

Use of Force

300.1 PURPOSE AND SCOPE

This policy provides guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

In addition to those methods, techniques, and tools set forth below, the guidelines for the reasonable application of force contained in this policy shall apply to all policies addressing the potential use of force, including but not limited to the Control Devices and Techniques and Conducted Energy Device policies.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Deadly force - Force reasonably anticipated and intended to create a substantial likelihood of causing death or very serious injury. The Wisconsin Training and Standards curriculum defines Deadly Force as “The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.”

Feasible - Reasonably capable of being done or carried out under the circumstances to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.

Force - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Imminent - Ready to take place; impending. Note that imminent does not mean immediate or instantaneous.

Totality of the circumstances - All facts and circumstances known to the officer at the time, taken as a whole, including the conduct of the officer and the subject leading up to the use of force.

300.2 POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved on a daily basis in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Platteville Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interests.

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300.2.1 DUTY TO INTERCEDE AND REPORT

Any officer present and observing another law enforcement officer or a member using force, without regard for chain of command, that is clearly beyond that which is objectively reasonable under the circumstances shall, when in a position to do so, intercede to prevent the use of unreasonable force (Wis. Stat. § 175.44) if all of the following apply:

1. The law enforcement officer observes the use of force that does not comply with the standards under 175.44 sub. (2) (b) or (c).
2. The circumstances are such that it is safe for the law enforcement officer to intervene.

Any officer who observes another law enforcement officer or a member use force that is potentially beyond that which is objectively reasonable under the circumstances shall report these observations to a supervisor as soon as feasible (Wis. Stat. § 175.44).

300.2.2 PERSPECTIVE

When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

300.3 USE OF FORCE

Officers shall use only that amount of force that reasonably appears necessary given the facts and circumstances perceived by the officer at the time of the event to accomplish a legitimate law enforcement purpose.

The reasonableness of force will be judged from the perspective of a reasonable officer on the scene at the time of the incident. Any evaluation of reasonableness must allow for the fact that officers are often forced to make split-second decisions about the amount of force that reasonably appears necessary in a particular situation, with limited information and in circumstances that are tense, uncertain and rapidly evolving.

Given that no policy can realistically predict every possible situation an officer might encounter, officers are entrusted to use well-reasoned discretion in determining the appropriate use of force in each incident.

It is also recognized that circumstances may arise in which officers reasonably believe that it would be impractical or ineffective to use any of the tools, weapons or methods provided by the Department. Officers may find it more effective or reasonable to improvise their response to rapidly unfolding conditions that they are confronting. In such circumstances, the use of any improvised device or method must nonetheless be reasonable and utilized only to the degree that reasonably appears necessary to accomplish a legitimate law enforcement purpose.

While the ultimate objective of every law enforcement encounter is to avoid or minimize injury, nothing in this policy requires an officer to retreat or be exposed to possible physical injury before applying reasonable force.

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The Department has set specific procedures for the Use of Force which officers shall review and abide by. [See attachment: Use of Force Procedure.pdf](#)

300.3.1 USE OF FORCE TO EFFECT AN ARREST

A law enforcement officer may use reasonable force to arrest a person or execute a warrant. Additionally, a law enforcement officer making a lawful arrest may command the aid of any person, and such person shall have the same power as that of the law enforcement officer (Wis. Stat. § 968.07; Wis. Stat. 968.14).

300.3.2 FACTORS USED TO DETERMINE THE REASONABLENESS OF FORCE

When determining whether to apply force and evaluating whether an officer has used reasonable force, a number of factors should be taken into consideration, as time and circumstances permit. These factors include but are not limited to:

- (a) Immediacy and severity of the threat to officers or others.
- (b) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (c) Officer/subject factors (e.g., age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (d) The effects of suspected drug or alcohol use.
- (e) The individual's mental state or capacity.
- (f) The individual's ability to understand and comply with officer commands.
- (g) Proximity of weapons or dangerous improvised devices.
- (h) The degree to which the individual has been effectively restrained and his/her ability to resist despite being restrained.
- (i) The availability of other reasonable and feasible options and their possible effectiveness.
- (j) Seriousness of the suspected offense or reason for contact with the individual.
- (k) Training and experience of the officer.
- (l) Potential for injury to officers, suspects, and others.
- (m) Whether the individual appears to be resisting, attempting to evade arrest by flight, or is attacking the officer.
- (n) The risk and reasonably foreseeable consequences of escape.
- (o) The apparent need for immediate control of the individual or a prompt resolution of the situation.
- (p) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (q) Prior contacts with the individual or awareness of any propensity for violence.
- (r) Any other exigent circumstances.

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300.3.3 PAIN COMPLIANCE TECHNIQUES

Pain compliance techniques may be effective in controlling a physically or actively resisting individual. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training. Officers utilizing any pain compliance technique should consider:

- (a) The degree to which the application of the technique may be controlled given the level of resistance.
- (b) Whether the individual can comply with the direction or orders of the officer.
- (c) Whether the individual has been given sufficient opportunity to comply.

The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

300.3.4 USE OF FORCE TO SEIZE EVIDENCE

In general, officers may use reasonable force to lawfully seize evidence and to prevent the destruction of evidence. However, officers are discouraged from using force solely to prevent a person from swallowing evidence or contraband. In the instance when force is used, officers should not intentionally use any technique that restricts blood flow to the head, restricts respiration or which creates a reasonable likelihood that blood flow to the head or respiration would be restricted. Officers are encouraged to use techniques and methods taught by the Platteville Police Department for this specific purpose. If the object(s) swallowed by the suspect is/are likely to cause harm to the suspect, Officers are to take the suspect into custody and seek medical attention.

300.3.5 ALTERNATIVE TACTICS - DE-ESCALATION

When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

300.3.6 CHOKE HOLD

The use of a choke hold, which is the intentional and prolonged application of force to the throat or windpipe, is limited to circumstances where deadly force is authorized and if applied, is subject to the same guidelines and requirements as a carotid control hold (Wis. Stat. § 66.0511).

300.4 DEADLY FORCE APPLICATIONS

When reasonable, the officer shall, prior to the use of deadly force, make efforts to identify him/herself as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

Use of deadly force is justified in the following circumstances involving imminent threat or imminent risk:

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- (a) An officer may use deadly force to protect him/herself or others from what he/she reasonably believes is an imminent threat of death or great bodily harm.
- (b) An officer may use deadly force to stop a fleeing subject when the officer has probable cause to believe that the individual has committed, or intends to commit, a felony involving the infliction or threatened infliction of great bodily harm or death, and the officer reasonably believes that there is an imminent risk of great bodily harm or death to any other person if the individual is not immediately apprehended. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

Imminent does not mean immediate or instantaneous. An imminent danger may exist even if the suspect is not at that very moment pointing a weapon at someone. For example, an imminent danger may exist if an officer reasonably believes that the individual has a weapon or is attempting to access one and intends to use it against the officer or another person. An imminent danger may also exist if the individual is capable of causing great bodily harm or death without a weapon, and the officer believes the individual intends to do so.

300.4.1 MOVING VEHICLES

Shots fired at or from a moving vehicle involve additional considerations and risks, and are rarely effective.

When feasible, officers should take reasonable steps to move out of the path of an approaching vehicle instead of discharging their firearm at the vehicle or any of its occupants.

An officer should only discharge a firearm at a moving vehicle or its occupants when the officer reasonably believes there are no other reasonable means available to avert the imminent threat of the vehicle, or if deadly force other than the vehicle is directed at the officer or others.

Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.

300.5 REPORTING THE USE OF FORCE

Any use of force by a member of this department shall be documented promptly, completely, and accurately in an appropriate report, depending on the nature of the incident. The officer should articulate the factors perceived and why he/she believed the use of force was reasonable under the circumstances.

To collect data for purposes of training, resource allocation, analysis, and related purposes, the Department may require the completion of additional report forms, as specified in department policy, procedure, or law. See the Report Preparation Policy for additional circumstances that may require documentation.

300.5.1 NOTIFICATIONS TO SUPERVISORS

Supervisory notification shall be made as soon as practicable following the application of force in any of the following circumstances:

- (a) The application caused a visible injury.

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- (b) The application would lead a reasonable officer to conclude that the individual may have experienced more than momentary discomfort.
- (c) The individual subjected to the force complained of injury or continuing pain.
- (d) The individual indicates intent to pursue litigation.
- (e) Any application of the ECD or control device.
- (f) Any application of a restraint device other than handcuffs, shackles, or belly chains.
- (g) The individual subjected to the force was rendered unconscious.
- (h) An individual was struck or kicked.
- (i) An individual alleges unreasonable force was used or that any of the above has occurred.

300.5.2 REPORTING TO WISCONSIN DEPARTMENT OF JUSTICE

Statistical data regarding all qualifying use of force incidents is to be reported to the Wisconsin Department of Justice as required by Wis. Stat. § 165.845. For the purposes of this section, a qualifying use of force incident means any incident (Wis. Stat. § 165.845):

- (a) Involving the discharge of a firearm by an officer at or in the direction of a civilian.
- (b) Involving the discharge of a firearm by a civilian at or in the direction of an officer.
- (c) Involving any action taken by an officer in response to an act of resistance that results in great bodily harm or death (Wis. Stat. § 939.22).
- (d) Involving an act of resistance taken by a civilian against an officer that results in great bodily harm or death.

300.6 MEDICAL CONSIDERATIONS

Once it is reasonably safe to do so, medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious. Any individual exhibiting signs of physical distress after an encounter should be continuously monitored until the individual can be medically assessed. Individuals should not be placed on their stomachs for an extended period, as this could impair their ability to breathe.

Based upon the officer's initial assessment of the nature and extent of the individual's injuries, medical assistance may consist of examination by an emergency medical services provider or medical personnel at a hospital or jail. If any such individual refuses medical attention, such a refusal shall be fully documented in related reports and, whenever practicable, should be witnessed by another officer and/or medical personnel. If a recording is made of the contact or an interview with the individual, any refusal should be included in the recording, if possible.

The on-scene supervisor or, if the on-scene supervisor is not available, the primary handling officer shall ensure that any person providing medical care or receiving custody of a person following any use of force is informed that the person was subjected to force. This notification shall include a description of the force used and any other circumstances the officer reasonably believes would

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be potential safety or medical risks to the subject (e.g., prolonged struggle, extreme agitation, impaired respiration).

Individuals who exhibit extreme agitation, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics, and imperviousness to pain, or who require a protracted physical encounter with multiple officers to be brought under control, may be at an increased risk of sudden death. Calls involving these persons should be considered medical emergencies. Officers who reasonably suspect a medical emergency should request medical assistance as soon as practicable and have medical personnel stage away.

See the Medical Aid and Response Policy for additional guidelines.

300.7 SUPERVISOR RESPONSIBILITIES

A supervisor should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor is able to respond to an incident in which there has been a reported application of force, the supervisor is expected to:

- (a) Obtain the basic facts from the involved officers. Absent an allegation of misconduct or excessive force, this will be considered a routine contact in the normal course of duties.
- (b) Ensure that any injured parties are examined and treated.
- (c) When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual having voluntarily waived his/her *Miranda* rights, the following shall apply:
 1. The content of the interview should not be summarized or included in any related criminal charges.
 2. The fact that a recorded interview was conducted should be documented in a property or other report.
 3. The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
- (d) Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 1. These photographs should be retained until all potential for civil litigation has expired.
- (e) Identify any witnesses not already included in related reports.
- (f) Review and approve all related reports.
- (g) Determine if there is any indication that the individual may pursue civil litigation.
 1. If there is an indication of potential civil litigation, the supervisor should complete and route a notification of a potential claim through the appropriate channels.

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- (h) Evaluate the circumstances surrounding the incident and initiate an administrative investigation if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.

In the event that a supervisor is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.

300.7.1 SHIFT SERGEANT RESPONSIBILITY

The Shift Sergeant shall review each use of force by any personnel within his/her command to ensure compliance with this policy and to address any training issues.

300.8 POLICY AVAILABILITY

The Chief of Police or the authorized designee should ensure that this policy (Wis. Stat. § 66.0511):

- (a) Is made available free of charge within three business days of the request.
- (b) Is publicly available on the department website and updated promptly upon amendment.

300.9 TRAINING

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding. Techniques and skills trained by this Department should be in accordance with the most current Wisconsin Department of Justice Training and Standards Defense and Arrest Tactics manual.

Subject to available resources, officers should receive periodic training on:

- (a) Guidelines regarding vulnerable populations, including but not limited to children, elderly, pregnant persons, and individuals with physical, mental, or intellectual disabilities.
- (b) De-escalation tactics, including alternatives to force.

300.10 USE OF FORCE ANALYSIS

At least annually, the Operations Commander should prepare an analysis report on use of force incidents. The report should be submitted to the Chief of Police. The report should not contain the names of officers, suspects, or case numbers, and should include:

- (a) The identification of any trends in the use of force by members.
- (b) Training needs recommendations.
- (c) Equipment needs recommendations.
- (d) Policy revision recommendations.

Attachments

Use of Force Procedure.pdf

Use of Force Procedure

I. Discussion

The privilege to use force is governed by legal and ethical limits. Law enforcement officers may use force legitimately when it is needed to achieve control in five specific situations:

- To achieve and maintain control of resistive subjects
- To detain persons reasonably suspected of criminal behavior
- To make lawful arrests
- To defend themselves and others
- To prevent escape

The safety of innocent bystanders should not be risked unless their safety has already been endangered and using force is the only possible means of protecting them. The use of deadly force is absolutely the last resort to accomplish lawful objectives.

II. Definitions

A. **Active Resistance:** Behavior which physically counteracts an officer's control efforts and which creates a risk of bodily harm to the officer, subject, and/or other persons.

B. **Passive Resistance:** Non-compliant and non-threatening behavior.

C. **Assaultive Behavior:** Direct actions or intentional conduct that has the potential to generate bodily harm to the officer and/or other persons.

D. **Continued Resistance:** Maintaining a level of counteractive behavior that is not controlled by an officer's current efforts.

III. Procedures

A. The Platteville Police Department adopts the Wisconsin Department of Justice Training and Standards Defensive and Arrest Tactics (DAAT) system. This is a system designed for all police officers for the primary purpose of self-defense and safety. This system includes intervention options that provide general guidelines that define the degree and type of force to be used in controlling suspects and the use and application of handcuffs. Officers are trained to respond to the actions of the subject and to choose various modes and tactics within the intervention options in response to the subject's actions and reactions. The intervention options are designed to provide the officer with tools to select the most appropriate level of force for a specific situation and subject. Appendix A contains the intervention options with specific tactics and justifications.

B. The use of specific tactics by officers shall be in accordance with the approved Wisconsin Department of Justice Training and Standards' Defensive and Arrest Tactics (DAAT) curriculum.

1. **Exception** – the use of the Diffused Strike, also known as a Brachial Stun, within the category of Incapacitating Techniques is required to be justified by the same requirements as that of Deadly Force (see item G).

C. General Guidelines for the Use of Force – Officers shall select a reasonable level of force necessary to control a subject. In determining the level of force to be employed the officer should evaluate each situation in light of the known circumstances, including, but not limited to, the seriousness of the offense, the level of threat or resistance presented by the subject(s), and the danger to the community.

1. Officers shall use only that amount of force reasonably necessary to control a situation, affect the arrest of an offender or to control a person.
2. Officers shall lower or reduce the level of force used, after an individual has ceased to resist or has ceased attempting to escape or elude apprehension, to a level necessary to maintain control of the subject.
3. Officers involved shall always exercise high regard for the subject's safety and welfare. Unless circumstances dictate otherwise, all persons arrested will be handcuffed, searched and then transported in a police vehicle.
4. Officers should de-escalate the level of force being used if the subject has reduced the level of resistance and the officer can safely drop to a lower level of force.
5. The officer should disengage the subject or physically move away from a situation when the officer either cannot establish control or has lost control. The officer should reevaluate the situation and maintain a safe distance and seek cover.
6. Officers are authorized to escalate to a higher force option or even skip steps in the Intervention Options depending on the totality of the circumstances.
7. Officers shall not brandish or display, as a threat, any weapon unless its use is justified and anticipated.

D. Electronic Control Device (ECD) - This Department recognizes the Taser X-26 and X2 ECDs as the Department's ECD less-lethal options.

1. Only officers who have successfully completed this agency's approved end-user course of instruction on the X-26 or X2 ECD are authorized to use it in situations where its application is appropriate.

2. Deployment

- a. Officers may utilize the ECD to overcome active resistance or its threat in accordance with this agency's end user training and the DAAT Curriculum.

- b. Examples of situations in which the ECD may be used include, but are not limited to, the following:

- (1) Dealing with a mentally ill subject who is reasonably believed to be violent;

- (2) Armed subjects or those reasonably believed to be armed;

- (3) Violent persons under the influence of drugs/and or alcohol or reasonably believed to be under the influence;

- (4) Persons expressing the intent and having the means to commit suicide;

- (5) When deemed a reasonable alternative to lesser force options that will likely be ineffective or greater force options that may be inappropriate given objective circumstances;

- (6) When other force options have a greater propensity for causing injury and fewer propensities for control, given the fact situation in contrast to the ECD.

- c. Mere passive resistance (e.g., displaying verbal aggression, refusal to comply with verbal commands, going limp, etc.) does not permit the use of an ECD without word and/or actions showing intent to actively resist or physically harm the officers, others or subject him/herself.

- d. The ECD shall not be used under the following circumstances:

(1) When the operator cannot, for safety reasons, approach the subject within the effective range of the ECD or the intended target of the E.R.D. is obstructed or impeded by other subjects or barriers.

(2) If a subject is covered with or in proximity to flammable liquids, gases, meth labs, blasting materials or any other highly combustible materials that may be ignited by use of the device including, but not limited to, any subject who may have been contaminated with combustible liquids.

(a) Although testing has indicated that the ECD use does not ignite the carrier contained in department issued OC canisters, it is recommended that the ECD and OC not be used within close time proximity to each other. If a subject has been exposed to OC, it is recommended that prior to the use of the ECD, that time be allowed for the evaporation of the OC carrier.

(3) The ECD should not be used when assisting another agency or on mutual aid if that agency has used O.C. spray on the subject. This is due to the possibility that the outside agency may be using an O.C. product containing a flammable carrier, which the officer may not be aware of.

(4) When it is reasonable to believe that incapacitation of the subject may result in serious injury or death.

(5) In simultaneous use with another ECD (only one ECD may be used at one time on a subject). If an ECD is deployed and its use is ineffective due to inadequate probe placement or other ECD failure, this section does not prohibit the deployment of an additional ECD by another officer.

(6) In a punitive or coercive manner.

(7) On a handcuffed / secured prisoner, absent overtly assaultive behavior that cannot be reasonably dealt with in any other less intrusive fashion.

e. Except in circumstances where deadly force would be justified, officers should not use an ECD on the following subjects: (It is recognized that complete knowledge on the presence of these conditions among persons confronted by the police is normally not available, but if officers know of or suspect the presence of any of these conditions, as a precautionary measure, the ECD should not be used.)

(1) persons in wheelchairs or in control of a vehicle;

(2) *visibly pregnant women;

(3) *people with known heart problems;

(4) *people with an apparent debilitating illness or the very elderly;

(5) *individuals whose weight is estimated to be less than 80 lbs (due to their weight, this Department has set this limit to protect against any possible unexpected injuries);

(6) *individuals with known neuromuscular disorders such as muscular sclerosis, muscular dystrophy or epilepsy.

(7) *person's known to be wearing pacemakers or other biomedical devices sensitive to electrical current.

*Due to these individuals' conditions, this Department has created a higher standard to protect these individuals from injury. No medical information, to date, has

substantiated an increased danger to these subjects if they are exposed to an ECD.

f. If time permits, an officer should advise the shift supervisor (and other officers/dispatchers who are working) that he/she intends to deploy an ECD when arriving at a call for service where appropriate conditions exist that the ECD may be needed/utilized.

g. In each instance where an ECD is deployed, the officer deploying should determine whether lethal cover is needed, but it is **recommended to have lethal cover available whenever an ECD is deployed.**

(1) Lethal cover is required in all cases in which the subject possesses a firearm and/or an edged weapon.

h. Upon firing the ECD device, officers shall energize the subject the least number of times and no longer than necessary to accomplish the legitimate operational objective. The subject should be secured as soon as practical while disabled by the ECD power to minimize the number of deployment cycles.

i. The ECD and the ECD cartridges shall be carried in their assigned and issued holsters until needed and not carried in pockets or in any fashion that could cause static electricity which may cause discharge and serious injury.

3. After care shall be done in accordance with this agency's end user training and the DAAT curriculum.

a. Dart removal shall be done in accordance with this agency's end user training and the DAAT curriculum.

b. ECD darts that are removed from a subject shall be handled as biohazard and packaged according to trained procedures.

c. Any wound sites should be photographed if possible. The exception would be if the wound sites are in a sensitive area, whereas a release of medical information should be sought to obtain a medical report reference the wounds.

4. Documentation

a. When an ECD has been used against a person or animal, the user shall notify an on-duty supervisor and a Use of Force Report shall be completed, along with all normal written reports, documenting the incident.

b. Any officers involved shall complete Use of Force Reports and the OIC or Sgt shall notify the Operations Commander of the incident

c. With the exception of training, all instances of ECD usage, including any accidental discharge, shall be reported on this agency's Use of Force Report.

d. The officer shall include the following information in the Use of Force Report in addition to other requested information:

- (1) which ECD was used;
- (2) the approximate distance the ECD was fired from the subject;
- (3) locations of impacts and whether the probes penetrated skin;
- (4) the number of cycles applied or estimated time ECD was allowed to cycle;
- (5) evaluations of effectiveness of the ECD
- (6) a diagram depicting distances, other subjects, officers, etc.

E. Extended range impact device (ERID) falls within the category of intermediate weapon with regards to its use and justification - An ERID is the authorized 12-gauge bean bag round issued by the Platteville Police Department. This level of force is permitted when lower levels of force have been considered and have been deemed inappropriate given the circumstances surrounding the subject, the situation and the environment AND due to safety considerations, the officer cannot get close to the subject to use another force option. Use of an ERID falls below that of deadly force in the intervention options.

a. Consideration may be given to the use of the ERID against those who are posing a threat of death or great bodily harm to themselves or others. When use is considered against a subject who is only in a position to harm themselves, officers shall only utilize the device when all verbal options have failed and the officer reasonably believes that the subject will cause more harm to him or herself than that reasonably expected to be caused by the ERID.

b. Primary target areas for the deployment of ERIDs are legs (thigh) and arms. When deployed the officer should evaluate the effectiveness of each round before delivering another impact. Compliance and / or incapacitation is the desired goal. Impacts to the abdomen area are authorized if multiple deployments to the legs or arms have not brought the subject to compliance and / or incapacitation. Intentional impacts to the head, neck, thorax, heart, spine, and groin area are not authorized unless the use of deadly force is justified.

a. The officer shall never deploy ERID if the officer is alone. Since ERIDs are not 100 percent effective, the deploying officer must have deadly force back-up while deploying the device.

b. The deploying officer should not deploy the ERID when they are less than ten feet away from the subject. The recommended optimal ranges for deployment are between 15 and 60 feet.

c. If possible, the deploying officer should notify other officers involved in the incident that ERIDs are going to be deployed.

d. Only department owned shotguns are approved for the use of the ERID. When being deployed, the officer shall not possess any other shotgun ammunition which is not the authorized ERID.

e. A person impacted by ERIDs shall be transported to a medical facility for examination.

F. Deadly Force

1. The use of deadly force is permissible only where there is an imminent threat of or the subject has caused death or great bodily harm to other persons or the officer. To meet the criterion of "imminent threat", the person to whom you are intending deadly force must have all of the following elements:

a. Displayed or indicated INTENT – by their actions to, in fact, cause great bodily harm or death to you or another person.

b. A WEAPON capable of inflicting great bodily harm or death (conventional or

unconventional weapon).

c. The DELIVERY SYSTEM for the utilization of that weapon, that is, have the capacity for utilization of a weapon.

d. As a last resort in the defense of oneself when the officer reasonably believes the officer is in imminent danger of death or great bodily harm.

e. As a last resort in the defense of another person who the officer reasonably believes is in imminent danger of death or great bodily harm.

f. As the final alternative to affect an arrest or prevent the escape of a fleeing felon, who the officer has reasonable suspicion to believe has committed a felony and has probable cause to believe that the suspect poses a significant threat of death or great bodily harm to the officer or others if not immediately apprehended.

2. Deadly force may also be used as the final alternative to destroy an animal so seriously injured that humanity dictates its removal from suffering. Careful consideration must also be given to the public's safety, an attempt to locate the owner should be made and all other feasible dispositions must be considered prior to using deadly force to destroy an injured animal.

3. Before using a firearm, police officers shall identify themselves and state their intent to shoot, if at all possible. Officers must still fulfill certain "target requirements" in accordance with the approved Defense and Arrest Tactics curriculum.

4. Deadly force shall not be used under the following circumstances:

a. As a warning. Warning shots are prohibited.

b. From or at a moving vehicle unless acting as a last resort in the defense of oneself when the officer reasonably believes the officer is in imminent danger of death or great bodily harm or as the last resort in the defense of another person who the officer reasonably believes is in imminent danger of death or great bodily harm and who the officer reasonably believes is entitled to self-defense. It is an extremely rare case in which a shot from or at a moving vehicle will accomplish any lawful objective.

c. When the target of the force is not clearly visible unless the officer has probable cause to believe that the target of the force is behind a barrier which the officer's weapon may penetrate, the target of the force has a tactical advantage that is being utilized and the officer is reasonably certain that only the target of the force will be affected by the use of force.

d. When the officer is in doubt about whether or not the officer has the legal justification to use deadly force.

G. Follow-Through Procedures. Once an officer has gained control of a resistive subject through any of the specific steps in the Intervention Options, or the officer has taken someone into custody (violation of a criminal statute, local ordinance, warrant, Department of Corrections hold, or a Chapter 51/55 protective custody situation), the officer must initiate applicable follow through procedures in accordance with the approved Defense and Arrest Tactics curriculum.

1. Stabilize / Restraint Use: Any person taken into custody shall be properly restrained with handcuffs. Officers are allowed to place handcuffs to the front of a subject only if properly using a restraint/transport belt. Leg shackles may be used as needed.

2. Monitor/Debrief / First Aid and Medical Assistance:

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

b. A person should be transported to a medical facility if the level of force used would lead a reasonable person to conclude that an injury is likely.

c. The shift supervisor and Communications Center will be notified when possible. The Police Chief and Operations Commander should also be notified for all serious injuries as soon as reasonably possible by the Sgt/OIC or the Communications Center, on behalf of the Sgt/OIC.

3. Searches of persons taken into custody: A search shall be conducted of anyone taken into custody for the purpose of locating any weapons, contraband, and/or evidence of the offense. Anytime a prisoner is transferred to another officer, prior to accepting that prisoner, the accepting officer shall search the prisoner. A male officer may search a female prisoner and a female officer may search a male prisoner, but ideally searches should be done by an officer of the same gender as the prisoner if reasonably possible.

4. Escorting – Prisoners should be properly escorted in accordance with trained techniques.

5. Transporting – Anytime a prisoner is transported in a department vehicle, seat belts should be utilized. If the prisoner is combative and this does not allow for the safe application of the seat belt, officers may forego the use of the seat belt (document the attempts).

6. Turnover/Release – Officers should turnover custody or release prisoners in accordance with trained techniques.

H. Required Reports and Notifications Upon the Use Of Deadly and Non-Deadly Force

1. All uses of force reaching Control Alternatives, Protective Alternatives or Deadly Force require immediate notification of the shift supervisor, a case number and a written incident report. This report shall contain a complete description of the incident including the subject, situation and environment. The officer shall describe all uses of force by all parties in great detail. The use of OC Spray, ECDs, Active Countermeasures, Intermediate Weapons and Deadly Force require a diagram showing the location of all persons involved. The diagram should also include the general location and estimated number of observers, if possible.

2. Whenever an officer is responsible for an accidental or intentional discharge of a firearm while on or off duty, except during firearms training, hunting, participation in sporting or recreational events or any other legal discharge, the officer shall carry out the following activities:

a. When deadly force is used on or directed against a person:

(1) The officer shall inform the on-duty supervisor and the Communications Center of the discharge as soon as possible.

(2) The Communications Center shall immediately notify the Police Chief and Operations Commander. The officer, unless incapacitated, shall be available to answer questions in order to assist with the investigation before going off duty that day.

(3) The Officer-In-Charge shall seize the weapon and ammunition. A replacement weapon shall be issued as soon as possible, unless some evidence of misconduct or improper use of force is suspected.

b. When deadly force is used against an animal:

(1) The officer shall inform the on-duty shift supervisor and the Communications Center of the discharge as soon as possible.

(2) The officer shall complete a written incident report before going off duty.

(3) The shift supervisor has the authority to seize the weapon if there are circumstances indicating a further investigation is warranted. If there are no such circumstances, the weapon does not have to be seized and replacement ammunition will be issued to the officer as soon as possible.

c. Unintentional discharge without injury:

(1) The officer shall inform the on-duty supervisor and the Communications Center of the discharge as soon as possible.

(2) The officer shall complete a written report before going off duty.

(3) The shift supervisor has the authority to seize the weapon if there are circumstances indicating a further investigation is warranted. If there are no such circumstances, the weapon does not have to be seized and replacement ammunition will be issued to the officer as soon as possible.

3. Whenever an officer takes action by any means that results in, or is alleged to have resulted in unintentional or intentional injury or death to a person, including the use of non-lethal weapons, the officer shall:

a. Prepare a written incident report describing the circumstances surrounding the injury or death. If the officer is incapacitated or otherwise unable to initiate the incident report, the on-duty supervisor shall initiate the report. If an outside agency is solicited to investigate an officer's actions relative to a use of force and that agency solicits a written or verbal statement for the purpose of the investigation, this statement may suffice in lieu of a written incident report. It is expected that an interview/statement or report will be obtained from the involved officer(s) within 72 hours of the incident by personnel assigned to investigate the incident.

b. Be prepared to submit to a blood/urine test for the purpose of detecting controlled substances as soon as reasonably possible.

4. All incident reports involving the use of deadly or non-deadly force by officers, or incident reports involving the actions of officers resulting in injury or death to a person, shall be forwarded to the Chief of Police. Such reports shall include a diagram showing the relative positions of the

various persons involved in the incident. The location of innocent bystanders shall be included on the diagram, if possible.

5. The DAAT Management Trainer shall review all incident reports. The DAAT Management Trainer must complete a supplement to incidents in which the use of force reached the use of Control Alternatives, Protective Alternatives and/or Deadly Force. The DAAT Management Trainer shall evaluate the degree of compliance with DAAT Management system. This evaluation must include one of the following statements:

- a. This incident meets or exceeds DAAT Management standards.
- b. This incident does not meet DAAT Management standards and requires a review by the Police Chief.

6. The DAAT Management Trainer shall evaluate the use of force, determine the level of force reached and record these findings on the face sheet of the report.

I. Use Of Force To Enter Another's Property

1. An officer may use force to enter the property of another to prevent a crime from being committed, to make a lawful arrest, when serving a search warrant or when serving an arrest warrant with strong probable cause to believe that the suspect is at that location.

- a. Before forcibly entering a dwelling or other building, at least two officers should be present during the knock on the door and announce that they are police officers, describe their reason for being there and demand that the person inside open the door. After a reasonable time for compliance with the demand the officers may force the door open. If the officers do break in, they should try to do as little damage as possible.
- b. Officers may force their way into another's dwelling or other building without announcement when they have probable cause to believe that the announcement:
 - (1) Would endanger persons; or
 - (2) Would result in the destruction of evidence.

2. A case number and written incident report is necessary when officers use force to enter another's property.

J. Defense Of Third Person

1. Officers are privileged to defend a third person from real or apparent unlawful interference by another under the same conditions and by the same means applicable to the privilege of self-defense.

2. Deadly force should be used only as a last resort and only when the third person is being unlawfully attacked with deadly force and unable to retreat.

K. Defense Of Property

1. Officers may protect their own property or that of another on the same basis that they may exercise the privilege of self-defense or defense of third persons, except that an officer may not use force intended or likely to cause death or great bodily harm for the sole purpose of defense of property.

L. Training

1. All Platteville police officers must be certified at least twice annually in DAAT Management by a State Certified DAAT Instructor and State Certified Firearms Instructor. This training will include all intervention options.

2. All police officers must demonstrate proficiency in the use of all weapons and restraint devices. These include handguns, shotguns, rifles, expandable batons, pepper spray, handcuffs and other weapons identified by the Platteville Police Department.
3. In addition to qualifying on a prescribed course, demonstrated proficiency includes attaining and demonstrating knowledge of the laws concerning the use of all weapons and restraint devices and being familiar with recognized safe-handling procedures for the use of authorized weapons. The specific qualifying courses shall be established by the state certified weapons instructor and DAAT Management Trainer pursuant to guidelines established by the Wisconsin Training and Standards Bureau.

Appendix A:

INTERVENTION OPTIONS

<u>MODE</u>	<u>SPECIFIC TACTICS</u>	<u>PURPOSE</u>
Presence		To present a visible display of authority
Dialogue		To verbally persuade
Control Alternatives		
	Escort Holds	To safely initiate physical contact or move a subject in a controlled way
	Compliance Holds	To overcome passive resistance
	Control Devices (OC or ECD)	To overcome active resistance or its threat
	Passive Countermeasures	To decentralize when it is reasonably believed that you will be unable to achieve control with the subject standing
Protective Alternatives		
	Active Countermeasures	To create a temporary dysfunction of an actively resistive or assaultive subject
	Incapacitating Techniques	To cause the immediate, temporary cessation of violent behavior (PLPD policy requires that deadly force be justified to utilize these techniques)
	Intermediate Weapons	To impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior
Deadly Force		To stop the threat