

FITCHBURG POLICE DEPARTMENT

USE OF FORCE POLICY
&
“8 CAN’T WAIT” OVERVIEW
June 9, 2020



City of Fitchburg Police Department Use-of-Force Policies and Protocols

The City of Fitchburg Police Department is committed to professionally serving our community. Our officers receive training in all aspects of our profession; including Crisis Intervention, Officer Wellness, Cultural Competence/Implicit Bias and many others. Our use of force training emphasizes our officers understand, justify and apply any use of force appropriately during the course of their duty. To aid us in the assessment of our use of force incidents and to improve the quality of our service delivery, the Fitchburg Police Department utilizes body-worn, in-car and Taser mounted video systems.

Our use of force policy is reviewed regularly to verify the expectations detailed within are followed by officers and are within the best practices outlined by our profession and community expectations. Our policy is consistent with the Wisconsin Department of Justice Law Enforcement Training and Standards Bureau training curriculum.

Police use of force is a topic which rightly deserves constant review and assessment. With a renewed focus on the topic, it is first important to understand when officers may use force. Officers are only permitted to use force when certain criteria, outlined in policy, are present or are reasonably believed to be present. While officers may be permitted to use force by policy, they may only use the amount of force they reasonably believe is necessary to control the situation or perform their duty. The assessment of necessary force is based on a number of factors outlined in policy and in accordance with applicable case law and standards.

Within the national dialogue and focus on police use of force, the Campaign Zero “8 Can’t Wait” campaign has garnered a great deal of attention. The campaign focuses on eight policies that restrict police use of force with the goal of improving outcomes for everyone involved in police encounters.

Some of the highlights within our use of force policy, as well as additional department policies, which address many components of the “8 Can’t Wait” campaign are as follows. Some components include clarifying commentary as indicated by an asterisk.

Ban Chokeholds & Strangleholds –Policy 2.001

“Strangle holds” and other similar holds or positions, which strangle or restrict the ability to breathe, are prohibited, except when the officer reasonably believes there exists a threat of great bodily harm or death for the officer or a third person if the officer does not deploy such tactic.” *

*In other words, a strangle hold is not permitted unless an officer would be authorized to use deadly force, such as a firearm.

Require Warning Before Shooting – Policy 2.001

“Before using deadly force, officers shall identify themselves and state their intent, where feasible. The use of deadly force shall not be threatened unless such force would be justified under this policy.”

Require De-Escalation – Policy 2.001

Officers are trained and the department reinforces the use of de-escalation techniques by officers, specifically creating time and distance and utilizing communication skills and verbalization prior to using any level of force, if appropriate.

These concepts are reinforced on an annual basis during in-service training.

Language related to de-escalation techniques will be added to the policy, however our policy does emphasize verbal techniques to avoid physical altercations:

“Control of a person through verbal commands is a lesser degree of force and it may be an alternative to the use of physical force and/or non-deadly weaponry.”

Require Exhausting all Alternatives Before Shooting –Policy 2.001

“After exhausting or ruling out all other reasonable means to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force and the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.”

Require Comprehensive Reporting – Policy 2.001, 2.031

“It is the responsibility of any officer who uses physical force, or any weapon, items or devices to complete an original or supplementary report on the incident involved and to specifically note the circumstances necessitating and manner of such use.”

Officers who witnessed the use of force must complete a report detailing their observations. Supervisors are also required to respond to specific incidents where a use of force occurred to conduct an initial investigation at the scene; which includes, interviewing witnesses and collecting any evidence (i.e. video/audio).

Use of force incidents meeting a minimum threshold of a decentralization also require the officers involved to complete a “Use of Force” form indicating the type of force used. Use of force incidents are reviewed or assessed by supervisory staff, department State Certified Tactics Instructors and/or command staff to ensure the use of force was within policy and department trained expectations, to identify possible ways to improve our level of response to the incident, including policy development, officer training or use of equipment.

The assessments are also used to enhance our officers' critical-thinking skills in future, similar events.

Duty to Intervene – Policy 1.010

The Fitchburg Police Department current policy indicates that officers have the duty to report any policy violations. We train officers to intervene in situations where they observe any use of force that is unnecessary or excessive.

We also support and reinforce to officers the concept of “Officer Override,” which states that a cover officer or another officer on-scene will step in if they observe an officer losing control of a situation in order to maintain safety for everyone involved.

We are currently developing language to the use of force policy to specifically require an officer’s duty to intervene in the instance of improper or excessive force.

Ban Shooting at Moving Vehicles – Policy 2.014

“Firing in the direction of, or from, a vehicle when such force may legally be used is forbidden if there is likelihood of serious injury to innocent persons or if the use of such force would likely outweigh the police purpose served.”*

*Shooting from a vehicle or at a vehicle requires the same criteria necessary to use deadly force. In other words, officers are not permitted to shoot at a moving vehicle for the mere purpose of stopping the vehicle. As a counter example, if someone in a moving vehicle was shooting at an officer or another person, the officer may be permitted to shoot.

Require Use of Force Continuum – Policy 2.001

“This policy is based on the Defense and Arrest Tactics (DAAT) program of the State of Wisconsin as developed by the Wisconsin Department of Justice Bureau of Training and Standards. The curriculum set forth by the Bureau of Training & Standards is based upon the principles of intervention options which provide officers with use-of-force options that are justified with specific behaviors observed. The use of deadly force is only to be used for the most extreme situation where death or great bodily harm are imminent and only after all other options are exhausted or inappropriate.

In summary, the Fitchburg Police Department, has already codified at least in part, (or practices), all eight policy concepts identified by the “8 Can’t Wait” campaign. As a professional organization dedicated to improvement and policing in partnership we recognize there is additional work to do.

We have already begun the process to enhance our use of force policies to ensure they are aligned with the values of our community, within the best practices of our profession and with the ultimate goal of respecting and preserving human life.

2.001 USE OF FORCE

A. DEFINITIONS

1. *Reasonably Believes* is defined as: When facts or circumstances the officer knows, or should know, at the time the officer acted, are such as to cause an ordinary, prudent, and reasonably intelligent police officer to act or think in a similar way under similar circumstances.
2. *Deadly force* is defined as: The intentional use of a firearm or other instrument, which would result in a high probability of death. Behavior which justifies deadly force is defined as: Any behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.
3. *Great Bodily Harm* is defined as: 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. (SS 939.22(14), WI Statutes)
4. *Lawful Force* is defined as: 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 of the incident.
5. *Non-Deadly/Non-Lethal Force* is defined as: Any use of force other than that which is considered deadly force.
6. *Active Resistance* is defined as: Active resistance occurs when an officer encounters behavior which physically counteracts his or her attempt to control and which creates risk of bodily harm to the officer or another person. The approved definition of active resistance generally prohibits, for example, use of control devices against verbal aggression; people who are running away; children and older persons; and/or persons engaged in peaceful civil disobedience, unless there is justification of reasonableness from Approach Considerations.
7. *Bodily Harm* is defined as: "physical pain or injury, illness, or any impairment of physical condition." (ss 939.22(4), WI Statutes)
8. *Passive resistance* is defined as: Passive resistance occurs when a subject refuses to comply with a directive from a law enforcement officer but does not attempt to engage in physical action likely to cause bodily harm to the officer or to another person.

9. *Physical Restraint* is defined as: Holding, restraining, pushing, pulling or other physical manipulation without the use of any weapon by one or more officers acting alone or in concert to control a person or to effect an arrest.
10. *Oleoresin Capsicum (Pepper Spray)*
Oleoresin Capsicum (OC) is a powerful inflammatory agent that occurs naturally in cayenne peppers. OC has a low likelihood of causing injury, but a high potential for control. OC is biodegradable and all symptoms should disappear within 15 to 45 minutes with no after effects.
11. *Electronic Control Device (Taser)*
A Conducted Electrical Weapon is a conducted energy weapon that utilizes compressed nitrogen to deploy two small probes. These probes are connected to the weapon by high-voltage insulated wire. When the probes make contact with the target, it transmits powerful electrical pulses along the wires and into the body of the target. This produces involuntary contraction of skeletal muscle tissue, overriding the motor nervous system, blocking command & control of the human body, directly stimulating motor nerve and muscle tissue, causing incapacitation.
12. *Target-Specific Directed Fire*
Target-specific directed fire is an application of deadly force that may be appropriate in certain limited situations. It is purposeful, controlled, sustained fire directed at a perpetrator who has caused or imminently threatens to cause death or great bodily harm to you or others, but whom you may not be able to clearly observe. The purpose of target-specific directed fire is to stop the threat when no other reasonable course of action would allow officers to perform a rescue, escape from danger, or otherwise prevent death or great bodily harm.

B. USE OF ONLY NECESSARY FORCE

1. Police officers shall exert no more force than is reasonably necessary in the discharge of their sworn duty. Officers shall exercise extreme care in the use of deadly force and that the use of deadly force is consistent with law and this Policy. Should any portion of the Use of Force Policy be less restrictive than State Statute, the State Statute shall have precedence. Should any portion of the Use of Force Policy be more restrictive than the State Statute, the State Statute shall have precedence.
2. When Necessary Force May Be Used

- a. Sworn officers of this agency are authorized to use "Necessary Force" toward another person without their consent when one or more of the following circumstances exist or an officer REASONABLY BELIEVES they exist:
 - (1) Detaining a person reasonably suspected of criminal involvement.
 - (2) Effecting an arrest.
 - (3) Overcoming resistance.
 - (4) Preventing escape, or to retake following an escape.
 - (5) Protecting oneself or another from physical harm.
 - (6) Maintaining order.
 - (7) Taking into protective custody a subject who poses either a threat to him/herself or others.
 - (8) Enforcing an order of the court.
 - (9) In executing any other duty imposed by law.

- 3. Degree of Force That May Be Used
 - a. Officers shall use only the degree of force they reasonably believe is necessary to control the situation and/or perform their duty. In determining the degree of force that is reasonably necessary, an officer shall consider the following factors:
 - (1) The existence of alternative methods of control.
 - (2) Officer-subject factors, including physical size, relative strength, age, and skill level of the subject.
 - (3) The nature of the encounter.
 - (4) The actions of the subject.
 - (5) Subject's ability to escalate force rapidly, i.e., proximity to weapons.
 - (6) Exigent conditions such as availability of backup, number of persons involved, etc.

4. Verbal Commands
 - a. Control of a person through verbal commands is a lesser degree of force and may be an alternative to the use of physical force and/or non-deadly weaponry.
 - b. It is recognized that this method alone is not always effective or appropriate in gaining compliance and it may become necessary to escalate the degree of force.
 - c. When it is determined that verbal commands alone are neither effective nor appropriate, an officer may escalate the degree of force based on the actions of the person they are attempting to control.
 - d. Whenever possible, an officer should continue to give verbal directions and commands while using higher levels of force.

5. Disturbance Resolution Model
 - a. This policy is based on the Defense and Arrest Tactics (DAAT) program of the State of Wisconsin as developed by the Training & Standards Board (Department of Justice – Bureau of Training & Standards).
 - b. The concept of escalating/de-escalating degrees of force is based on an officer's reaction to a specific action of the person they are attempting to control. Officers are not required to begin a confrontation at the verbal command level and escalate step-by-step until control is gained. Which mode an officer chooses in a given situation depends on the officer's tactical evaluation and threat assessment. The criteria, as articulated in the landmark case of *Graham vs Connor*, is whether the level and degree of force is objectively reasonable.
 - c.. Once a person has stopped resisting or attempting to escape, or is under control, the amount of force used should be reduced to the minimum necessary to maintain control of the subject.
 - d. Protective alternatives may also be used as control alternatives depending on the situation. Remember that intervention options are just that – options. Officers shall choose the appropriate option depending on the totality of circumstances.

e. 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
Officer/subject factors
Special Circumstances
Level/stage/degree of stabilization |

2. INTERVENTION OPTIONS

PURPOSE

- | | |
|----------------------------|----------------------------------------------------------------------------|
| A. Presence | To present a visible display of authority |
| B. Dialog | To verbally persuade |
| C. Control Alternatives | To overcome passive resistance, active resistance,
or their threats. |
| D. Protective Alternatives | To overcome continued resistance, assaultive
behavior, or their threats |
| E. Deadly Force | To stop the threat |

3. FOLLOW-THROUGH CONSIDERATIONS

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

6. Use of Restraining Devices
 - a. Officers should place handcuffs on any individual in custody when the officer reasonably believes the individual may become violent, attempt to escape, or pose a danger to self or others. It is strongly suggested that all persons who have aggressively resisted or attacked another person be placed in handcuffs.
 - b. When handcuffs prove to be insufficient in restraining an individual (e.g., kicking, attempting to flee, etc.) officers may employ the use of additional department-approved restraining device, i.e. flex cuffs.
 - c. In an emergency situation when a department-approved restraining device is not available, the department recognizes that alternative devices may have to be employed. In such situations, approved devices should be substituted as soon as reasonably practicable.
 - d. Individuals who are placed in a position of maximum restraint should be continuously monitored for breathing and circulation.
 - e. Hog-tying is prohibited.
 - (1) Hog-tying of subjects is prohibited. Hog-tying is defined as placing a subject in a prone position, with their arms and legs tied together behind them.
 - (2) Officers shall attempt to remove restrained subjects from a prone face down position as soon as safely practical.
 - (3) Subjects that have been handcuffed in this position shall be monitored for any medical or breathing difficulties. Immediate medical treatment or evaluation shall be obtained if signs or symptoms of breathing difficulty occur.
 - (4) Subjects shall not be transported in a prone face down position.
 - (5) Officers have a responsibility for all subjects in their custody. Officers shall monitor and offer or seek medical attention whenever it is questionable or deemed necessary.

7. Responsibility to Monitor Subject for Signs of Injury
 - a. Whenever physical force is used to control a subject, it is the officer's responsibility to monitor the subject for signs of injury. If an injury is such that it requires medical treatment, every effort will be made to provide such treatment. If the subject refuses medical treatment for his/her injury this fact shall be documented in the officer's report. Officers should use their training and other resources available to them to determine if the injury is treatable.
 - b. Officers must recognize the potentially life threatening phenomenon known as Excited Delirium. Excited Delirium is a medical condition that is usually brought on by stimulant drug abuse or non-compliance with psychiatric medications. Any person who is delirious requires prompt medical evaluation and treatment, and EMS shall be notified if these symptoms are recognized by the officer. The delirious person is likely to manifest acute behavioral disturbance. These individuals can appear normal until they are questioned, challenged or confronted. When confronted or frightened these individuals can become oppositional, defiant, angry, paranoid and aggressive. Further, confrontation, threats, and use of force will almost certainly result in further aggression and even violence. Attempting to restrain and control these individuals can be difficult because they frequently possess unusual strength, pain insensitivity and instinctive resistance to any use of force. The failure of officers to recognize this life-threatening condition may delay the urgent help that is needed to save the affected person.

C. USE OF DEADLY FORCE

1. Sworn officers of this agency have the authority to discharge firearms or use other deadly force options in connection with the performance of official police duties under, and only under, the following circumstances:
 - a. To protect the officer or another person(s) from apparent death or great bodily harm.
 - b. After exhausting or ruling out all other reasonable means to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force and the

officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.

- c. To destroy a dangerous animal or one so badly injured that humanity requires its relief from further suffering. The latter case requires, when practical, an owner authorization to destroy prior to use of a firearm to destroy a domesticated animal. Officers who destroy an injured animal must be especially sensitive to the presence of bystanders and witnesses that may be emotionally attached to the animal.
 - d. Unnecessarily or prematurely drawing or exhibiting a firearm limits an officer's alternatives in controlling a situation, creates unnecessary anxiety on the part of citizens, and may result in an unwarranted or unintentional discharge of the firearm. An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief that there is a substantial risk that the situation may escalate to the point where deadly force may be justified. When an officer has determined that the use of deadly force is not necessary, the officer shall, as soon as practical, secure or holster the firearm.
 - e. If chemical or electric weapons are employed (or threatened) against an officer, if reasonably possible, (s)he should attempt to protect their eye area, control breathing, disengage, and maintain weapon control. The fact that a subject is armed with or uses chemical or electric weapons does not in and of itself justify the use of deadly force. In determining the appropriate response, an officer shall consider the situational factors described in "Use of Only Necessary Force". It is recognized that an officer will likely be completely vulnerable if successfully attacked with these weapons and that deadly force may be necessary to protect the officer from death or great bodily harm.
 - f. Before using deadly force, officers shall identify themselves and state their intent, where feasible. The use of deadly force shall not be threatened unless such force would be justified under this policy.
2. Deadly Force Against a "Fleeing Felon"
- a. Use of deadly force against a fleeing felon will be limited to the force allowed, as stated in standard "Use of Deadly Force".
3. Instruction of Personnel

- a. All sworn personnel will receive instruction in the policies before being authorized to carry a firearm.

D. UNAUTHORIZED DISCHARGE OF FIREARMS

1. Warning shots.
2. At unseen subjects, (for example, through a door or into a building) unless such subjects are in close proximity to the officer and are firing at an officer or if Target-Specific Directed Fire is justifiable.
3. Under any circumstances not authorized by this policy.

E. CARRYING OF OLEORESIN CAPSICUM WHILE OFF DUTY

1. The carrying of Oleoresin Capsicum while off duty is limited to the circumstances and conditions stated in this policy.

F. USE OF NON-LETHAL WEAPONS BY AGENCY PERSONNEL

1. "Strangle holds" and other similar holds, which choke or restrict the ability to breathe, are prohibited, except when the officer reasonably believes there exists a threat of great bodily harm or death for the officer or a third person if the officer does not deploy such tactic.
2. The use by an officer of an impact weapon to strike a blow above the shoulders except when the officer reasonably believes there exists a threat of apparent death or great bodily harm. This section is not intended to apply to an accidental strike to the head due to resistance. An impact weapon is any item used to gain control of a subject by striking.
3. The carrying or use of "filled" batons, numchucks, brass knuckles, saps, and sap gloves is STRICTLY PROHIBITED.
4. Department-approved batons are the only authorized impact weapons. Other devices, flashlights, radios, firearms, etc., are not recommended to be used as impact weapons; however, the department recognizes that emergency self-defense situations involving other objects and instruments may occur.
5. Officers will not carry or use a baton without first being instructed in its proper use.

G. OLEORESIN CAPSICUM (PEPPER SPRAY)

1. Officers who have been trained in and certified for use of OC by a certified Wisconsin DOJ D.A.A.T. instructor may carry and use department-issued and approved OC. All authorized officers in a uniformed patrol capacity are required to carry department-issued OC on their duty belt. Officers in non-uniform assignments are required to have OC promptly accessible, if not on their person. Sworn administrative personnel may carry OC on an as needed basis. Before using OC, officers should identify themselves, and state their intent to use OC, where feasible.
2. Officers are permitted to use OC when necessary to overcome active resistance or its threat. Mere passive resistance or verbal arguments against being arrested do not justify the use of OC without words and actions showing intent to physically resist or to harm the officer. OC may be used on animals only if they demonstrate a threat to the officer or other persons.
3. When OC is used on a person or animal (on-duty or off-duty), the user will notify an on-duty supervisor and will complete an incident report and Use of Force Tactics form detailing the circumstances of the incident.
4. Officers shall exercise sound judgment when using OC and shall consider the potential for cross-contamination to the user, other officers and bystanders.
5. Absent extraordinary circumstances, officers should not utilize OC if it appears children less than two years of age are in the area that would be contaminated.
6. OC shall not be utilized by departmental personnel once the individual is subdued and under control.
7. Blood should be the primary test for persons arrested for an alcohol-related driving offense, if they have been sprayed with OC.
8. Decontamination procedures: Departmental personnel who use OC on a person shall ensure the person is decontaminated as soon as practical after the person has been subdued. At a minimum, officers shall:
 - a. Expose the person to fresh air and flush exposed areas with large amounts of cold water as soon as practical.
 - b. Inform the person that clothing should be washed thoroughly and soft contact lenses may have to be discarded.

-
- c. Inform the subject additional relief may be gained by showering and washing affected areas with soap and water. Do not apply salves, creams, or lotions.
 - d. Monitor the subject for 45 minutes after application and, if incarcerated, notify confinement personnel of the use of OC. Transport to a medical facility shall be arranged if there is no recovery within 45 minutes, an adverse reaction occurs, there are contact lens related complications, or if requested by the subject.
 - e. Ventilate any enclosed areas where OC was used for at least 45 minutes.
 - f. If circumstances permit, and it can be done without endangering departmental personnel, reasonable efforts to decontaminate animals should be made or the information conveyed to the animal's owner.
9. Carrying of OC
- a. Off-duty officers may, at their discretion, carry OC. Off-duty officers carrying OC by virtue of their status as police officers shall possess department-issued police credentials and, if practical, identify themselves as police officers before taking any police action. Off-duty officers acting under color of law will comply with department policies.
 - b. An off-duty officer will not consume or be under the influence of alcoholic beverages or any other drug when carrying department-issued OC.

H. SPECIALTY IMPACT MUNITIONS (SIM)

- 1. SIM provides officers with an additional use of force option, increasing the possibility of a positive outcome (usually subject/suspect control) while decreasing the potential of death or serious injury. The use of SIM is a protective alternative within the intervention options and not a substitute for deadly force.
- 2. Training
 - a. SIM may only be utilized by officers who have successfully completed training in their use. Deployment of SIM will be in accordance with departmental training and policy.
 - b. If an officer fails to qualify with SIM they will not be authorized to deploy SIM.

- c. Officers will be trained and qualify on an annual basis for SIM.
3. Deployment
- a. SIM is not a substitute for deadly force. An officer may not deploy SIM unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with SIM must continuously monitor and evaluate the ability of other officers present to deliver deadly force.
 - b. The deploying officer must ensure the breakable seal for the munitions was intact prior to loading the weapon.
 - c. The deploying officer must ensure the weapon is loaded with less lethal impact rounds.
 - d. The SIM system should be deployed from a position of cover and concealment, if at all possible.
 - e. Like any use of force, deployment of SIM must be evaluated using the criteria in this policy and the State of Wisconsin Disturbance Resolution Model. Deployment of SIM at non-vital areas is considered non-deadly force, but is considered to fall just above baton strikes (at the upper range of the “intermediate weapon” mode) on the Disturbance Resolution Model. Deployment of SIM to the head, face, groin, or neck is considered deadly force.
 - f. Prior to deployment, an apprehension plan should be coordinated and communicated to all on-scene officers, if practical.
 - g. After deployment, officers should re-evaluate the threat and take appropriate steps to stabilize and control the suspect and the scene.
 - h. Absent an imminent threat of harm to officers or citizens, SIM will not be used in crowd management situations. SIM will not be used to move or disperse crowds.
 - i. SIM may be deployed in other jurisdictions pursuant to a mutual aid request. If the subject is taken into custody by another agency, officers from that agency shall be notified of the need for medical evaluation.

- j. If a supervisor is not on duty, the on-call supervisor shall be notified as soon as practical of the deployment of SIM.
- 4. Follow Through Considerations
 - a. All people struck with SIM shall be taken to an emergency room for medical clearance.
 - b. Photographs shall be taken of impact sites and any other related injuries.
 - c. Once the scene has been secured, fired munitions are to be recovered and secured as evidence.
 - d. Deployment of SIM is not considered an “officer-involved shooting” unless death or great bodily harm results.
 - e. The SIM sock sleeve shall be preserved and inspected by a supervisor.
- 5. Reporting Requirements
 - a. Whenever SIM is deployed, even if only as a show of force, an incident report and Use of Tactics form shall be completed and forwarded in accordance with current department protocols.
- I. ELECTRONIC CONTROL DEVICE (TASER)
 - 1. An approved ECD device shall be carried by sworn personnel assigned to patrol and may only be utilized by officers that have successfully completed training in its use. Deployment and use of the ECD will be in accordance with departmental training and procedure.
 - 2. The ECD is not a substitute for deadly force in cases where a subject is believed to be armed with a firearm. Officers may not arm him or herself with an ECD against a person with a firearm unless another officer at the scene has the immediate ability to deliver deadly force. Officers armed with a ECD should continuously monitor and evaluate the ability of other officers present to deliver deadly force.
 - 3. In situations where the subject is not believed to be armed with a firearm, it is not required that another officer at the scene have the immediate ability to deliver deadly force. An officer may arm himself or herself with a ECD in these situations, however, they

-
- should continuously monitor and evaluate the situation to determine if ECD use is appropriate.
4. The ECD shall be carried on the officer's weak side in a department-approved holster.
 5. An officer may only display, present, or threaten to deploy the ECD if the officer reasonably believes the potential for its authorized use exists.
 6. Deployment of the ECD will be evaluated using the criteria in this policy and within the framework of the State of Wisconsin Disturbance Resolution Model. The ECD may only be used under the following circumstances.
 - a. To overcome violent or assaultive behavior or its threat.
 - b. To overcome active resistance or its threat.
 - c. To control persons in order to prevent them from harming themselves or others.
 7. Use of an ECD under the following circumstances is prohibited, unless exigent circumstances are present.
 - a. Against handcuffed subjects.
 - b. Against subjects fleeing on foot.
 - c. Against subjects operating a motor vehicle.
 8. The ECD will not be used under the following circumstances:
 - a. For coercion or intimidation.
 - b. To escort or prod subjects.
 - c. To awaken unconscious or intoxicated subjects.
 - d. From a moving vehicle.
 - e. Against subjects who are offering only passive resistance without posing an articulable threat to officers or others.
 9. ECD probes may not be intentionally fired at the face, head, neck, or groin, unless the use of deadly force would be justified.

10. Officers shall evaluate all subjects against whom the ECD has been deployed as soon as practical after the person is under control, and should provide emergency medical treatment when:
 - a. Requested.
 - b. An adverse reaction to the ECD occurs.
 - c. The subject is subjected to two (2) ECD deployments simultaneously.
 - d. The subject received five (5), five (5) second cycles from the ECD or one (1) cycle of twenty-five (25) seconds or more.
 - e. If the ECD probes have penetrated the skin in a sensitive area (head, neck, groin, and breasts of a female) the subjects will be conveyed to an emergency room for removal. If the probes are embedded in non-sensitive areas, a trained officer may remove them.
11. After the probes have been removed, they shall be handled as a bio-hazard and packaged according to trained procedures by placing them within the spent cartridge. The cartridge shall be put in a bio-hazard bag and placed into the evidence property system. Photographs shall be taken of the impact sites and any other related injuries.
12. When an ECD is deployed on a person or animal, the officers(s) shall notify a supervisor as soon as practical.
13. When an officer displays or deploys an ECD, the officer(s) shall complete an incident report detailing the circumstances of the incident. The officers(s) shall also complete a Use of Tactics form. The officer(s) completing the Use of Tactics form shall list the identifying number of the ECD deployed. The on-duty supervisor shall download the internal data recorded by the ECD and attach the data to the report as soon as practical. The supervisor shall also download the ECD video/audio as soon as practical and make a DVD copy. This copy shall be placed into evidence.
14. All trigger activations, other than spark tests and authorized training, shall be reported to the shift supervisor as soon as practical, but no later than the end of the shift the activation occurred on.
15. Each ECD unit shall be set for laser activation and the battery pack/camera shall only be removed by a supervisor.

16. ECD's will be charged by trained personnel only.
17. The ECDs and cartridges will be kept in a storage room within the Briefing Room.
 - a. Trained personnel shall obtain an ECD. At the start of their shift, or as soon as practical, a spark test shall be done according to ECD training. After spark testing, one cartridge will be attached to the ECD. The officer shall also take one (1) extra cartridge. The officer shall complete the ECD Check-Out Log Sheet indicating the results of the spark test. If an officer is assigned to a call before (s)he is able to checkout an ECD, the officer shall return as soon as practical after the assignment and complete the checkout procedure.

J. REPORTING USE OF FORCE

1. It is the responsibility of any officer who uses physical force, or any of the following enumerated weapons, items or devices to complete an original or supplementary report on the incident involved and to specifically note the circumstances necessitating and manner of such use:
 - a. Firearms (e.g., striking with or as show of force)
 - b. Less lethal impact munitions (striking with or as show of force)
 - c. Baton (e.g., the striking, blocking or pushing of any person)
 - d. OC Spray
 - e. Conducted Electrical Weapon
 - f. Handcuffs or other restraining devices
 - g. Physical force (e.g., striking, punching, pushing or restraining any person)
2. Any officers on the scene of a Use of Tactics incident as described in Section J1 shall complete an original or supplemental report.
3. In addition to the above, each officer who uses force listed in the Intervention Options as "Compliance Hold (come-along)" or greater shall report to the on-duty Shift Supervisor as soon as circumstances permit, while still on scene of the incident. In the

event a supervisor is not on-duty, the on-call supervisor shall be notified if: OC is used, an ECD is deployed, an active countermeasure or above is used, or if there are any injuries, as a result of the force, requiring medical attention. He/She shall complete a Use of Tactics form as soon as practical thereafter.

- a. The purpose of filling out the Use of Tactics form and incident report is for the immediate documentation of the force used. The reports will also be used to assist in evaluating the incident, policy, training, and equipment. The mere existence of one or more justifiable Use of Tactics forms cannot be used in an officer's performance evaluation. Furthermore, since the report merely records a historical event, the mere existence of one or more justifiable Use of Tactics forms cannot be the basis for discipline. Force, which is justified, is permissible, regardless of the number of usages.
 - b. It is the procedure of this department that every time an officer or CSE removes his/her handgun from the holster or removes the rifle from a squad car while on a call, the officer or CSE will complete a Use of Tactics form and complete a report, regardless if the weapon was pointed at another person.
4. Off-duty officers who, under color of law, are involved in a use of force situation are subject to the same reporting requirements and procedures as on-duty officers.
 5. Supervisory Requirements of Use of Tactics Incidents:
 - a. A supervisor should respond to the scene of a Use of Tactics incident when the level of force is at or higher than a compression hold (come-along). If a supervisor is unable to respond, the supervisor shall provide justification for not responding.
 - b. A supervisor shall ensure all witnesses have been interviewed
 - c. A supervisor shall be advised of any injuries to officers and/or suspects.
 - d. A supervisor shall ensure all video/audio evidence is collected prior to the end of the shift, or as soon as possible by the on-coming supervisor.

- e. A supervisor shall ensure reports are completed and the Use of Tactics form is completed prior to the end of the shift.
- f. A supervisor shall determine, through the preliminary investigation, if the use of tactics was within policy and if the incident requires a review by the Use of Tactics Review Panel, and report his or her findings on the Use of Tactics form. The form will then be provided to the Patrol/Operations Lieutenant as soon as possible.
- g. If the supervisor is involved in the Use of Tactics incident, that supervisor will ensure the above steps (a-f) are completed, however will not determine if the use of force is within policy or if a review is necessary. The Patrol/Operations Lieutenant will be responsible for that determination.

K. POLICY DISTRIBUTION AND TRAINING

- 1. A copy of the Use of Force policy, including all future amendments or revisions, shall be distributed to all sworn personnel.
- 2. The department shall conduct, at least annually, training pursuant to the terms of this policy.

REVISED: 05/22/06
10/31/07
04/18/09
06/01/15
10/01/15
03/28/16