



SUBJECT: Use Of Force

NUMBER: S13

ISSUED: 03/01/2019

REVIEWED: 04/09/24

SCOPE: All department personnel

DISTRIBUTION: Policy & Procedure Manual

REFERENCE: Wisconsin State Statute 66.0511(2), 939.45, 939.48, 941

WILEAG 2nd EDITION STANDARDS: 5.1.1

PURPOSE: The purpose of this Policy & Procedure is to establish rules regulating the use of force, subsequent reporting and after action procedures by officers of the Prairie du Chien Police Department. In accordance with WI §66.0511(2), this policy will be available for public scrutiny.

This Policy & Procedure consists of the following numbered sections:

- I. POLICY
- II. DEFINITIONS
- III. USE OF FORCE
- IV. DEFENSIVE AND ARREST TACTICS (DAAT}
- V. USE OF DEADLY FORCE
- VI. USE OF FIREARMS
- VII. USE OF INTERMEDIATE WEAPONS
- VIII. CHEMICAL WEAPONS
- IX. ELECTRONIC CONTROL DEVICE
- X. MEDICAL ASSISTANCE
- XI. REPORTING/REVIEW THE USE OF FORCE

I. POLICY

It is the policy of the Prairie du Chien Police Department that officers use only the force that reasonably appears necessary to effectively bring an incident under control, while protecting the lives of the officer and others. It must be stressed that the use of force is not left to the unfettered discretion of the involved officer. This is not a subjective determination. The use of force must be objectively reasonable. The officer must only use that force which a reasonably prudent officer would use under the same or similar circumstances.

II. DEFINITIONS

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



NON-DEADLY FORCE: That amount of force which does not meet the definition of deadly force, but which is an amount of force which, in normal circumstances, can cause bodily harm.

DEFENSIVE AND ARREST TACTICS (DAAT): A system of verbalization skills coupled with physical alternatives.

ELECTRONIC CONTROL DEVICE (ECO): A non-lethal force weapon that causes electro-muscular disruption to a combative, violent, or potentially combative, violent subject. The use of this device is intended to incapacitate the subject with a minimal potential for causing death or great bodily harm.

CONTINUED RESISTANCE: An individual is maintaining a level of counteractive behavior that is not controlled with the officer's current level of force.

ASSAULTIVE BEHAVIOR: An individual's direct action generates bodily harm to the officer(s) and/or another person(s).

III. USE OF FORCE

- A. An officer shall use only the minimum amount of force that is reasonably necessary to perform his/her duties. The amount of force which may be employed is determined by the circumstances of a situation, including, but not limited to:
 - 1. The nature of the incident of offense.
 - 2. The behavior of the subject against whom force is to be used, actions by third parties who may be present.
 - 3. Physical conditions.
 - 4. The feasibility or availability of alternative actions.
- B. The reasonableness of the force used will be judged in the light of the circumstances as they appeared to the officer at the time he/she acted, and not as they appear from a subsequent, more thorough knowledge of the circumstances.
- C. Under no circumstances may an officer continue to use force (except for physical restraint) against an individual who has ceased to resist, escape, or otherwise violate the law. The officer making an arrest has the right to use only that amount of force reasonably necessary to affect the arrest and maintain control of the arrested individual.
- D. Officers may use reasonable force to:
 - 1. Overcome an offender's resistance to or threat to resist a lawful arrest.
 - 2. Prevent the escape of an offender or arrested person.
 - 3. Protect a third person from bodily harm or death.
 - 4. Protect himself/herself from bodily harm or death.
- E. When an individual offers only passive resistance to arrest, an officer shall take such person into custody and transport such individual with as much regard to the individual's safety and welfare as is reasonable, practical and possible.
- F. Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with the law and Department Policy & Procedures.



- G. The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances and may subject the officer to disciplinary action.
- H. Use of force training will be conducted annually and will include various control techniques.

IV. DEFENSE AND ARREST TACTICS

- A. The Prairie du Chien Police Department adopts the Wisconsin Department of Justice, Law Enforcement Standards Boards document, "Training Guide For Law Enforcement Officers, Defensive and Arrest Tactics", as the Department's guidelines to establish Defensive And Arrest Tactics (DAAT). This is a system designed for all police officers for the primary purpose of self-defense. This system includes the "Incident Response" and "Disturbance Resolution Model" which provide general guidelines that define the degree and type of force to be used in controlling suspects. All Prairie du Chien Police Officers shall be trained in the DAAT system per State Training and Standard Bureau standards.
- B. "Incident Response" is a general framework for how officers should respond to emergencies.
 - R Report**
 - *Become aware*
 - *Plan response*
 - *Arrive/Assess*
 - *Alarm/Inform*
 - E Evaluate**
 - *Look for dangers*
 - *Determine backup needs*
 - *Enter when appropriate/tactically sound*
 - S Stabilize**
 - *Subject(s)*
 - *Scene*
 - P Preserve**
 - *Life*
 - Conduct an initial medical assessment (as trained)*
 - Treat to level of training*
 - Continue to monitor the subject(s)*
 - *Evidence*
 - O Organize**
 - *Coordinate additional responding units (if necessary)*
 - *Communicate with dispatch and others*
 - *Organize the collection of evidence (if appropriate)*
 - N Normalize**
 - *Provide long-term monitoring (as appropriate)*
 - *Restore scene to normal*
 - *Return radio communications to normal*



D Document/Debrief

- *Debrief self, other responding personnel, subject(s), other persons
- *Document incident appropriately

C. The "Disturbance Resolution Model" provides a model for how officers should deal with situations in which they must intervene to resolve a disturbance.

1. APPROACH CONSIDERATIONS

a. In an officer's initial approach to a disturbance, officers need to do three things:

- 1) Decision-making
 - Justification
 - Desirability
- 2) Tactical Deployment
 - Control of distance
 - Positioning
 - Team Tactics
- 3) Tactical Evaluation
 - Threat assessment opportunities
 - Officer/subject factors
 - Special circumstances
 - Level/stage/degree of stabilization

2. INTERVENTION OPTIONS

a. Intervention Options are divided into five 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 that is reasonably necessary to control a subject. If dialog-talking with a person is enough to control him or her, then officers need not 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 five key rules for use of force:

- 1) The purpose for use of 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 reasonable through the Intervention Options. As the situation dictates, officers may move from any mode to any other if officers reasonably believe that a lower level of force would be ineffective.
- 3) At any time, if the level of force officers are using is not effective to gain control, officers may **disengage** and/or **escalate** to a higher level of force.
- 4) Once officers have gained control of a subject, officers must **reduce** the level of force to that needed to maintain control.
- 5) Officers should maintain a position of advantage when possible.

b. The five intervention modes each serve a different purpose and include different tactics and techniques.



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

Presence: Sometimes all that is needed to control a situation is the presence of an officer. Much as drivers are careful not to exceed the speed limit when they share the road with a marked squad, the simple presence of an officer in uniform or otherwise identified is enough to prevent people from starting or continuing to behave aggressively or otherwise create a disturbance.

Dialogue: Covers the range of tactical communication from very low-level questioning to very directive commands. The specific techniques used are covered extensively in Professional Communication Skills.

Control Alternatives: Includes a wide range of tactics and tools for controlling subjects. These are divided into four groups: escort holds, compliance holds, control devices, and passive countermeasures. This mode includes both empty-hand techniques such as applying an escort hold or directing a subject to the ground and tools such as Oleoresin Capsicum (OC) spray, commonly called "pepper spray," and electronic control devices (ECDs). The common thread is that all these tactics and tools are used to control subjects who are resisting or threatening to resist.

Protective Alternatives: These interventions are designed to protect officers in situations when they face subjects continuing to resist or threatening to assault. The tactics include: Active Countermeasures such as vertical stuns or focused strikes that disrupt a subject's ability to continue to resist or fight; Incapacitation Techniques such as a diffused strike that can cause an immediate-though temporary-cessation of a subject's violent behavior; and the use of Intermediate Weapons such as a baton to impede a subject.

Deadly Force: The fifth mode, Deadly Force, represents the highest level of force available to law enforcement officers. The power to use deadly force is the most awesome responsibility given to law enforcement officers.



3. FOLLOW THROUGH CONSIDERATIONS

These are critical. Once officers have taken the step of putting someone in custody, officers are responsible for that person's well-being. Even if officers have to use force to subdue a subject, once officers achieve control, officers must mentally and physically shift gears to follow-through procedures. These fall naturally into six phases:

- Stabilize
- Monitor/Debrief
- Search
- Escort
- Transport
- Turnover/Release

V. USE OF DEADLY FORCE

A. Parameters for use of deadly force:

1. Deadly force may be used as a last resort in the defense of oneself, when there is reasonable cause to believe that the officer is in imminent danger of death or serious bodily harm.
2. Deadly force may be used as a last resort in the defense of another person or persons whom the officer has reasonable cause to believe is being unlawfully attacked and in imminent danger of death or great bodily harm.
3. Deadly force may be used, after all other reasonable means of capture are exhausted, to affect the arrest or prevent the escape of a suspect whom the officer has reasonable cause to believe has committed, or has attempted to commit, a felony involving the use or threatened use of deadly force and the officer reasonably believes the suspect cannot be apprehended later without the use of deadly force.
 - This paragraph allows the officer to use deadly force when the suspect is engaged in such felonies involving violence. Non-violent felonies such as embezzlement or burglary do not in themselves justify the use of deadly force.

B. An officer shall never threaten to use deadly force unless the use of such force is justified under this Policy & Procedure.

C. Before using deadly force, the officer shall, if possible, identify himself/herself as a police officer, order the suspect to desist from the unlawful activity and threaten to use deadly force if the order is not obeyed.

D. The reasonableness of the force used in any incident will be judged in the knowledge of the circumstances as they were known or appeared to the officer at the time he/she acted, and not as they appear from a subsequent, more thorough knowledge of the circumstances.



VI. USE OF FIREARMS (See S15):

- A. Sworn personnel are authorized to carry and use weapons under the authority and powers granted to them by Wisconsin State Statutes and exemptions granted under WI Stats. Chapter 941. Officers must also follow the requirements set forth in Department Policy S90 Firearms Purchasing, Weapons and Ammunition.
- B. Officers may display Department authorized firearms when they have reasonable suspicions to believe that the use of deadly force may be necessary.
- C. Whenever safety permits and time allows, officers shall identify themselves and state their intent to shoot prior to using a firearm.
- D. Firearms shall not be discharged when it appears likely that an innocent person may be injured unless failure to discharge will result in the greater danger exception. The greater danger exception allows you to shoot without target isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.
- E. A warning shot(s) shall not be fired under any circumstances.
- F. Officers should not discharge a firearm at or from a motor vehicle except as the last measure of self-defense of oneself or another and consideration must be given to the safety of innocent bystanders and possible innocent passengers in the vehicle.
- G. An officer may also discharge a firearm under the following circumstances:
 - 1. During range practice or competitive sporting events.
 - 2. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.
- H. Prior to being authorized to carry a firearm on duty for the Prairie du Chien Police Department, officers must meet the following requirements:
 - 1. Officers shall receive training in the safe handling and operation of department issued and authorized firearms. Officers must demonstrate their understanding of Department Policy & Procedure and state laws pertaining to deadly weapons and the use thereof.
 - 2. Officers must be certified by the State of Wisconsin in the use of firearms.
 - 3. Officers must qualify with a Range/Certified Firearms Instructor in strict conformity with current State of Wisconsin Standards.

VII. USE OF INTERMEDIATE WEAPONS

- A. Only those officers qualified in the Defensive and Arrest Tactics System shall be allowed to carry or use an intermediate weapon.
 - 1. Officers are not required to carry an intermediate weapon if they are trained in and carry an ECD.
 - 2. The police baton consisting of either wood, or plastic fixed-length baton or a metal expandable baton is the approved Department intermediate Weapon.
- B. A Department approved police baton may be used by an officer only when it is reasonably apparent that a lesser degree of force would be inadequate to control the situation.



1. The baton may be used by an officer to subdue a violently resisting subject or in self-defense or in defense of another person if lesser methods have failed, or if circumstances warrant the immediate use of the baton.
- C. The appropriate target areas for the baton are the elbow, knee, and lower abdominal areas.
- D. An officer shall not intentionally strike an individual outside the appropriate target areas unless such action would be justified under the use of deadly force guidelines.
- E. The intentional striking of an individual above the shoulders is prohibited. However, it is recognized that because of a person's own resistance, the accidental, unintentional striking of a person above the shoulders may occur. If that happens, the officer will seek immediate medical attention for the subject, once the subject is under control.

VIII. CHEMICAL WEAPONS

- A. The aerosol chemical control device authorized by the Prairie du Chien Police Department contains oleoresin capsicum (O.C.). No other aerosol chemical restraint/weapon is authorized or allowed without prior approval from the police chief. All O.C. must be non-flammable.
- B. When an officer is threatened with physical force or dealing with a resistive or combative person and lesser control factors are ineffective, consideration should be given to the use of O.C.
- C. All uniformed officers issued O.C. aerosol will be required to carry it while on duty.
- D. O.C. aerosol will be used consistent with the training provided by the Prairie du Chien Police Department and/or the Wisconsin Training and Standards Bureau.

IX. ELECTRONIC CONTROL DEVICE (ECD)

- A. An electronic control device (ECO) may be used by trained officers 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 a subject poses a threat of harm to themselves such as self-inflicted injury or a suicide attempt.
 1. All uniformed officers trained in the use of an ECO will be required to carry it while on duty.
 2. All uniformed officers carrying an ECO while on duty are required to carry a spare ECO cartridge that is readily available to them during any contact with the public.
 2. This rule shall not apply to administrative personnel and other officers assigned to plain clothes duties within the police department.
- B. The use of the ECO shall be consistent with the manufacturer's recommendation and precautions.
- C. Officers may 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 violent behavior.



- D. Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of an ECD.
- E. An officer shall not brandish, display, or threaten the use of an ECD unless he or she can reasonably conclude its use may become justified and is anticipated.
- F. In each instance that an ECD is deployed in an incident, consideration should be made regarding the need for lethal cover.
- G. Officers who deploy an ECD against a subject shall ensure the subject is monitored for injury as soon as practical after the subject is under control.
- H. If an adverse reaction to the ECD occurs, or if requested by the person, emergency medical services shall be provided to them.
- I. If the probes are imbedded in sensitive tissue areas, i.e. neck, face, groin, or the breasts of a female, officers shall arrange transport to a medical facility for removal. If the probes are imbedded in other non-sensitive tissue areas, an ECO-trained officer may remove them according to the trained procedures.
- J. After the probes have been removed, they shall be handled as a biohazard and packaged according to the trained procedure. Photographs of the wound site shall be taken if practical.
- K. Trained officers shall complete a refresher course and a written examination every two years concerning the use of this weapon.
- L. Officers shall conduct a spark test on the ECO before the start of their shift. The test will be done while facing a safe direction within the Department.
- M. The ECO shall be holstered on the opposite side of where the officer has their firearm. Officers may choose to use a cross draw or straight draw holster to access their ECD.

X. MEDICAL ASSISTANCE

- A. All sworn personnel who engage in the use of force shall, after the subject has been brought under the officers' control:
 - 1. Check the subject for injuries and administer first aid to the officer's level of training, if required.
 - 2. Summon appropriate medical aid if injuries are noted or claimed by the subject.
 - 3. Maintain close personal observation and physical contact with the subject while continuing to provide first aid until relieved by appropriate medical personnel.

XI. REPORTING/REVIEW THE USE OF FORCE

- A. The officer involved shall orally advise the patrol lieutenant or the on call supervisor, of any use of force greater than presence or dialogue and the underlying facts justifying the officer's use of force as soon as possible.
- B. When multiple officers are involved, the primary officer shall, as soon as practical, document in an incident report the underlying facts and the reasonableness, as perceived by the officer, justifying his/her use of force above the level of presence in all incidents:
 - 1. Involving or alleged to have resulted in death or injury to another person
 - 2. When force is applied through the use of a lethal or less lethal weapon



- C. The officer, as soon as possible during the investigation, shall forward all reports of the investigation to the police sergeant for administrative review.
 - 1. The assigned officer will fill out the PDCPD Use OF Force form during completion of investigative reports (ATTACHMENT A)
 - 2. The purpose of the review will be to help identify trends, improve training, improve safety and maintain agency credibility and to determine if any future policy, procedure or training recommendations are necessary.
- D. The incident report and "Use of Force" form shall be maintained by Chief of Police.
- E. An officer(s) whose actions and/or use of force results in a death or serious physical injury to another person, shall be placed on administrative leave or desk duty by the police chief or his/her designee during the investigation of the incident and/or until such time as the incident investigation or administrative review is completed.
 - 1. The officer shall be available for Departmental interviews and statements regarding the incident and subject to recall to duty.
- F. Incidents involving the use of a firearm will be handled in accordance with Department Policy S13, S14 and S16.
- G. At least once every year the police chief or his/her designee shall review all incident reports maintained by the chief of police with regards to the Use of Force to determine any policy issues, training or weapons/equipment deficiencies, or disciplinary matters that require attention or any type of future action.

Order of:

Kyle Teynor
Chief of Police