

## SHOREWOOD HILLS POLICE DEPARTMENT STANDARD OPERATING PROCEDURES

**Use of Force** 

#### **Purpose**

The Shorewood Hills Police Department (SHPD) recognizes and respects the sanctity of each human life. The primary duty of members of the department is to preserve and protect the life and safety of all individuals, including those who are in the custody of law enforcement. When vesting police officers and community service officers with the lawful authority to use force to protect the public, a careful balancing of all human interests is required. Members of this department shall always respect and uphold the dignity of all persons in a nondiscriminatory manner. Therefore, it is the policy of this department that police officers shall use that force which is reasonable and necessary to effectively stop a threat or bring an incident under control. The application of deadly force is a measure of last resort, only to be employed when an officer reasonably believes all other options have been exhausted or would be ineffective.

#### **Definitions**

Administrative Review: is a time-sensitive assignment given to a Command Staff member to gather the facts of an incident. It may include but is not limited to reviewing initial written reports and video. The purpose of an administrative review is to determine if there are policy or safety issues that require a more thorough internal investigation, or any violation of law. If an internal investigation is not required, training and procedural recommendations may be made.

<u>Analysis:</u> is a review of a critical work product as prescribed by various policies. The purpose of an analysis is to determine trends, identify training needs and summarize a group of events.

<u>Conducted Electrical Weapon Probes:</u> are projectiles launched from a conducted electrical weapon (CEW) that uses an electric shock to incapacitate a suspect and are not likely or intended to cause serious injury or death.

<u>Deadly Force:</u> is the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

<u>Great Bodily Harm:</u> means bodily injury that creates a substantial risk of death or causes serious permanent disfigurement or causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious physical injury.

<u>Law Enforcement Safety Act Identification Card:</u> refers to the identification card required for law enforcement officers and described in the U.S.C. Title 18, Chapter 44, Section 926C(1) (d).

<u>Less Lethal Projectiles:</u> are projectiles designed to incapacitate a suspect through the use of kinetic energy and are not likely or intended to cause death or great bodily harm.

Non-Deadly Force: refers to any use of force other than that which is considered deadly force.

Qualified Law Enforcement Officer: means an employee of a governmental agency who:

- Is authorized by law to engage in or supervise the prevention, detection, investigation, or
  prosecution of, or the incarceration of any person for, any violation of law, and has statutory
  powers of arrest.
- Is authorized by the agency to carry a firearm.

- Is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers.
- Meets standards established by the agency which require the employee to regularly qualify in the
  use of a firearm.
- Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- Is not prohibited by Federal law from receiving a firearm.

<u>Reasonably Believes:</u> means that the actor believes that a certain fact situation exists and such belief under the circumstances is reasonable even though erroneous.

<u>Restraints:</u> refers to devices such as handcuffs, leg irons, chemical restraints, and other restraints used to stabilize.

#### **Policy**

#### Disturbance Resolution Model & Defense and Arrest Tactics Intervention Options

The SHPD follows a Use-of-Force Continuum covered by the State of Wisconsin Disturbance Resolution Model and the Defense and Arrest Tactics (DAAT) Intervention Options – all of which are adopted and trained by the SHPD and referred to in this policy. Every possible type of resistance that officers may encounter cannot be covered. The State of Wisconsin Disturbance Resolution Model and Wisconsin's DAAT Intervention Options is defined as a system of verbalization skills coupled with physical alternatives. This definition reflects the goal of gaining voluntary compliance. Achieving your objective by verbal persuasion is always preferable to having to use physical intervention. The Disturbance Resolution Model and DAAT Intervention Options is attached to this SOP.

All personnel authorized to carry lethal, less lethal, or nonlethal weapons shall receive related instruction regarding the use-of-force policy before being authorized to carry any weapon. Policy receipt and curriculum delivery must be documented.

#### **Force to Achieve Lawful Objectives**

Department personnel shall use reasonable force when needed to accomplish lawful objectives. The following procedures shall generally govern the use of force by sworn department officers:

- The use of force by police employees may be necessary in order to enforce the law or in order to protect themselves or others. Police officers' authority to use any force, as well as the degree of force they may employ, is governed by the United States Constitution, Wisconsin statutes, case law, and department policy. Police officers shall assess each incident in order to determine which technique or weapon shall bring the incident under control. The SHPD hereby adopts as policy the Intervention Options for police officers as specified by the State of Wisconsin
- Police are authorized to use force in the following situations:
  - o To protect themselves or another from physical harm; or
  - o To restrain or subdue a resisting person; or
  - To bring a situation safely and effectively under control; or
  - To affect a lawful arrest.
- The United States Supreme Court in Graham v. Connor ruled that the force used by police officers must be "objectively reasonable". When using force, a law enforcement officer is required to act in good faith to achieve a legitimate law enforcement objective. A law enforcement officer is authorized

to use force that is objectively reasonable based on the totality of the circumstances. Officers should consider the following factors when considering what level of force, if any, to use:

- The severity of the alleged crime at issue.
- Whether the suspect poses an imminent threat to the safety of law enforcement officers and/or others.
- o Whether the suspect is actively resisting or attempting to evade arrest by flight.

The above list does not include all factors that might be considered when analyzing whether a use of force was objectively reasonable.

Varying degrees of force may be justified depending on the dynamics of a situation. Police officers
must keep this in mind and are permitted to use only the force reasonably necessary to accomplish
lawful objectives.

#### **De-Escalation**

Officers shall use de-escalation techniques to prevent or reduce the need for force when the officer reasonably believes it is safe and feasible to do so based on the totality of the circumstances. This includes continually assessing the situation and modifying the use of force as circumstances change and in ways that are consistent with officer safety, including stopping the use of force when it is no longer necessary. Examples of de-escalation techniques include but are not limited to:

- Providing a warning and exercising persuasion and advice prior to the use of force.
- Determining whether the member may be able to stabilize the situation through the use of time, distance, or positioning to isolate and contain a subject.
- Requesting additional personnel to respond or make use of specialized units or equipment including crisis intervention-team trained officers, as necessary and appropriate.

#### **Use of Deadly Force**

Law enforcement officers may use deadly force only as a last resort when the law enforcement officer reasonably believes that all other options have been exhausted or would be ineffective. A law enforcement officer may use deadly force only to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the law enforcement officer or another person in the following circumstances:

- To protect the police officer or others from what is reasonably believed to be an imminent threat of death or great bodily harm.
- To apprehend a criminal subject who has used or has threatened to use deadly force against someone and presents a continued threat to the public and the officer reasonably believes there is no other way to make the arrest or retain custody of the person once arrested.

Where deadly force is justified, an officer may, under exigent circumstances, use any available weapons or methods. This should not be construed to permit carrying unauthorized equipment.

If both practical and feasible, a law enforcement officer shall give a verbal warning before using deadly force.

When "Greater Danger" theory applies, firearms shall not be discharged, nor other deadly force used, when it appears likely that an innocent person might be injured, unless the probability exists that a greater danger is posed by the suspect's continued actions toward the officer or other persons.

In the event an officer uses deadly force, the SOP titled "Officer Involved Death and Other Officer Involved Critical Incident" shall be followed.

#### Use of Firearms

Police officers are authorized to display and use firearms in the following circumstances:

- When deadly force is authorized.
- When officers reasonably believe they might encounter a deadly force situation.
- During range practice or competitive shooting.
- To destroy an animal that represents a threat to public safety or as a humanitarian measure when the animal appears to be seriously injured.

Before using a firearm, police officers shall, when feasible, identify themselves and issue a verbal warning.

Police officers shall adhere to the following restrictions:

- Except for maintenance or during training, police officers shall not draw or exhibit their firearm unless circumstances create a reasonable belief that it might be necessary to use the firearm in conformance with this policy.
- Warning shots are prohibited.
- Police officers shall not discharge a firearm from or at a moving vehicle unless no other reasonable option exists and a greater imminent danger to an innocent person(s) is posed by the officer not discharging a firearm.

The following requirements shall be met for the authorized on-duty carry of firearms into the Dane County Courthouse:

- Officers must be on duty and performing official duties. Carrying firearms into the Dane County Courthouse while off duty is prohibited.
- Officers shall wear a visible badge.
- Officers shall be required to state the nature of their official business.
- Officers in plain clothes should not expose the firearm to plain view.
- Officers shall possess a department photo ID.

Police officers may, at their option, carry a handgun while off duty. While off duty, police officers shall carry only handguns that are on the department approved list.

Officers should use extreme caution when taking prescription medication while armed and should not carry a firearm while under the influence of a mood-altering or intoxicating prescription drug.

Carrying or using a firearm while under the influence of alcohol is prohibited.

#### Use of Choke Holds and/or Neck Restraints

The use of techniques which have a high likelihood of death, such as choke holds or neck restraints, are not allowed unless the officer is justified in using deadly force.

#### Use of Oleoresin Capsicum (OC) Spray

Oleoresin capsicum (OC) is an effective irritant that, when used in a manner that is consistent with training, may reduce injuries to officers and subjects. Oleoresin capsicum is authorized for use by members of this department. Other chemical agents may be carried or used only at the direction of command staff.

Officers must be trained in the use of OC by a trained DAAT instructor.

Officers trained in OC use are authorized to use OC to effect an arrest or control a situation. Oleoresin capsicum shall be used in accordance with department training and the Intervention Options.

Officers shall take into consideration the location of others before using OC. An officer shall not use OC on a person who is already under physical control.

Oleoresin capsicum is an irritant to many animals. Care must be exercised when police mounted, or canine units are present.

OC spray used by SHPD officers shall be non-flammable.

#### **Use of Less-Lethal Projectiles**

Dedicated less lethal launch systems and projectiles are to be deployed for use by sworn personnel subject to the following conditions:

- The launch systems and projectiles shall be secured and unloaded inside equipped patrol vehicles. Personnel using the patrol vehicle are responsible for the status of the system.
- Officers shall remove all weapons from the vehicle should the vehicle need service.
- Only officers trained in the proper use of less lethal impact projectiles should launch them, and their use should be consistent with department training.
- Officers shall verify each round as being a less lethal round as it is being loaded into the weapon.
- Less lethal impact projectiles are not a substitute for deadly force. In a deadly force situation,
  officers may not arm themselves with a less lethal weapon unless another officer at the scene
  has the immediate ability to deliver deadly force. Officers armed with less lethal weapons
  should continuously monitor and evaluate the ability of other officers present to deliver deadly
  force.
- The officer launching less lethal impact projectiles should, if possible, notify other officers in the area prior to launch and without notifying the suspect. This notification is an attempt to avoid the sympathetic use of deadly force options.
- The officer employing the less lethal projectile should refrain from using the head, neck, groin, and chest areas as a target area for the projectile unless Deadly Force is justified.
   Appropriate target areas are the lower arms, thighs, buttocks, legs, and abdomen.

The firing of less lethal impact projectiles must be evaluated using the criteria of this policy and the State of Wisconsin Intervention Options. Firing of less lethal impact projectiles at non-vital areas is considered non-deadly force and is considered to fall just above baton strikes (at the upper range of the "impact weapon" category) in the Protective Alternatives. The intentional deployment of less lethal impact projectiles at the face, head or neck is considered deadly force.

#### **Use of Conducted Electrical Weapons (CEW)**

Only officers trained in the proper use of CEWs are permitted to carry them. Trained personnel may deploy a CEW in a manner consistent with their training and for specific tactical situations without supervisory approval.

Authorized officers may carry a CEW on their duty belt or external vest carrier. The CEW shall be placed on the opposite side of the officer's handgun in a cross-draw position. The CEW does not replace the baton for crowd control assignments.

CEWs are not a substitute for deadly force -- an officer should not deploy a conducted electrical weapon in a deadly force situation unless another officer at the scene has the immediate ability to deliver deadly

force. Officers armed with CEWs should continuously monitor and evaluate the ability of other officers present to deliver deadly force.

The officer firing a CEW should, if possible, notify other officers in the area prior to firing and without notifying the suspect. This notification is an attempt to avoid the sympathetic use of deadly force options.

CEW deployment must be evaluated using the criteria of this policy and the State of Wisconsin Intervention Options. Firing of CEW probes is considered non-deadly force, and the CEW is considered a control device, which falls under the "Control Alternatives". There should be no intentional deployment of CEW probes at the face, head, neck, chest, or groin. Deployment of multiple CEWs upon the same subject at the same time should be avoided whenever possible. While multiple activations of a CEW may be necessary to subdue an actively resisting subject, multiple activations with continuous cycling should be avoided whenever possible.

Drive stuns should only be administered in a manner consistent with training.

Officers should avoid CEW deployments in the following circumstances unless exigent circumstances are present:

- On a handcuffed subject.
- When features of the location (on stairs or in traffic) increase the risk of serious injury from falling.
- If the subject is likely to become submerged in water.
- On preteen children.
- On persons who appear elderly, significantly ill, pregnant, or disabled.

The CEW is prohibited in the following circumstances:

- On persons whose skin/clothes appear contaminated with combustible substances.
- On a person operating a motor vehicle.
- For coercion or intimidation.
- To escort or prod subjects.
- To awaken unconscious or intoxicated subjects.
- Against a subject offering passive resistance.

After each field use, data from the CEW shall be downloaded and saved as part of the case file to document the number of activations.

CEWs can be effective against aggressive animals. Use against animals is permitted. The use of a CEW on an animal should be documented in an incident report.

#### **Use of Handcuffs**

Handcuffs shall be used in a manner specified in department training. Handcuffs shall be issued or individually authorized by the department. Types that are authorized are the following:

- Metal hinged or linked police handcuffs.
- Plastic disposable handcuffs/flex cuffs.
- Restraints used at direction of medical personnel.

An officer taking another person into custody has the duty and the responsibility to restrain the detained person in a safe manner and to take proper measures to prevent an escape.

An officer has the authority to handcuff persons in custody for the safety of the officer, other citizens, and the person taken into custody.

If an officer has reasonable grounds to believe that the use of handcuffs is unreasonable, the use of handcuffs in instances of physical arrest is not mandatory.

The following are prohibited techniques:

- "Hogtying," i.e., restraining a person by handcuffing and tying hands to feet close together behind the back.
- Forcing a restrained person to remain handcuffed and lying face down for longer that what is reasonably necessary.

#### **Use of Spit Hoods**

The department shall maintain a stock of spit hoods to be issued to patrol officers to protect themselves from significant exposures from subjects in the course of their duties.

- Spit hoods shall not be applied until the subject is first restrained by securing their hands in handcuffs, flexcuffs, or medical restraints.
- Officers shall verbalize to the subject their intent to place a spit hood and reassure the subject they will be able to breathe.

#### Medical Aid After Use of Weapons and/or Force

Whenever a person is injured as a result of force applied by an officer, during the course of apprehension, or when a person requests medical care, officers on the scene shall provide first aid and request medical assistance, if necessary, for the injured person as soon as circumstances allow for aid.

After OC has been used on a suspect and the suspect is under control, the officer shall assess the welfare of the person. If symptoms from the application of OC persist beyond forty-five minutes, the person should be evaluated by medical personnel. Initial treatment for a person affected by aerosol chemical restraints shall include the following:

- Verbally reassure the person.
- Advise the person to remain calm and to try to breathe normally.
- Do not make the person lie face down for extended periods of time.
- Watch the person closely until the effects have worn off.
- If circumstances permit and the following can be safely achieved, the officer shall:
  - Remove the person to an area of fresh air and, if possible, face them into the wind.
  - Allow the person to flush the affected area with cool water or soap and water.
  - o Allow a person wearing contact lenses to remove them.
  - Advise the person to not rub the affected area.

All persons taken into custody who have been struck with a less lethal impact projectile shall be conveyed to a medical facility for a medical clearance.

Officers shall evaluate all persons on whom a CEW has been deployed and provide emergency medical attention if needed or requested. If CEW probes have penetrated the face, head, neck, groin, or a female's breast, the subject shall be conveyed to a medical facility for probe removal and medical clearance. If the probes are imbedded in other non-sensitive tissue areas, a trained officer may remove them according to the trained procedures.

#### **Use of Force Reports**

When any of the following occurs, information concerning the use of force must be verbally reported a supervisor during the shift and included in the incident report:

- A firearm is discharged for other than training or recreational purposes.
- An action is taken that results in, or is alleged to have resulted in, injury or death.
- A nonlethal weapon, less lethal, or lethal weapon is used on a person.
- Restraint beyond compliant handcuffing is used on a person.

Any use of force beyond compliant handcuffing shall be documented on a SHPD "Use of Force Report" form in addition to the Incident Report. It shall include the following: date, time and location of the incident, arrestee, witness and suspect information, actual resistance encountered, force used by the officer to overcome the resistance, weapons used, actual or alleged injuries to either the officer or the suspect, and pictures or other documentary evidence of any injuries received.

#### **Use of Force Review**

A SHPD supervisor shall conduct a first level use of force review of all reports involving the use of force greater than compliant handcuffing. The review should determine if there are any policy, training, weapon/equipment and/or discipline issues which should be addressed. Any such issues should be immediately forwarded to the Chief of Police or designee for further review.

A department subject matter expert in officer use of force, the Lieutenant, or Chief, shall then conduct a second level use of force review of all cases involving force greater than compliant handcuffing. This second level review shall assess the use of force as it pertains to department policy and training and determine if any corrections should be made to policy or training. Those conducting the second level reviews shall notify the Lieutenant or Chief immediately if they detect any violations of law or policy during their reviews.

For incidents where a firearm is discharged for other than training or recreational purposes or where the use of force results in serious injury or death, an immediate administrative review shall be initiated.

Any allegation of inappropriate use of force shall be investigated.

All press releases involving incidents in which an employee uses force involving a firearm or uses force that results in death or great bodily harm of another person, must be approved by the Chief of Police or designee.

The Lieutenant shall conduct an annual analysis on use of force incidents, policies, and practices. The annual analysis shall include the following:

- Date and time of incidents.
- Types of encounters resulting in use of force.
- Trends and patterns related to race, age and gender of subjects involved.
- Trends or patterns resulting in injury to any person including employees.
- Impact of findings on policies, practices, equipment, and training.

The Lieutenant shall conduct an annual review of all assaults on SHPD officers. This review shall help management determine trends or patterns and make recommendations to enhance officer safety by revising policies or addressing training issues.

#### **Use of Force by Community Service Officers**

Under most circumstances a community service officer does not have the authority to use force in the performance of duties. When possible, assistance should be summoned before an attempt is made to control a subject. Exceptions include the following:

- When exposed to attack or exposed to the threat of bodily harm.
- When protecting themselves or others against the immediate threat of bodily harm.
- When responding to the lawful order of a police officer.

Community service officers trained in the use of OC are authorized to carry issued OC on their person. The use of issued OC by community service officers is limited to preventing injury to self and others in situations when other means of avoiding physical confrontation have been exhausted or are deemed to be ineffective.

#### End.

Initial: 08/27/2014 Revised: 03/01/2018 Revised: 12/03/2020 Revised: 12/13/2021 Revised: 04/23/2022

#### Defensive and Arrest Tactics (DAAT): A system of verbalization skills coupled with physical alternatives.

#### DAAT Concepts:

- Control is a perception based on an officer's training, experience and the fact situation.
- Control is not a 50/50 proposition.
- · Proper police action balances safety and efficiency.

#### DAAT Rules:

- · No officers are injured.
- No subjects are injured needlessly.
- No one is accepted/detained or released improperly.

>12 ft

4-12 ft

1.5-4 ft 0-1.5 ft

Club or Edged Weapon - Any distance

where the officer reasonably perceives

Firearm - in the line of sight unbroken

by cover (something that would stop the

an imminent threat of death or great

#### Safety Priorities:

- · You
- Fellow Officers Civilians
- Suspects

#### When Can Officers Use Force?

- . To achieve and maintain control of resistive sublects
- . To detain persons reasonably suspected of criminal behavior
- . To make lawful arrests.
- . In defense of self or others.
- · To prevent escapes.

#### Key Rules for Use of Force:

- The purpose is control.
- Escalation does not need to follow step by step through Intervention options.
- You can always disengage and/or escalate.

Public

Social

Personal

Danger Zones

bodlly harm

Once control is achieved, you must reduce the level of force to that needed to maintain control.

CONTROL OF DISTANCE

Unarmed - Less than 10 ft

You must always maintain a position of advantage.

#### Categories of Force:

- · A trained technique.
- · A dynamic application of a trained technique.
- · Not trained by justified under the circumstances.

#### INCIDENT RESPONSE (RESPOND)

#### REPORT

- Become aware
- · Plan response
- Arrive/Assess
- Alarm/Inform

#### EVALUATE

- Look for Dangers
- . Determine back up needs
- · Enter when appropriate/ tactically sound

#### STABILIZE

- Subject/s
- Scene

#### PRESERVE

- Life
  - · Conduct an Initial medical assessment
  - · Treat to level of training

    Continue to monitor
- subject
- Evidence

### DISTURBANCE RESOLUTION

#### 1. APPROACH CONSIDERATIONS

#### A Decision-Making

- Justification
- Desirability

#### B. Tactical Deployment

- · Control of Distance
- Relative Positioning
- Relative Positioning with Multiple Subjects
- Team Tactics

#### C. Tactical Evaluation

 Threat Assessment Opportunities

#### THREAT ASSESSMENT OPPORTUNITIES

- · Level of Resistive Tension (agitation in a person's body)
- · Early Warning Signs
- Pre-attack Postures
- Indications of mental liness. emotional disturbance, or medically significant behavior
- Weapon Control Factors

#### OFFICER/SUBJECT FACTORS

- Numbers
- Age
- Size
- Relative Strength
- Skill Level

# Positioning









#### EARLY WARNING SIGNS

Signals or certain behaviors provided by the subject that are often associated with a high level of danger to officers

- · Conspicuously ignoring
- Excessive emotional attention
- Exaggerated movement
- · Ceases all movement
- Known violent history

#### PRE-ATTACK POSTURES

Behaviors that may indicate Imminent danger of physical assault

- Boxer Stance
- Hand set
- Shoulder Shift
- Target Glance
- . Thousand Yard Stare

#### ORGANIZE

- · Coordinate additional responding units (If necessary)
- · Communicate with dispatch and others
- · Organize the collection of evidence (if appropriate)

#### NORMALIZE

- Provide for long term monitoring (as appropriate)
- · Restore scene to normal
- Return radio communications to

#### DOCUMENT/DEBRIEF

- · Debrief self, others, subjects
- Document incident appropriately

## · Officer/Subject Factors

- Special Circumstances
- · Level/Stage/Degree of Stabilization

#### 2.INTERVENTION **OPTIONS**

3. FOLLOW THROUGH | CONSIDERATIONS

## SPECIAL CIRCUMSTANCES

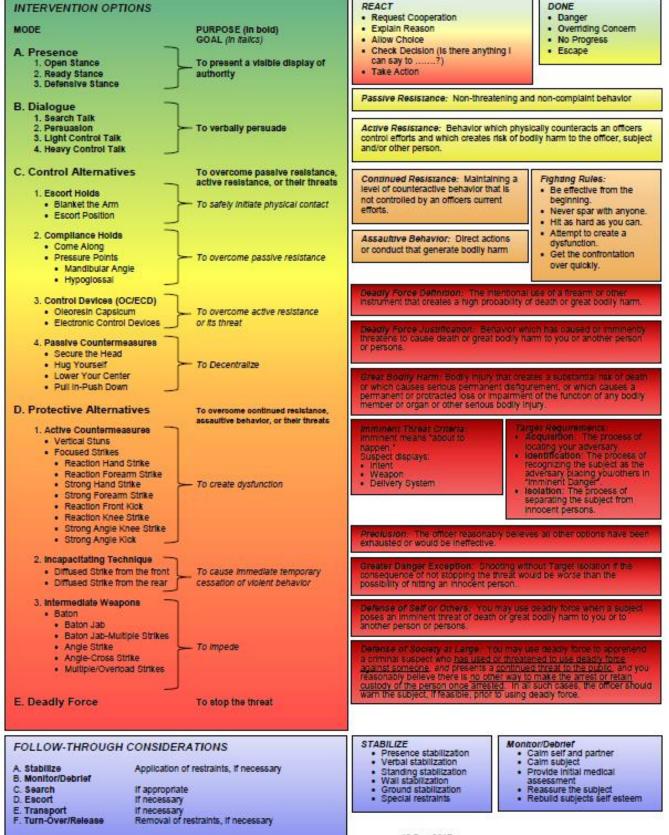
Factors or situation that may justify rapid escalation of force or selection of higher force options

- Reasonable perception of threat
- Special knowledge of subject
- Sudden assault
- Subject's ability to escalate force rapidly
- Your physical positioning
- injury or exhaustion
- Equipment or training
- Availability of backup
- · Other special circumstances

#### LEVEL/STAGE/DEGREE OF STABILIZATION

- Presence stabilization
- Verbai stabilization
- Standing stabilization
- · Ground stabilization

- Wall stabilization
- Special restraints



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