers should request EMS.

**B. BATON:**

1. Sheboygan Falls Police Officers are authorized to carry a 21 and 26-inch expandable baton or a 26-inch wooden baton (for special assignments approved by a supervisor). The expandable baton will have a black handle and a silver or black shaft.
2. A baton is a tool used by officers to overcome continued resistance, assaultive behavior, or threats.
3. Officers who utilize the baton as an impact weapon will use it consistent with DAAT Training and the WLESB.
4. After utilizing a baton on a subject, the officer will assess the person's medical needs after the subject is under control. If additional care is needed, the officers should request EMS.

**C. ELECTRONIC CONTROL DEVICE:**

1. Sheboygan Falls Police Officers are authorized to carry a Taser X26 or X26P.
2. The Taser X26 and X26P are approved Electronic Control Devices and may be used to overcome active resistance or their threats.
3. Officers who utilize the Taser X26 or X26P in this manner will use it consistent with DAAT Training, the WLESB, and additional Sheboygan Falls Department Policy. (Refer to SFPD ECD Policy 9.8)
4. After deploying the Taser X26 or X26P on a subject, the officer will assess the person's medical needs after the subject is under control. If additional care is needed, the officers should request EMS.

**D. SPECIALTY IMPACT MUNITIONS:**

1. Only trained Sheboygan Falls Police Officers are authorized to utilize Specialty Impact Munitions. Specialty Impact Munitions are commonly known as "Bean Bag" rounds. They are fired from a department-issued Remington 870 shotgun with orange-colored stock and forearm.
2. An authorized Specialty Impact Munition may be utilized to overcome continued resistance, assaultive behavior, or threats and when it is reasonably apparent that a lesser degree of force would be inadequate to control the situation.
3. The goal of Specialty Impact Munitions is to impede a subject, preventing them from continuing resistive, assaultive, or otherwise dangerous behavior.
4. The acceptable primary target areas for the Specialty Impact Munitions are buttocks and thighs. Secondary target areas include the shoulder,

arm, lower abdominal, and leg/knee areas.

5. Officers who utilize Specialty Impact Munitions will be consistent with DAAT and Firearms Training, the WLESB, and any additional Sheboygan Falls Department Policy. (Refer to SFPD Specialty Impact Munitions Policy 9.10)
6. After deploying Specialty Impact Munitions on a subject, the officer will assess the person's medical needs, and the officers will request EMS after the subject is under control.

## **VI. AUTHORIZED RESTRAINTS**

### **A. HANDCUFFS:**

1. Sheboygan Falls Police Officers are authorized to carry Peerless or Smith and Wesson brand, chain or hinged style, all-metal handcuffs. Handcuffs can be silver or black.
2. An officer shall place handcuffs on any individual detained for a lawful reason or when an officer reasonably believes the individual may become violent, attempts to escape, or poses a danger to themselves or others. While the actual decision to use or not use handcuffs is left to the officer's reasonable assessment of the individual being taken into custody.
3. Handcuffs shall be used when transporting all prisoners.
4. Whenever possible or feasible, officers shall handcuff suspects with their arms to the rear and palms facing outward. Handcuffs should be secure, allowing the wrists to turn slightly inside the cuff and be safety locked to prevent continuous tightening. Officers may choose to handcuff an individual in front due to the suspect's physical disability.
5. After placing handcuffs on an individual, officers should exercise caution to prevent the person in custody from falling and provide physical escort when walking.
6. Plastic handcuffs may be used when officers take into custody several persons when a prisoner requires multiple restraints or for special circumstances to prevent escape.
7. A restraint belt may be used in addition to handcuffs or approved plastic restraints as trained by a certified DAAT instructor.
8. The hog tying of a suspect is never allowed.

**VII. AUTHORIZED ON DUTY FIREARMS:****A. DUTY WEAPON:**

While on duty, officers shall carry a department-issued Smith and Wesson, M&P .40 caliber pistol. The department recognizes there may be a requirement for a special use weapon by officers working plainclothes or undercover. These weapons must be approved by the Chief of Police or designee. The officer utilizing the weapon must have received training and qualify with a range officer before utilization.

**B. SHOTGUN:**

The Sheboygan Falls Police Department's authorized shotgun shall be the Remington 870, slide action shotgun, 12 gauge.

**C. TACTICAL RIFLE:**

The department authorized tactical rifle shall be AR15 based weapon approved by the Chief of Police and Firearms Instructors. Only authorized department-issued tactical rifles shall be used by on-duty officers.

**D. AMMUNITION:**

1. Ammunition to be used for on-duty law enforcement purposes shall be that ammunition approved by the Chief of Police and issued by a Department Firearms Instructor and specified as duty ammunition. No substitutions will be allowed.
2. The approved and issued handgun duty ammunition is a 180 grain .40 S&W caliber type issued by a Department Firearms Instructor.
3. The approved and issued tactical rifle duty ammunition is a 55 grain, .223 caliber style issued by a Department Firearms Instructor.

**VIII. RESTRICTIONS ON THE USE OF FIREARMS****A. All due care shall be used to prevent injury to citizens.**

1. Warning Shots will not be fired for any reason.
2. Decisions to discharge firearms at or from a moving vehicle shall be governed by the Sheboygan Falls Police Department's Use of Force policy and are prohibited if they present an unreasonable risk to the officer or others.
3. Carrying or use of unauthorized backup firearms is prohibited.

**IX. USE OF FORCE TRAINING:****A. Non-Deadly Force**

1. All sworn personnel will receive designated training and certification as required by this Department and shall re-qualify in the Defensive and Arrest Tactics (DAAT) System as deemed appropriate by this Agency.
2. A State Certified DAAT Instructor will provide training.
3. Overall performance rating will be determined by competency-based evaluation.
4. Officers not attaining minimum training standards will receive remedial instruction from a certified DAAT Instructor. Officers unable to qualify after remedial training will be referred to the Chief of Police for an evaluation of fitness for duty.
5. All use of force training will be documented and retained in the Department's training files.

**B. Deadly Force**

1. All sworn personnel will participate and qualify annually in the State of Wisconsin Handgun Qualification Course.
2. A State Certified Firearms Instructor will provide training.
3. Performance rating will be based on the standards set by the State of Wisconsin Handgun Qualification Course.
4. Officers not attaining minimum training standards will receive remedial instruction from a Certified Firearms Instructor. Officers unable to qualify after remedial training will be referred to the Chief of Police for an evaluation of fitness for duty.
5. All use of force training will be documented and retained in the Department's training file.

**X. CHOKE HOLD**

- A. The Choke Hold restraint is prohibited, except in those situations where deadly force is allowed by law.

**XI. DEADLY FORCE:**

- A. Deadly force is the intentional use of a firearm or other instrument, which would result in a high probability of death. The justification for Deadly Force is any behavior which has caused or imminently threatens to cause death or great bodily harm to the officer or another person or persons.

- B. Police officers should identify themselves and state their intent to shoot before using a firearm whenever safety permits. Officers are to fire their weapons to stop an assailant from completing a potentially deadly act.

## **XII. WEAPONS MAINTENANCE:**

- A. Officers will keep their issued firearms and all department weapons in clean and serviceable condition. A supervisor, firearms instructor, or DAAT instructor will periodically and randomly inspect to ensure the firearms and department weapons are in proper condition.
- B. If at any time a firearm malfunction develops which cannot be corrected through corrective action drills, the firearm will be immediately taken out of service for inspection/repair. A replacement firearm shall be issued immediately. ECD malfunctions will also be assessed and taken out of service for inspection/repair in the same manner. Aerosol Pepper Projector will be taken out of service and replaced when needed by a DAAT Officer. All other issued weapons and handcuffs are the responsibility of the officer to repair/replace when needed.
- C. A Department administrator will maintain an official record of each weapon issued to each sworn Department member.

## **XIII. REQUIRED NOTIFICATION AND REPORTS UPON DISCHARGE OF A FIREARM**

- A. Whenever an officer is responsible for an accidental or intentional discharge of a firearm while on duty or off duty (other than during firearms training, hunting, or participating in sporting or recreational activities), or the accidental or intentional use of deadly force by any means, the officer will follow the Sheboygan Falls Police Department deadly force policy.
- B. Whenever an officer takes action by any means that results in, or is alleged to have resulted in, accidental or intentional injury/death to a person, including the use of non-lethal weapons, the officer shall immediately contact a supervisor. The Sheboygan Falls Police Department will then notify the Wisconsin Department of Justice, who will investigate the incident.
- C. Whenever an officer applies any physical force or uses any lethal or less-lethal weapons, as defined by this policy, the officer shall complete an incident report.
- D. Any officer using force as defined in this policy must complete a detailed incident report documenting the events.
- E. A supervisor shall review all force-related offense reports. All use of force reports which involve injury or death to a person shall be forward to the Deputy Chief and Chief of Police.
- F. The Chief of Police shall determine if the circumstances of the incident

warrants an investigation into the officer's use of force.

- G. Reports documenting the use of force shall document the circumstances requiring the use of force and the intervention options used. The shift supervisor shall review the report for reasonableness and policy compliance. The report shall be forwarded to the Deputy Chief and Chief of Police for review.

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By: Eric J. Miller  
Chief of Police