

**VILLAGE OF ST NAZIANZ
POLICE DEPARTMENT PROCEDURE
POLICY AND PROCEDURE
USE OF FORCE**

I. OBJECTIVE

The purpose of this document is to establish a policy for the use of force by sworn personnel to affect an arrest or control a person. Proper use of force decisions, based on reasonableness, ensures due process for citizens as well as provided protection for the officer and the Department.

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). This agency also recognizes that DAAT is a recruit level standard and that advanced standing training may be authorized, provided the technique and tactics are found to be objectively reasonable. In determining, techniques and tactics are objectively reasonable the standards applied by US Supreme Court in case *Graham V. Conner* will be applied.

II. POLICY

It is the policy of the St Nazianz Police Department that officers shall use only that amount of force that is reasonably necessary to achieve a lawful objective. The force used by an officer should only be the amount reasonably required to overcome the resistance being offered by an offenders or the person the officer is trying to control.

III. DEFINITIONS

- A. **Defense and Arrest Tactics (DAAT):** This is 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.
- B. **Disturbance Resolution Model:** Training techniques recognized in the DAAT system and approved by training and standards. These techniques may include additional techniques trained and authorized by the St Nazianz Police Department. See Appendix to this policy.
- C. **Reasonable Force:** A physical act by a police officer in the performance of duty when it is 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.
 - 1. **Active Resistance:** Behavior, which physically counteracts an officer's attempt to control which creates risk of bodily harm to the officer, subject and/or any other person (defined in Wi Stats. §939.22(4)).
 - 2. **Passive Resistance:** Occurs when a subject refuses to comply with a directive from an officer but does not attempt to engage in physical action likely to cause bodily harm to the officer or another person.
- D. **Objective Reasonableness Standard:** The standard established by the U.S. Supreme Court in *Graham V. Conner* says that reasonableness should be judged under the totality of the circumstances from the perspective of a reasonable officer at the scene with similar training and experience. Three Elements of the standard include:

1. The severity of the alleged crime at issue.
 2. Whether the suspect poses an imminent threat to the safety of officers and/or others.
 3. Whether the suspect is actively resisting or attempting to evade arrest by flight.
- E. **Reasonably Believes**: Means that 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.
- F. **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 any serious bodily injury.
- G. **Non-Deadly Force**: An amount of force that under normal circumstances might cause bodily harm but would not be expected to result in great bodily harm or death.
- H. **Electronic Control Device**: A less lethal force weapon utilized by trained personnel that causes Electro-Muscular Disruption (EMD) to a combative or potentially combative subject. The use of this device is intended to incapacitate the subject with a minimal potential for causing harm to the subject, officers or others.
- I. **Deployment**: The activation of an Electronic Control Device (ECD) resulting in an arcing of the unit, a contact maneuver on a subject or animal, and/or the discharge of an air cartridge whether or not the probes strike their intended target. The mere display or threat of use of the ECD is not a deployment.
- J. **Drive Stun**: The act of firmly pressing the front of the ECD against the subject's body and "driving" it into them, when the cartridge has been deployed or removed from the weapon.
- K. **Taser**: A Conductive Energy Weapon or ECD developed by Taser International. The X26 utilizes compressed nitrogen to shoot two small probes. These probes are connected to the weapon by insulated wire. When the probes make contact with the target, powerful electronic pulses are transmitted along the wires into the target. The Taser X26 is the approved ECD for this police department.
- L. **Test Arc**: The act of squeezing the trigger on a Taser with the cartridge removed to cause a visual display of electricity to occur across the electrodes on the front of the weapon.
- M. **Less-Lethal Force Philosophy**: A concept of planning and force applications, which meets operational objectives, with less potential for causing death or great bodily harm than conventional tactics.
- N. **Deadly Force**: The intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

IV. PROCEDURE

General Guidelines

1. Officers shall use only that amount of force that is objectively reasonable to control a situation, effect an arrest, or to control a person. The Officer's decisions shall be based on the Disturbance Resolution Model. See Appendix.
2. Officers shall not continue to use force more than is reasonably necessary to maintain control once the subject has stopped resisting and control of the subject has been established.
3. Once control has been established the officer shall be responsible for monitoring the subject's condition and welfare. Unless circumstances dictate otherwise, all persons arrested will be handcuffed, searched and then transported in a police vehicle.
4. If an officer uses force listed in the Intervention Options as "Oleoresin Capsicum Aerosol Spray" or greater, the Officer shall contact the Police Chief. The officer shall also complete an offense report documenting the incident.

Oleoresin Capsicum Aerosol Spray (OC)

1. Officers, who have been trained and certified in the use of OC, shall carry a department approved OC canister while on duty. If the officer has a special duty assignment that does not make carry OC feasible, the officer may be exempt from carrying OC for that assignment.
2. OC may be used by trained personnel when a subject is threatening to actively resist or is actively resisting an officer and the subject poses an articulable threat of harm to an officer or another person.
 - Officers may also include in the decision to use this force option, information known to the officer at the time of the incident, including conduct or statements of the subject or prior history of resistive or assaultive behavior.
 - Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of OC.
3. An officer shall not brandish, display or threaten the use of OC unless he/she can reasonably conclude its use may become justified and anticipated.
4. Generally, OC should not be sprayed at a person from a distance of less than 3'.
5. When OC is used against a person or animal, the user shall notify the Police Chief.
6. Department personnel who use OC against a person shall ensure the person is decontaminated as soon as practical after he or she is under control.
 - If possible, expose the person to fresh air and flush the exposed area with cold water.
 - Continue to monitor the exposed person for any unusual reactions to the exposure. If the exposed person has an unusual reaction or requests medical attention, transportation to a medical facility shall be arranged.

7. If circumstances permit, and it can be done without endangering department personnel, reasonable efforts to decontaminate animals should be made or the decontamination information conveyed to the animal's owner.

Electronic Control Device (ECD): (Advanced Taser X26)

1. An ECD may be used by trained personnel when a subject is threatening to actively resist or is actively resisting an officer and the subject poses an articulable threat of harm to an officer or another person. It may also be used when the subject poses a threat of harm to himself/herself such as self inflicted injury or suicide attempt.
 - Officers may also include in the decision to use this force option information known to the officer at the time of the incident, including conduct or statements of the subject or prior history of resistive or assaultive behavior.
 - Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of a conducted energy weapon.
 - The primary purpose for deploying an Electronic Control Device (Taser) is to reduce injuries and save human lives.
2. Procedures/Qualifications:
 - Officers must be trained and certified in the use of the ECD. Training will be done by a certified instructor of the ECD and be not less than 4 hours. Officers are required to re-certify every two years. Re-certification will be for a period of not less than two hours.
 - Officers will only carry department approved ECD, holsters and cartridges.
 - a. At no time will Officers make changes, adjustments, modifications, or attempt to disassemble an ECD.
 - b. Officers shall immediately cease to carry an ECD or cartridge that they suspect may be defective or otherwise not in proper working condition. The defect will be reported to the Police Chief who may make arrangements to get the defect corrected.
3. Criteria for Use:
 - The decision to use the ECD is based on the same criteria an Officer uses when considering the use of OC Spray. It is to be used to overcome active resistance or its threat.
 - An Officer shall not brandish, display or threaten to use an ECD unless the Officer reasonably believes it may become justified or anticipated.
 - An Officer shall not make or threaten any disparaging remarks about being "electrocuted, charged, juiced" or the like to a subject before, during or after deployment of the ECD. The term "tased" is acceptable.
 - An ECD is not a substitute for deadly force. In each instance when an ECD is deployed to an incident, a determination will be made regarding the need for lethal cover. Lethal cover shall be required in all cases, which a subject poses a threat with a deadly weapon.
 - a. ECDs are not a replacement for the firearm and should not be used without firearm back-up in those incidents where officers may be faced with a lethal threat.
 - b. No Officer shall attempt to resolve a situation alone on those situations that would reasonably require more than one Officer, merely because the Officer possesses an ECD.
 - An ECD should not be knowingly used:
 - a. In obvious proximity to flammable liquids, gases, or any highly combustible materials that may be ignited by the devices.
 - b. When it is reasonable to believe that incapacitation of the subject may result in great bodily harm or death.
 - c. Punitively or for the purpose of coercion.

- In non-lethal force situations, when possible and unless special circumstances exist, Officers should avoid using an ECD on:
 - a. Persons in control of a vehicle.
 - b. Pregnant woman.
 - c. People with an apparent debilitating illness.
 - d. Persons under 60 pounds.

4. Deployment of an ECD.

- Deployment of the ECD shall be in accordance with the department approved training that an Officer has received.
 - a. Officers will not intentionally target the head and neck area of a subject.
 - b. For maximum effectiveness, ECD's should be fired at upper center mass or the legs depending on clothing.
 - c. Officers will not conduct test arcs.
 - d. Prior to deployment, an Officer will make a reasonable assessment of the potential of injury to a suspect that is running, traveling at high speeds, or in an elevated position.
 - e. Officer shall contact the Police Chief or designee immediately after the Taser has been deployed.
 - f. If practical, Officers shall announce their intent to use an ECD before deployment by announcing "Taser, Taser".

5. Post Deployment

- Once a subject is safely secured and in custody, if the probes penetrate the skin of the subject, only trained officers or Emergency Medical Staff will remove probes. St Nazianz Ambulance Staff may be called to the scene to do an assessment of the subject prior to transport regardless if the probes penetrate the skin.
 - a. Once the probes have been safely removed, the puncture site can be treated with a sanitizing element and a band-aid.
 - b. If the probe(s) penetrate a sensitive or soft tissue area such as face, neck, eye, head, breast of a female, or genitalia of a female or male, only medical personnel shall remove them.
 - c. Removed probes shall be treated as a biohazard and disposed of accordingly. Cartridge will be kept and placed into evidence. Officer will document cartridge numbers in the police report and use of force report.
- Officers shall monitor the subject for adverse reactions and inform the receiving agency (jail, secure detention, crisis center or others) that the subject has been "tased". Whenever there is a doubt concerning the need for medical attention, it should be resolved through the examination of the subject by an appropriate medical facility.
- In the event of adverse reaction, or if requested by the subject, transportation shall be arranged to a medical facility.
- If a "drive stun" technique has been used on a subject, photographs shall be taken of the area where the techniques have been applied and any affected burn areas shall be depicted in the photos. Photographs will be taken of the probe penetration areas should they penetrate the skin. Photographs should be taken of any other related injuries also.

6. Animal Deployment

- The use of the ECD on an animal should be based on the intent to provide safer, more humane and less traumatic conclusion to the incident.
- Officers should be prepared to use other justified force if necessary.

- Officers may use an ECD on an animal if the Officer reasonably believes that the animal is vicious and is threatening and/or attacking another Officer, citizen, or other animal or if the animal is a public nuisance and needs to be controlled, and the use of other force in the Officer's belief would not be appropriate or safe.
 - Officers shall use reasonable care when deploying an ECD when a Police K-9 is near the subject about to be tased.
7. Reporting the Use of Non-Deadly Force
- With the exception of deliberate discharges for training purposes, all deployments of the ECD are to be documented.
 - Following deployment of an ECD, Officers shall complete a Use of Force report and incident report. Said use of force shall include the serial number of the ECD used so that deployment information can be downloaded.
 - The ECD Instructor is responsible for maintaining the ECD Software and data port download software.
 - For incidents where an ECD was used, the Department Taser Instructor will download a report from the device's data port to attach to the incident report. The download will include all data from the date of incident.
 - Officers shall include in their report:
 - a. The date and approximate time of deployment.
 - b. The duration and number of cycles deployed.
 - c. The points of impact and a description of the reaction of the subject exposed.
 - d. A description of any injuries. Officers should photograph probe contact areas if possible, but shall photograph a "drive stun" contact areas.
 - It is the deploying Officer's responsibility to obtain a new cartridge(s) prior to the end of the shift.

Intermediate Weapons/Impact Weapon: (Expandable or straight baton)

1. Uniformed officers may carry an approved impact weapon available to them while on duty.
2. The use of authorized batons is permitted against an actively aggressive person when the officer reasonably believes that lesser force options would be ineffective or would subject the officer to bodily harm.
 - Officers may include, in the decision to use this force option, information know to the officer at the time of the incident. Including conduct or statements of the subject or prior history of resistive or assaultive behavior.
3. An officer shall not brandish, display or threaten the use of an impact weapon as a threat unless he or she can reasonably conclude its use may become justified and is anticipated.
4. When a baton is used against the body of a person, other than handcuffing or control holds administered with the baton, the officer will notify an on-duty supervisor and will complete an offense report detailing the circumstances of the incident. The officer will also complete the Use of Force form and forward to the Police Chief.

Use of Deadly Force

1. The use of deadly force is permissible under the following circumstances:
 - As a last resort, in the defense of one's self when the officer reasonably believes he/she is in imminent danger of death or great bodily harm.
 - As the last resort, in the defense of another person who the officer reasonably believes is in imminent danger of death or great bodily harm and whom the officer reasonably believes is entitled to self-defense.
 - As the final alternative, to affect an arrest or prevent the escape of a fleeing felon whom the officer reasonably believes has committed a felony involving the actual or threatened use of deadly force. The officer shall also have probable cause to believe the suspected felon poses a significant threat of death or great bodily harm to the officer, or others, if not immediately apprehended.
 - As the last resort, to euthanize a dangerous animal or one that is so seriously injured that humanity dictates its removal from suffering, but only after careful consideration is given to the public's safety and whether other dispositions may be feasible.
2. An officer shall not brandish, display or threaten the use of a firearm unless he or she can reasonably conclude its use may become justified and anticipated.
3. Generally, deadly force shall not be used under the following circumstances:
 - Warning shots.
 - From a moving vehicle unless the first or the second bullet point in 1. above apply.
 - At a moving vehicle unless first or the second bullet point in 1. above apply.
 - When the target of the force is not clearly visible. For example, firing into a building or through a door is not permitted unless officers are being fired upon from within and no alternative means of cover is available.
 - When the officer is in doubt as to whether or not he or she has the legal justification to use deadly force.

Pointing of Firearm

If an officer points a firearm at a person in the course of duty and does not discharge the firearm, the officer shall complete an offense report detailing the circumstances of the incident. If multiple officers are involved, only the officer assigned to the call is required to complete an offense report. A Use of Force form is not required.

First Aid and Medical Assistance

Whenever a person is injured as a result of force applied by an officer, officers on the scene will immediately provide first aid and request medical assistance, if necessary, for the injured person as soon as the scene is secure.

Required Notifications and Reports upon Use of Force

1. Whenever an officer is responsible for an accidental or intentional discharge of a firearm while on or off duty (other than during firearms training, hunting or participation in sporting or recreational event), or the accidental or intentional use of deadly force by any means, the following notifications and reports shall be made:
 - *Used on or directed against a person* - the officer shall orally inform his/her on-duty supervisor or the Communications Center as soon as possible. The Communications Center shall immediately notify the officer's on-duty supervisor and Police Chief. The officer, unless incapacitated, shall complete a written offense report detailing the incident and Use of Force form prior to going off duty that day. If the incident occurred while the officer was off-duty, these reports will be completed at the direction of the Police Chief.
 - *Used against an animal* - if a firearm is used against an animal, the officer shall notify the Communications Center and his/her supervisor prior to discharge, if possible, or immediately thereafter. The officer shall complete an offense report and Use of Force form.
 - *Accidental discharge without injury* - the officer shall immediately notify the Police Chief regarding the circumstances of the incident.
2. In addition to any other reporting requirements in this policy, whenever an officer uses force against another that results in, or is alleged to have resulted in, injury or death to a person, the officer shall prepare an offense report describing the circumstances surrounding the use of force.
3. If an officer uses force listed in the Intervention Options as "Oleoresin Capsicum Aerosol Spray" or greater, the officer shall complete an offense report and Use of Force form.
4. The reporting officer shall forward all required Use of Force forms, documenting the use of force by officers to the Police Chief.
5. The Police Chief shall review each incident to determine if a Use of Force Review Team is to be convened under this policy or if the circumstances of the incident warrant an investigation into the officer's use of force.

Use of Force Review Team

1. The Use of Force Review Team shall consist of the following personnel:
 - Police Chief
 - The Village Attorney
 - One Public Safety Committee member selected by the Police Chief

Use of Force Review Team Duties

1. The Use of Force Review Team shall investigate all of the following incidents:
 - The accidental or intentional use of deadly force by an officer, whether or not injury or death occurs.
 - All incidents involving the accidental or intentional discharge of a firearm, excluding the use of kinetic energy impact projectiles, unless their use causes serious bodily injury or death. (Incidents involving the discharge of a firearm to dispatch an animal or accidental discharge without injury or serious property damage may be investigated by Police Chief.)
 - All incidents resulting in serious injury to a person by an officer's use of force.

2. A complaint received from a citizen alleging that an officer used excessive force resulting in injury to a person shall immediately be referred to the Police Chief and may be forwarded to the Use of Force Review Team.
3. The Use of Force Review Team shall also investigate any incident involving the use of force by an officer when so directed by the Police Chief.

Use of Force Review Team Investigation

1. Upon notifications, the Police Chief or designee shall notify all members of the review team to report to a designated place and will begin an investigation of an incident as soon as possible.
2. The Use of Force Review Team shall conduct a thorough investigation of the incident and will submit to the Police Chief a written report of their findings and conclusions. The report shall include a description of how the investigation was conducted, a listing of all facts established by the investigation, any points of disagreement between the members and any recommendations of commendation or discipline, if appropriate.
3. The Use of Force Review Team report shall include a finding that the officer's use of force was:
 - Justified
 - Not Justified
 - Extenuating Circumstances
4. Upon receipt of the review team's report, the Police Chief may take whatever action he deems appropriate. The Police Chief will then forward a copy of the review team's report and chief's action(s), if any, to the involved officer(s) and to any other person or agency the Police Chief deems appropriate.
5. Any officer who uses force which results in death or great bodily harm to another person shall be assigned to administrative duties, or may be placed on administrative leave at the discretion of the Police Chief, pending the completion of the review team's investigation and the final action of the Police Chief.

Policy Distribution and Training

1. A copy of this policy, including all future amendments or revisions thereto, may be distributed electronically or in writing to all sworn personnel.
2. All sworn officers shall participate in firearms training, at least annually, as part of the firearms training and qualification program of the appropriate use of deadly and non-deadly force by officers pursuant to the terms of this policy. A copy of the successful completion shall be forwarded to the Police Chief to be placed in the employees' file.
3. All Officers must have attended training in the use of OC.

For Departmental Use Only

This policy is for departmental use only and does not apply in any criminal or civil proceeding. The department policy should not be construed as the creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this policy will only form the basis for departmental administrative sanctions.



Al Bonfigt, Chief of Police

12-15-2020

Date

ST NAZIANZ POLICE DEPARTMENT USE OF FORCE REPORT

PERSON

(CIRCLE)

ANIMAL

Incident # _____

Date _____

Time _____

Officer _____

Call # _____

EMPTY HAND CONTROL

1. Passive Countermeasures
☐ Decentralization Techniques (physically force to the ground)
2. Active Countermeasures
☐ Vertical Stuns
☐ Focused Strikes
☐ Hand Strikes ☐ Kicks ☐ Elbow/Forearm Strikes ☐ Knee Strikes
3. OC (used by) ☐ Officer ☐ CSO
4. Taser X26# _____ ☐ Drive Stun Mode ☐ Cartridge Discharge Mode
5. Other Technique (justified given circumstances)
Describe: _____

INTERMEDIATE/IMPACT WEAPON

- ☐ Straight Baton ☐ PR-24 Baton

KINETIC ENERGY IMPACT PROJECTILE WEAPONS

- ☐ 12 GA Bean Bag Flexible Projectiles ☐ 37 MM Non-flexible Projectiles

DEADLY FORCE

- ☐ Firearm used Make _____ Model _____ Serial No. _____
- ☐ Other Deadly Force Describe: _____

INJURY REQUIRING MEDICAL ATTENTION (excluding OC decontamination)

1. Officer(s) ☐ ☐ No Yes Explain _____
2. Subject(s) ☐ ☐ No Yes Explain _____

NARRATIVE REPORT (Give account of incident which prompted your actions. Use additional sheet if necessary.)
