

**Policy # 001**

**Date: June 16, 2005**

**Amended: January 26, 2021**

## **USE OF FORCE**

### **PURPOSE:**

The purpose of this section is to establish a policy for the use of force by sworn officers to affect an arrest or control a person. Proper use of force decisions, based on reasonableness, ensure due process for citizens as well as provide 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 – Law Enforcement Standards Board).

### **POLICY:**

It is the policy of the Geneva Lake Law Enforcement Agency 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 offender or the person the officer is trying to control.

### **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. Intervention Options: Trained techniques recognized in the DAAT system. These techniques may include additional techniques trained and authorized by the Geneva Lake Law Enforcement Agency. A list of these techniques shall be attached in the appendix of this policy.
- C. Reasonable Force: A physical act by an 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.

- D. Objectively Reasonable Standard: This standard establishes 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 are:
1. The severity of the alleged crime at issue.
  2. Whether the suspect poses an imminent threat to the safety of officer(s) 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 officer sheriff 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 other serious bodily injury.
- G. Non-Deadly Force: Any use of force other than that which is considered deadly force. This includes any physical effort used to reasonably control or restrain another, or to overcome the resistance of another.
- H. Conducted Energy Weapon: 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 death or great bodily harm.
- I. Less-Lethal Force Philosophy: A concept of planning and force application, which meets operational objectives, with less potential for causing death or great bodily harm than conventional police tactics.
- J. Deadly Force: The intentional use of a firearm or other instrument, the use of which would result in a high probability of death or great bodily harm.

## PROCEDURE

### A. General Guidelines

1. Officers shall use only that amount of force that is objectively reasonable to control a situation, effect an arrest, control a person, or to protect the officer or others from physical harm. The officer's decisions shall be based on the Disturbance Resolution Model.
2. Officers shall only use that amount of force that 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(s) 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. Follow-Through Considerations found in the Disturbance Resolution model shall be followed.
4. If an officer uses force listed in the Intervention Options as "Oleoresin Capsicum (O.C.) Aerosol Spray" or greater, the officer shall complete a narrative report documenting the incident and complete a Use of Force Report Form. The narrative report documenting the Use of Force may be part of the overall incident and/or criminal report. The officer is responsible for attaching a copy of the Use of Force Report Form to the narrative report and to the distribution list of persons on that form.

### B. Oleoresin Capsicum (O.C.) Spray

1. O.C. may be used by trained personnel when a subject is threatening to actively resist or is actively resisting a officer or other officer and the subject poses an articulable threat of harm to a officer or another person.
  - a. 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.

- b. Passive resistance without posing an articulable threat of harm to officers or others does not permit the use of O.C.
2. Generally, O.C. should not be sprayed at a person from a distance of less than 3 feet.
3. Officers who use O.C. against a person shall ensure the person is decontaminated as soon as practical after he or she is under control. 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.
4. Officers shall carry department approved and issued O.C. while on duty.
5. An officer shall not brandish, display, or threaten the use of O.C. unless he or she can reasonably conclude its use may become justified and anticipated.

C. Intermediate Weapons/Impact Weapon

1. Uniformed officers shall be required to have a Geneva Lake Law Enforcement Agency 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.
  - a. 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.
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.

D. Use Deadly Force

1. The use of deadly force is permissible under the following circumstances:
  - a. As a last resort, in the defense of one's self when the officer reasonably believes he or she is in imminent danger of death or great bodily harm.
  - b. As a last resort, in the defense of another person whom the officer reasonably believes is in imminent danger of death or great bodily harm and whom the officer believes is entitled to self-defense.
  - c. 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 an animal that represents an imminent threat to public safety 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.
  - d. The use of a respiratory restraint, also known as a chokehold, is prohibited excepted where deadly force is authorized.
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. Before using a firearm and when feasible, officers shall identify themselves and issue a verbal challenge.
4. Warning shots may be fired if an officer is authorized to use deadly force and only if the officer reasonably believes a warning shot can be fired safely in light of all circumstances of the encounter.

5. Officers shall not fire any weapon from or at a moving boat except as a last resort to prevent imminent death or great bodily harm to the officer or another person and where **deadly force** would otherwise be justified.

E. First Aid and Medical Assistance

1. Whenever a person is injured as a result of force applied by a officer, the officer or other 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.

F. Training

1. Officers shall receive use of force training on-going and as needed to maintain competency. The current Wisconsin Law Enforcement Standards Board Guidelines will be used to determine competency.

## Appendix (Use of Force Policy) DISTURBANCE RESOLUTION

1) APPROACH CONSIDERATIONS

A. Decision-making	Justification Desirability
B. Tactical Deployment	Control of distance Positioning Team Tactics
C. Tactical Evaluation	Threat assessment opportunities Officer/subject factors Special circumstances

2) INTERVENTION OPTIONS

<u>Mode</u>	<u>Tactic</u>	<u>Purpose</u>
A. Presence	Professional Presence	To present a visible display of authority
B. Dialog	Tactical Communication	To verbally persuade
C. Control Alternatives	Escort Holds	To safely initiate physical contact
	Compliance Holds	To overcome passive resistance
	Oleoresin Capsicum	To overcome active resistance or its threat
	Conducted Energy Weapon	To overcome active resistance or its threat
	Passive Countermeasures	To decentralize
	Active Countermeasures	To create dysfunction
D. Protective Alternatives	Incapacitating Techniques	To cause the immediate, temporary cessation of violent behavior
		To overcome continued resistance, assaultive behavior, or threats
E. Deadly Force	Firearm	To stop the threat

3) FOLLOW-THROUGH CONSIDERATIONS

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

Policy # 002

Date: June 16, 2005

Amended:

## REQUIRED NOTIFICATION AND REPORTS UPON USE OF FORCE

- A. Whenever an officer is responsible for an accidental or intentional discharge of a firearm while on duty (other than during firearms training) or the accidental or intentional use of deadly force by any means, the following notifications shall be made:
1. **Used on or directed against a person** – The officer shall orally inform the Commander or designee as soon as possible. The officer unless incapacitated, shall complete a written report of the incident prior to going off duty that day and complete a Use of Force Report form to accompany the written report.
  2. **Used against an animal** – if a firearm is used against an animal, the officer shall complete a written report and Use of Force Report of the incident prior to going off duty that day.
  3. **Accidental discharge without injury** – The officer shall immediately notify the Commander or designee regarding the circumstances of the incident. The officer shall complete a written report and Use of Force Report of the incident prior to going off duty that day.