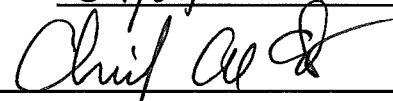


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Chief of Police

POLICY 6-100 THE USE OF FORCE**PURPOSE**

The purpose of this policy is to provide Tomahawk Police Department officers with guidelines on the use of force, both deadly and non-deadly. Use of force and physical restraint of persons or the use of restraint devices, are necessary exercises employed by police for the purposes of officer protection, the protection of the public and for the safety or protection of persons restrained or placed in custody.

POLICY

The Tomahawk Police Department adopts the system of Defensive and Arrest Tactics (commonly referred to as DAAT) sanctioned by the Wisconsin Law Enforcement Standards Board. The DAAT system utilizes an Incident Response model "RESPOND" and a Disturbance Resolution model which provide general guidelines for responding to incidents and outline appropriate considerations and intervention options available to the responding officer.

It is the policy of the Tomahawk Police Department that officers shall use that level of force which is objectively reasonable, under the totality of the circumstances, to effectively bring an incident under control. Officers may use force legitimately when force is necessary to achieve control in the following situations:

- To achieve and maintain control of resistive subjects
- To detain persons reasonably suspected of criminal behavior (Terry Stop)
- To make lawful arrests (Probable Cause)
- To defend themselves or others

If an officer cannot accomplish control quickly, he has the option to disengage and/or escalate to a higher mode in the intervention options in order to take proper police action.

Officers are responsible for the safe handling of weapons in their possession and shall only use such weapons according to applicable law and department policies.

DEFINITIONS

Deadly Force – the intentional use of a firearm or other instrument, the use of which would result in a high probability of death.

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

Bodily Harm – bodily injury, illness or any impairment of physical condition.

Great Bodily Harm – bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

Control - perception based on the officer's training, experience, and fact situation.

Active Resistance – behavior which physically counteracts an officer's attempt to control efforts and which created a risk of bodily harm to the officer, subject and/or other persons.

Passive Resistance – non-compliant and non-threatening behavior.

PROCEDURES

- I. Approach Considerations
 - A. Decision Making - an officer should survey the scene and/or situation before making contact with a subject or entering a situation. There are two things that an officer should attempt to determine:
 1. If legal justification exists for making contact.
(If not, any force used may be excessive) and
 2. If it seems possible to control the situation at the moment. (If not, consider disengaging and waiting for backup before approaching, or not approaching at all until later, when it is safe to make contact).
 - B. Tactical Deployment – An officer should assess threat potential and determine if safe, efficient tactics can be utilized. In making this determination, the officer should consider the following: his own safety, the safety of the subject, and the safety of the community. Control of distance, positioning, and team tactics should be used.
 - C. Tactical Evaluation – an officer should attempt to determine the extent or degree to which the subject(s) present a threat to himself and to other officers.
 1. Threat Assessment Opportunities – includes behaviors and actions by the subject(s) that give an officer the opportunity

to assess the threat potential that the subject presents. This assessment should include a recognition of medically significant behavior including excited delirium and the need to provide medical assistance to those subjects.

2. Officer/Subject Factors – consider any differences between the subject(s) and yourself and other officers on the scene which may affect threat assessment.
3. Special Circumstances- consider any information or special circumstances that you become aware of which affect threat assessment and tactical evaluation.
4. Degree of stabilization of the subject.

II. Intervention Options (Appendix A)

- A. **Presence** – establish a professional presence to present a visible display of authority.
- B. **Dialog** – Tactical communication to verbally persuade a subject. Communication consists of several components; verbal (what you say), voice (how you say it), and visual (body language).
- C. **Control Alternatives** – the use of these tactics is to safely initiate physical contact and overcome passive resistance, active resistance or the threats from a subject. These tactics should be used when lesser intervention options are ineffective, or would be clearly inappropriate. Tactics in this mode include escort holds, compliance holds, control devices (Oleoresin Capsicum Aerosol Spray and Electronic Control Devices) and passive countermeasures.
 1. **Oleoresin capsicum (O.C.) aerosol spray** – the purpose for using O.C. spray is to overcome active resistance or its threat. Officers may only carry department issued O.C.
 - a. It shall be the officer's responsibility to follow proper decontamination procedures after spraying a subject with O.C. Decontamination shall take place after the subject is under control and officer's and public's safety is assured.
 - b. Once the scene and subject is under control, the subject should be moved to fresh air until the effects of the O.C. diminish. Monitor the subject and assure them that they will be all right. The subject should be told to relax and try to breathe normally.
 - c. If available, and officer safety is not compromised, the subject's eyes and face should be sprayed with cool water. In many circumstances, this may have to wait until the subject arrives at a secure facility.

- d. Medical attention shall be provided to any subject who requests it, or if the O.C. exposure symptoms persist beyond forty-five minutes.
- 2. **Electronic Control Device (ECD)** – the purpose for using an ECD is to overcome active resistance or its threat.
 - a. Only officers who have satisfactorily completed this agency's approved training course shall be authorized to carry and deploy an ECD. Only department approved ECDs may be carried by officers.
 - b. ECD target areas include center mass of the chest and back, and leg area; whenever possible.
 - c. After deployment of an ECD, the suspect should be secured as soon as practical to minimize the number of deployment cycles.
 - d. Situations when ECDs should NOT be deployed:
 - 1. Any environment where an officer knows that a potentially flammable, volatile, or explosive material is present.
 - 2. In any environment where the suspect's fall could result in death. (examples; being in water or on an elevated surface).
 - 3. Officer shall be aware of the greater potential for injury when an ECD is deployed against children, elderly persons, and pregnant persons. Only in exigent circumstances in which no other force option would be viable or effective, will ECD's be authorized by this policy.
 - e. Aftercare – persons who have received deployment of an ECD shall be taken to a medical facility for the removal of the probes and medically cleared prior to transport to a detention facility.
 - f. Reporting
 - 1. Officer shall collect the cartridge, wire leads, probes, and AFIDS as evidence whenever an ECD is deployed operationally.
 - 2. Officers shall photograph the affected target area after the probes have been removed, when it is practical to do so.
 - 3. The deploying officer shall notify a supervisor and the ECD instructor as soon as practical after deploying the ECD. The ECD instructor and supervisors are the sole persons authorized for the download maintenance of the ECD.
 - 4. The deploying officer shall complete a comprehensive and detailed incident report

documenting all aspects of the incident to include the collection of evidence from the ECD.

- D. **Protective Alternatives** – the purpose of protective alternatives are to overcome continued resistance, assaultive behavior, or their threats. Tactics include active countermeasures (focused strikes, vertical stuns), incapacitating techniques (diffused strikes), and intermediate weapons (baton).
1. Baton – designed to impact blows to the knee or elbow area with the intent to impede a subject's continual resistance, assaultive behavior, or other dangerous behavior. Only department-authorized batons shall be carried. The department recognizes that other equipment may be used as impact weapons during emergency situations.
 2. The baton is primarily to be used for defensive and control purposes. Under certain circumstances, the baton may be used to disarm assailants without resorting to the use of deadly force.
 3. Officers shall be held accountable for the improper and negligent use of the police baton. Officers shall not use the police baton, or other impact weapon, to intentionally strike the head, neck area, or groin of a subject; unless the criteria for use of deadly force has been met.
 4. Officers who use the police baton on a subject will render first aid to that subject, and provide attention if required or requested by the subject.
- E. **Intermediate Weapons** – the purpose of which is to impede a subject.
1. Baton (classified as a impact weapon) – designed to impact a blow with the intent to impede a subject's continued resistance or assaultive behavior. Only department-authorized batons shall be carried. The department recognizes that other equipment may be used as impact weapons during emergency situations.
 2. The baton is primarily to be used for the defensive and control purposes. Under certain circumstances, the baton may be used to dismiss assailants without resorting to the use of deadly force.
 3. Officers shall be held accountable for the improper and negligent use of the police baton. Officer shall not use the police baton, or other impact weapons, to intentionally strike the head, neck area, or groin of a subject unless the criteria for use of deadly force has been met.
 4. Officers who use the police baton on a subject will render first air to that subject and provide medical attention if required or requested by the subject.

5. Sergeant is responsible for conducting periodic inspections of the police batons.
- F. **Deadly Force** – the intentional use of a firearm or other instrument, the use of which would result in a high probability of death. Behavior which justifies the use of deadly force in that which has caused or imminently threatens to cause death or great bodily harm to you or to another person or persons. The purpose of using deadly force is to stop the threat.
1. Imminent threat criteria is met when the person to whom you are intending deadly force has:
 - a. displayed or indicated intent to cause great bodily harm or death to you or another person(s),
and
 - b. a weapon capable of inflicting great bodily harm or death; (conventional or nonconventional).
And
 - c. the delivery system for the utilization of that weapon.
 2. Once an officer has met the criterion of imminent threat, he still must have eliminated all other alternatives to the use of deadly force before actually using deadly force. This is referred to as preclusion.
 3. After you have precluded all other reasonable alternatives to the use of deadly force, you must still fulfill certain “target requirements”. These include:
 - a. Target Acquisition – you must acquire a specific target.
 - b. Target Identification – you must identify the target/subject as the individual placing you and/or others in imminent danger.
 - c. Target Isolation – you must make every effort to isolate the target from other innocent persons. The only reason for using deadly force if the target has not been isolated, is if a failure to use deadly force would place those innocent persons and/or yourself and other officers in greater danger of death or great bodily harm. This is referred to as the greater danger theory.
 4. Before using deadly force, officers shall, if reasonably possible, identify themselves, order the suspect to stop their unlawful activity, and threaten to use deadly force if the lawful order is not obeyed.
 5. An officer is expected to stop using deadly force when the threat has ended, according to his reasonable perception of the threat.
 6. Department Armorer or Firearms Instructors are required to conduct inspections of all duty weapons during range training duties.

7. Only department authorized firearms and ammunition are approved for duty use. These weapons shall not be modified except as authorized by the Chief.
- G. **Disengagement and/or Escalation** -if an officer cannot accomplish control quickly in any incident, two options are to disengage and/or escalate to a higher mode in the Force Option Continuum. To disengage means to physically move away from a situation in which the officer either cannot establish control or has lost control. Officers should then reevaluate the situation taking into account all approach considerations.
- III. Follow-thru Considerations
- A. **Stabilizing Subject(s)/Application of Restraints**
1. Stabilize the subject(s) so that they remain under control and cannot injure themselves or others.
 2. Stabilize the scene to prevent injury to yourself or others.
 3. Handcuff subject(s) using procedures of the DAAT system. In instances where medical or other reasons are present which by their nature may prohibit or otherwise preclude the use of handcuffs, the officer will determine if other means of restraint may be appropriate and will document what and why particular restraints were utilized.
 4. Any special restraints such as leg irons, belly chains, belts, or other restraining devices may be used by officers provided such officer has received training in the use of such devices.
 5. In instances where interlocking restraints are used, the subject shall be monitored. In addition, the officer's incident report shall detail the reasons for employing this technique.
 6. Officers are responsible for the care and maintenance of authorized handcuffs and restraining devices.
- B. **Monitor/Debrief Subjects** – once a subject has been handcuffed, especially if physical force has been used, you are responsible for the custodial care, health, and safety of the prisoner.
1. Calm yourself, other officers on the scene, and the subject.
 2. Perform an initial medical assessment to determine if injuries are present.
 3. Provide treatment to your level of training and activate EMS.
 4. Continue to monitor and remain with the prisoner until he is turned over to someone of equal or greater responsibility.
 5. Be aware of Excited Delirium, Positional Asphyxia and Sudden In-Custody Death – handcuffed subjects that are prone shall be turned on their sides and to an upright position as soon as possible. The practice of “hog-tying subjects is forbidden.

- C. **Search Subjects** – officers will conduct a thorough search of all prisoners after they have been handcuffed, before the prisoner is turned over to another officer or released, and at any time that a subject is accepted from another officer or agency.
 - 1. Although it is ideal for a male officer to search a male subject and a female officer to search a female subject, that is not always possible or feasible. Because safety to both officers and the public is so important, that concern overrides concerns of gender differences in an arrest. Officers shall utilize squad video cameras to record those searches whenever possible.
 - D. **Escort Subject** – escort a subject to a transportation vehicle or another location. Your main goals are to ensure the subject's safety, prevent escape, and prevent injury to others.
 - E. **Transport Subject** – transport the subject to an appropriate destination.
 - 1. Subjects transported in a vehicle should be seated in an upright position and secured by a seatbelt. Never transport subjects in a prone position.
 - 2. In unique cases it may be necessary to transport the subject using EMS.
 - F. **Turnover/Release of Subject** – when an arrested subject is turned over to corrections staff or released, the subject's restraints must be removed safely. Consideration should be given to both "Complainant Subject Handcuff Removal" and "Multiple Officer (non-complainant) Handcuff Removal".
- IV. Reporting Procedures
- A. Following any incident involving the use of force, all officers involved must write a detailed report about the incident. The report should, in a clear and concise manner, detail the totality of the circumstances that caused you to make the force level selection by which you gained or regained control. This report should include the following:
 - 1. What led up to the incident;
 - 2. Approach considerations;
 - 3. What occurred during the incident, including an exact description of the use of force, the intervention options that were used, the reasons for each, etc.;
 - 4. Follow-through steps taken.
- V. Firearms
- A. Officers carrying an authorized firearm either on or off-duty must carry an authorized badge and department identification card.
 - B. Officer may carry on off-duty firearm and/or a secondary firearm other than the department authorized firearm with the following restrictions:
 - 1. The firearm must be registered with the department.

2. The firearm must be approved, in writing, by the Chief of Police.
 3. The officer must qualify with the firearm to the standards set by the Chief of Police. Officers are responsible for supplying their own ammunition, also subject to approval by the Chief of Police.
 4. The firearm must be inspected annual by a qualified armorer or department firearms instructor. Officers are responsible for the costs of care and maintenance of the firearm.
- C. Officers are responsible for the care, cleaning, and security of department firearms issued to them.
- D. Officer shall not carry firearms when having consumed alcoholic beverages. Exceptions to this provision may be granted by the Chief of Police for officers involved in undercover investigations.

APPENDIX A

INTERVENTION OPTIONS

MODE	TACTICS	PURPOSE
A. Presence	Professional Presence	To present a visible display of authority
B. Dialing	Tactical Communication	To verbally persuade
C. Control Alternatives	Escort Holds, Compliance Holds, Control Devices, Passive Countermeasures	To overcome passive resistance, active resistance, or their threats
D. Protective Alternatives	Active Countermeasures, Incapacitating Techniques Intermediate Weapon	To overcome continued resistance, assaultive behavior, or their threats
E. Deadly Force	Firearm	To stop the threat