

# USE OF FORCE

## I. Purpose

The policies of the Village of Redgranite Police Department regarding the use of physical force, deadly force, and discharging of firearms will be set forth in this policy. Each officer will have access to this policy and will be instructed in the applicable policies before employing any of the weapons or tactics set forth herein. Only department issued or approved weapons, equipment and chemical agents will be authorized.

These policies are intended to provide guidance to employees in carrying out public safety activities and the mission for the department. The policy cannot cover every situation that may arise, but should be used as a guide when circumstances permit.

## II. Policy

It is the philosophy of the Village of Redgranite Police Department to use only the minimum amount of force or control reasonably necessary to conduct lawful public safety activities and the mission of the department. The method of force/control used is predicated on the circumstances of the contact and the amount of resistance presented by the suspect. Officers will use only the amount of force/control reasonably necessary to overcome this resistance, protect property and save lives. Under no circumstances will the force/control used be greater than necessary to achieve lawful objectives.

- A. **Less Lethal Force:** For the purpose of this policy **less lethal force** refers to a tactic that, when properly applied, has minimal or no risk of causing death or serious bodily harm. Only those techniques that are taught in DAAT, and Department training by qualified instructors should be used.
- B. **Deadly Force:** An employee should only use **deadly force** to overcome an attack that the officer reasonably believes threatens to cause death or great bodily harm to himself/herself or another person/persons.

## III. Definitions

- A. **Authorized Equipment:** Equipment issued or authorized for use by the Village of Redgranite Police Department.
- B. **DAAT (Defensive and Arrest Tactics):** A system of verbalization coupled with physical alternatives adopted by the Wisconsin Department of Justice, Laws Enforcement Standards Board.
- C. **Deadly Force:** The intentional use of a firearm or other instrument, the use of which would result in the high probability of death.
- D. **Disturbance Resolution:** The conceptual model for officer's use in intervention options approved by the DAAT Advisory Committee.
- E. **Electronic Stun Device:** An electronic defensive unit designed to confuse the signals going from the brain to the voluntary muscles and thereby achieve incapacitation without harming the human body.
- F. **Force:** The intentional application of physical force other than deadly force.

- G. Great Bodily Harm: Bodily injury which created 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 injury. 939.22 (14) Wisconsin Stats.
- H. Impact Weapons: All objects, instruments or weapons, which are used or are designed to be used, to apply force to a person by coming into physical contact with the person. Impact weapons include, but are not limited to, expandable batons, riot baton and less lethal impact munitions.
- I. Intervention Options; An element of the Disturbance Resolution Model in DAAT containing five (5) models in which an officer can intervene with a subject.
- J. Less Lethal: The application of force, and/or tactics, that when properly applied, are less likely to result in death or serious physical injury than conventional police tactics and equipment. Approved less lethal systems include the Taser M-26.
- K. M-26 Taser: A conducted energy weapon that uses propelled wires to conduct energy to a remote target, thereby controlling and affecting the central nervous system of the body.
- L. Oleoresin Capsicum (OC Spray): Authorized department less lethal organically based pepper spray used as alternative to physical confrontation in controlling of combative/resisting subjects and animals.
- M. Reasonably Believes: The actor believes that a certain fact exists and such belief under the circumstances is reasonable even though erroneous (s. 939.22(32)).
- N. Tire Deflation Device: A tool designed to stop a vehicle by deflating its tires.
- O. Weapon: Any conventional or unconventional weapon capable of inflicting great bodily harm or death or any electric weapon (s.941.29 (4)).

#### IV. Disturbance Resolution

##### 1. Approach Consideration:

- a. Decision Making
- b. Tactical Deployment
- c. Tactical Evaluation

Justification / Desirability  
 Control of Distance  
 Positioning  
 Team Tactics  
 Threat Assessment Opportunities  
 Officer/Subject Factors  
 Special Circumstances  
 Level/Stage/Degree of Stabilization

##### 2. Intervention Options

Mode	Tactic	Purpose
Presence	Professional Presence	Present a visible display of authority
Dialog	Tactical Communication	
Empty Hand	Escort Holds	Safely initiate physical contact
	Compliance Holds	Overcome passive resistance
	Taser M-26	Overcome active resistance
	Oleoresin Capsicum	Overcome active resistance
	Passive Countermeasures	Decentralize
	Active Countermeasures	Create dysfunction
	Incapacitating Techniques	Cause immediate, temporary cessation of

Mode	Tactic	Purpose
Intermediate Weapon	Canines	of violent behavior
Deadly Force	Firearm	Impedes a subject Stop the threat

### 3. Follow Through Considerations

Stabilize	Application of restraints if necessary
Monitor/Debrief	
Search	If appropriate
Escort	If appropriate
Transport	If necessary
Turn Over/Release	Removal of restraints if necessary

## V. Less Lethal Force

Less lethal defensive tactics may be used in situations that are to de-escalate potentially violent confrontations. The use of these tactics may be used in situations involving but not limited to, combative/violent subjects, resistive subjects, armed, and noncompliant subjects.

### A. Oleoresin Spray

1. All officers will be trained in the use of OC Spray prior to being authorized to use this tactic.
2. Officers will direct a one-second burst into the face of the suspect, the suspect should then be handcuffed and moved to a well-ventilated area.
3. Decontamination using warm or cold water to flush the eyes without rubbing should be instituted as soon as practical. Suspects should recover within 45 minutes, however intense sensation of skin burning may persist 30 to 90 minutes after exposure.
4. Should a suspect exposed to OC Spray complain or display any severe or abnormal reaction to the OC Spray, emergency medical personnel will be summoned to assess the situation.

### B. Electronic Stun Device/M-26 Taser

1. The only authorized electronic stun device will be the M-26 Taser. The units will be carried in the department squad cars. No officer shall be permitted to use the M-26 Taser without successful completion of the department training program.
2. The M-26 Taser may be used when physical force is necessary and justified to prevent the possibility of injury to the officer or another person. A display of the units **are** permitted to gain compliance in an arrest situation where resistance is anticipated.
3. The M-26 Taser **WILL NOT** be used:
  - a. Near flammable gasses or liquids.
  - b. Drug houses where there is suspected to be in use.
  - c. In cases of Passive Resistance unless a lesser means of control/force:
    - 1.1 Has been attempted and failed
    - 1.2 Is not an option due to circumstances.
    - 1.3 If attempted, will result in the possibility of injury to the officer or suspect.

- 1.4 To threaten or attempt to gain information from a suspect.
- 1.5 To wake up a suspected intoxicated individual.
- 1.6 Against a subject already in custody unless physical resistance must be overcome.
- 1.7. As a prodder.

4. **NO** officer shall playfully, maliciously, or intentionally misuse the unit in a display of power or against an individual except to gain control of a situation.
5. The actual use of the M-26 Taser will normally require an arrest to be made.
6. The M-26 Taser should only be used in accordance to the training guidelines and should not be aimed at the head or neck area of a suspect if possible.
7. Anytime the M-26 Taser is used or a threat of its use is made a Use of Force/Incident Report shall be completed.
8. Post treatment of the M-26 Taser.
  - a. If the probes have penetrated the skin, officers will remove the probes following training techniques and guidelines.
  - b. If the probe(s) penetrated a sensitive/soft tissue area such as the face, neck, head, or female/male genitalia, medical personnel will remove the probes (paramedic, nurse, EMT, or a physician).
  - c. Once the probes are removed, pictures will be taken of the affected area.
  - d. The probes and cartridge(s) will be logged into property as evidence.
  - e. Documentation of treatment along with a Use of Force Report/Incident Report will be completed.

**C. Prisoner Restraints:**

1. A combative or belligerent prisoner may be placed in handcuffs, leg restraints, and belly belts to prevent injury or destruction of property. Handcuffing, whether done behind the back or in the front of the suspect's body shall be at the discretion of the officer based on the officer's judgment.
2. Hog tying, a procedure where the restraint has been wrapped around the prisoner's feet and then cinched tightly to a prisoner's hands, behind their back, should not be used.
3. A medical unit may be summoned to transport those prisoners who are a risk factor because of their medical condition, or who cannot be restrained in a safe and practical manner, in accordance with current training practices.
4. All prisoners being transported to and from the Waushara County Jail shall be handcuffed, with the cuffs double locked.

**D. Canines:**

1. Canines properly employed are considered a less lethal tactic. Law enforcement canines will not be used in any circumstances where the strong potential exists for discrediting the department.
2. Canines may be used to search for or apprehend felony suspect when use of other methods is impractical or when public or officer safety is threatened sufficiently to justify this method of force. Canines may be used to search for misdemeanor suspects. However, the animal will remain leashed unless officer safety is

threatened. Canines may be used for searches for drugs and other illegal substances that the canine and handler are trained in; canines can be unleashed for this purpose.

3. Whenever time and circumstances permit, a verbal warning will be given to a suspect before unleashing the canine to conduct a search. An announcement identifying law enforcement authority and giving directions to the suspect should be made in addition to stating that the canine will be released if the suspect fails to comply.
4. Appropriate training and documentation must be completed by the officer and the canine prior to a canine being employed.

## VI. Deadly Force

An officer may use deadly force when the officer reasonably believes it is necessary to prevent death or great bodily harm to himself/herself or to others. However, the officer must reasonably believe that force lesser than deadly force will not be effective.

1. Self-Defense: When the officer reasonably believes that deadly force is necessary to protect himself/herself from the imminent threat of death or great bodily harm.
2. Defense of Another: When the officer reasonably believes that it is necessary to prevent the imminent threat of death or great bodily harm to another person.
3. Making a Lawful Arrest: When a serious offense has been committed where the suspect has used or threatened to use deadly force against some member of the public. Such as rape, assault with a deadly weapon or murder, etc., and the officer reasonably believes that there is no other way to make the arrest or retain custody of the person once arrested.
4. Dangerous Crime: When the officer believes that a suspect has committed or is attempting to commit a dangerous crime, and the officer reasonably believes that there is a substantial risk that the suspect will cause death or great bodily harm to another if arrest/apprehension is delayed.

## VII. Officer Involved in Shooting

1. Involved Officer
  - a. Determine extent of injuries
  - b. Notify Dispatch Center
    - 1.1 Shooting has occurred
    - 1.2 Extent of injuries
    - 1.3 Need for Emergency Medical Services assistance
  - c. Render first aid
  - d. Protect and secure all weapons
  - e. Surrender all weapons to on-duty Sergeant or OIC
  - f. **DO NOT** discuss incident with anyone other than investigative team.
2. Dispatcher
  - a. Dispatch medical personnel as needed
  - b. Dispatch on-duty Sergeant or OIC
  - c. Notify Sheriff, Chief Deputy and Patrol Lieutenant
  - d. Maintain accurate and complete log of events

3. On-Duty Sergeant or OIC
  - a. Assume command of scene
  - b. Inform Sheriff, Chief Deputy and/or patrol Lieutenant preliminary information
  - c. Secure any and all weapons used in the incident
  - d. Remove involved officers from the scene if deemed appropriate and feasible
  - e. Assign someone to stay with involved officer if he leaves the scene.
4. Investigative Team
  - a. Appointed by the Sheriff or his/her designee
  - b. Coordinate with the District Attorney
  - c. Thoroughly investigate the incident
  - d. Report to the Sheriff, District Attorney and Corporation Counsel as appropriate
5. Post Shooting – Employee Assistance
  - a. All officers involved will be given information on the Employee Assistance Program
  - b. Counseling will be made available promptly without interfering with investigation
  - c. Officer shall meet with counselor or representative prior to going off-duty
  - d. Counseling may be required
    - 1.1 One session as soon as possible after the incident
    - 1.2 No less than one (1) follow up session within ten (10) days of the incident
6. Assistance will be offered to the families of those involved in the incident.
  - a. Administrative Leave: Any employee involved in a shooting resulting in death or injury will be placed on paid administrative leave upon the completion of necessary reports. Being assigned to administrative leave shall not be construed to imply the officer has acted improperly. While on paid administrative leave the officer (s) shall remain available for interviews and may be recalled to full duty at any time.

## TYPE OF RESISTANCE AND METHODS OF CONTROL

### Types of Resistance

### Methods of Control

**Passive:** Suspect fails to obey any command or direction of the Officer, displays no acts of assault, verbal noncompliance and never resists control attempt of the officer.

Verbal commands

Threaten OC Spray  
Threaten M-26 Taser

**Verbal Noncompliance:** Acts where suspect voices their Unwillingness to obey officer's commands or the conveying of verbal threats.

Verbal Commands  
Empty Hand Controls  
M-26 Taser  
OC Spray

Threaten OC Spray  
Threaten Impact Weapon  
Threaten M-26 Taser  
Threaten use of K-9

**Psychological Intimidation:** Physical acts or nonverbal cues Indicating the suspect's attitude or readiness to resist. Officer may perceive actions as threatening in nature.

Verbal Commands  
Empty Hand Controls  
M-26 Taser  
OC Spray

Threaten OC Spray  
Threaten Impact Weapon  
Threaten M-26 Taser  
Threaten use of K-9

**Physical (Defensive Resistance):** Physical acts of fleeing or Escaping suspect attempts to resist arrest without Assaulting officer.

Verbal Commands  
Empty Hand Controls  
M-26 Taser  
OC Spray  
Impact Weapon  
Use of K-9 (felony)

Threaten OC Spray  
Threaten Impact Weapon  
Threaten M-26 Taser  
Threaten use of K-9

**Active Aggression:** Physical acts of assault on an officer.

Verbal Commands  
Empty hand Controls  
M-26 Taser  
OC Spray  
Passive/Active

Threaten OC Spray  
Threaten Impact Weapon  
Threaten M-26 Taser  
Threaten use of K-9  
Threaten Deadly Force

Countermeasures  
Incapacitating  
Techniques  
Impact Weapons  
Use of K-9

**Aggravated Active Aggression:** Attempts to severely Injure or kill officer.

Verbal Commands  
Empty Hand Controls  
M-26 Taser  
OC Spray  
Countermeasures  
Incapacitating  
Techniques  
Impact Weapons  
M-26 Taser  
Use of K-9  
Deadly Force

Threaten OC Spray  
Threaten Impact Weapon  
Threaten M-26 Taser  
Threaten Use of K-9  
Threaten Deadly Force

## Attempt to Injure Self:

Verbal Commands	Threaten OC Spray
Empty Hand Controls	Threaten Impact Weapon
M-26 Taser	Threaten M-26 Taser
OC Spray	Threaten Use of K-9
Passive/Active	Threaten Deadly Force
Countermeasures	
Incapacitating Techniques	
Impact Weapons	
Impact Weapons	
Use of K-9	
Deadly Force	

## Use of Force (Non-Shooting Incident)

1. On-Duty Sergeant or OIC
  - a. Investigate all injury, possible injury or alleged injury incidents.
  - b. Document investigation on department complaint form.
  - c. Photograph alleged injuries.
  - d. Take statements from officers, witnesses, and complaining person.
  - e. Gather medical reports and/or medical release forms.
  - f. Notify Sheriff, Chief Deputy or Patrol Lieutenant no later than end of shift.
  - g. Complete full report as directed by Sheriff, Chief Deputy or Patrol Lieutenant.
2. Investigate Team
  - a. Need determined by Sheriff or his/her designee after review of the reports.
  - b. Appointed by Sheriff or his/her designee.
  - c. Report to Sheriff, District Attorney and/or Corporation Counsel as appropriate.

## Use of Force Documentation

1. Required any time there is use of force by an officer.
2. Every officer involved and/or present during the incident shall file a separate and complete report.
3. Use of Force Report shall include the following:
  - a. All methods of control that were used.
  - b. Why materials of control were escalated or de-escalated.
  - c. All types of resistance used by suspect.
  - d. Documentation of the totality of the circumstances including but not limited to:
    - 1.1 Lighting
    - 1.2 Call information
    - 1.3 Officer perception of facts
    - 1.4 Suspect's actions
    - 1.5 Medical Assessment