

## 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.

#### 300.1.1 DEFINITIONS

Definitions related to this policy include:

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

**Assaultive Behavior** - Direct actions or conduct that generates bodily harm to the officer(s) and/or another person(s).

**Bodily Harm** - Physical pain or injury, illness, or any impairment of physical condition, but less severe than great bodily harm.

**Conductive Energy Weapon (CEW)** - A battery powered device that uses propelled wires and probes or direct contact to deliver a safe amount of electricity for the purposes of affecting the sensory and motor functions of the human and animal nervous system. The intended purposes of this device is to incapacitate and help control threatened or active resistance and/or violent persons or animals.

**Chokehold** - A physical maneuver that restricts an individual's ability to breath for the purposes of incapacitation.

**Continued Resistance** - Maintaining a level of counteractive behavior that is not controlled with the officer's current level of force.

**Deadly Force:** The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

**De-escalation** - Taking action to stabilize a situation and reduce the immediacy of a threat so more time, options, and resources become available to resolve the situation with a reduced likelihood that physical force will be necessary.

**Defensive and Arrest Tactics (DAAT)** - A system of verbalization skills coupled with physical alternatives. It is the specific system formulated, approved, and governed by the Wisconsin Department of Justice - Law Enforcement Standards Board.

**Excited Delirium Syndrome** - A state of extreme mental and physiological excitement characterized by extreme agitation, hyperthermia, hostility, and exceptional strength and endurance without apparent fatigue.

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**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.

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

**Intervention Options** - In determining the amount of force to be used, officers may use one level of force higher than that being used or threatened against them.

**Kinetic Energy Impact Projectiles** - Flexible or non-flexible projectiles, which are intended to incapacitate a subject with a minimal potential for causing death or great bodily harm, when compared to conventional projectiles.

**Passive Resistance** - Non-compliant and non-threatening resistance to lawful orders.

**Preclusion Requirement** - Before an officer can use deadly force, the officer must reasonably believe that all other options have been exhausted or would be ineffective. In other words, deadly force is always the last resort. Note that in many deadly force situations, the officer will not have time or the ability to try other options.

**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 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 Wrightstown 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.

#### **300.2.1 DUTY TO INTERCEDE AND REPORT**

Any officer present and observing another law enforcement officer or member using force 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.

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Any officer who observes another law enforcement officer or member use force that is potentially beyond that which is objectively reasonable under the circumstances should report these observations to a supervisor as soon as feasible.

#### 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 the 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 this 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.

#### 300.3.1 SITUATIONS IN WHICH FORCE MAY BE USED

The purpose of a law enforcement officer's use of force is to control. Law enforcement officers may use force legitimately when it is needed to achieve control in specific situations such as:

- (a) To achieve and maintain control of resistive subjects.
- (b) To detain persons reasonably suspected of criminal behavior.
- (c) To make lawful arrests.
- (d) To defend themselves or others.
- (e) To prevent escape.

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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) The U.S. Constitution - An officer's use of force must be "objectively reasonable" as per the United States Supreme Court Case *Graham v. Conner*, which laid out the following considerations when deciding if a use of force is reasonable;
  - 1. The severity of the alleged crime at issue.
  - 2. Whether the suspect poses an imminent threat to the safety of officers and/or others.
  - 3. Whether the suspect is actively resisting or attempting to evade arrest by flight.
- (b) Wisconsin Law: Wis. Statutes § 939.45, 939.46, 939.47, 939.48, and 939.49
- (c) Agency Policy
- (d) Officer Training - The DAAT system provides guidance on five fundamental principles that apply to the use of intervention options:
  - 1. The purpose of use of force is to gain control in pursuit of a legitimate law enforcement objective. If verbalization is effective in gaining control, it is always preferable to physical force.
  - 2. An officer may initially use the level and degree of force that is reasonably necessary to achieve control. The officer need not escalate step-by-step through the intervention options.
  - 3. At any time, if the level of force an officer is using is not effective to gain control, the officer must disengage and/or escalate to a higher level of force. This involves transitioning to a different level of force or different tactics based upon the totality of the circumstances.
  - 4. Once an officer has gained control of a subject, the officer must reduce the level of force to that needed to maintain control.
  - 5. An officer must always maintain a position of advantage.
- (e) Immediacy and severity of the threat to officers or others.
- (f) The conduct of the individual being confronted, as reasonably perceived by the officer at the time.
- (g) Officer/subject factors (age, size, relative strength, skill level, injuries sustained, level of exhaustion or fatigue, the number of officers available vs. subjects).
- (h) The effects of suspected drug or alcohol use.
- (i) The individual's mental state or capacity.

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- (j) The individual's ability to understand and comply with officer commands.
- (k) Proximity of weapons or dangerous improvised devices.
- (l) The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
- (m) The availability of other reasonable and feasible options and their possible effectiveness.
- (n) Seriousness of the suspected offense or reason for contact with the individual.
- (o) Training and experience of the officer.
- (p) Potential for injury to officers, suspects and others.
- (q) Whether the person appears to be resisting, attempting to evade arrest by flight or is attacking the officer.
- (r) The risk and reasonably foreseeable consequences of escape.
- (s) The apparent need for immediate control of the subject or a prompt resolution of the situation.
- (t) Whether the conduct of the individual being confronted no longer reasonably appears to pose an imminent threat to the officer or others.
- (u) Prior contacts with the subject or awareness of any propensity for violence.
- (v) Any other exigent circumstances.

#### 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 CAROTID CONTROL HOLD

A carotid control hold is a technique designed to control an individual by temporarily restricting blood flow through the application of pressure to the side of the neck and, unlike a chokehold, does not restrict the airway. The proper application of the carotid control hold may be effective in restraining a violent or combative individual. However, due to the potential for injury, the use of the carotid control hold is limited to those circumstances where deadly force is authorized and is subject to the following:

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- (a) At all times during the application of the carotid control hold, the response of the individual should be monitored. The carotid control hold should be discontinued when circumstances indicate that the application no longer reasonably appears necessary.
- (b) Any individual who has had the carotid control hold applied, regardless of whether he/she was rendered unconscious, shall be promptly examined by paramedics or other qualified medical personnel and should be monitored until such examination occurs.
- (c) The officer shall inform any person receiving custody, or any person placed in a position of providing care, that the individual has been subjected to the carotid control hold and whether the individual lost consciousness as a result.
- (d) Any officer attempting or applying the carotid control hold shall promptly notify a supervisor of the use or attempted use of such hold.
- (e) The use or attempted use of the carotid control hold shall be thoroughly documented by the officer in any related reports.

#### **300.3.5 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 Wrightstown Police Department for this specific purpose.

#### **300.3.6 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).

### **300.4 INTERVENTION OPTIONS OTHER THAN DEADLY FORCE**

#### **300.4.1 PRESENCE**

The purpose of this mode is to present a visible display of authority. This reflects that sometimes all that is needed to control a situation is the presence of an officer.

#### **300.4.2 DIALOGUE**

The purpose of dialogue is to verbally persuade. Communication of the officer's intent to arrest, restrain or control a suspect is essential to gaining voluntary compliance. If possible, communication with the subject should continue throughout the intervention options until the suspect is under the officers control.

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#### 300.4.3 CONTROL ALTERNATIVES

The purpose of control alternatives is to overcome active resistance or its threat. The DAAT system incorporates the following tactics into this mode; escort holds, compliance holds, chemical irritants/electronic control devices, and passive countermeasures.

- (a) Chemical irritants are authorized to overcome passive resistance, active resistance, or the threat of active resistance by a subject.
  1. Officers shall carry only department-issued chemical irritants. Those officers who are members of the special units such as Emergency Response Team (ERT) may carry and utilize equipment issued by the respective teams while serving on those teams and in accordance with team training and policies. Officers serving in assignments other than uniform patrol may carry department-issued chemical irritants as needed to at the direction of a supervisor.
  2. Chemical irritants shall only be used by officers trained in their use and in accordance with manufacturer's recommendations. After using chemical irritants and obtaining control of a suspect, officers shall make every reasonable effort to relieve discomfort of the arrested person and any other affected bystanders in accordance with the manufacturer's recommendations. Prompt medical attention shall be provided if needed or requested.
  3. Whenever tear gas or chemical irritants have been introduced into a residence, building interior, vehicle, or other enclosed area, officers should provide the owners and available occupants with notice of the possible presence of residue that could result in irritation or injury if the area is not properly cleaned. Such notice should include advisement that clean up will be at the owners expense. Information regarding the method of notice and the individuals notified should be included in related reports.
- (b) Conducted Energy Weapons (CEW's) are authorized to overcome active resistance or the threat of active resistance by a subject. CEW's may also be used when the subject poses a threat of bodily harm to themselves, such as self-inflicted injury or a suicide attempt. Mere passive resistance does not warrant the use of a CEW.
  1. Officers shall carry only department-issued CEW's upon successful completion of department-approved training. CEW's shall be worn in an approved holster on their person. Officers shall carry the CEW in a weak-side holster on the opposite side of their duty weapon.
  2. Uniform patrol officers shall carry a CEW while on duty. If a CEW is not available, a supervisor must be notified. Non-uniform officers whose primary duties do not include patrol may carry a CEW if a CEW unit is available. Off duty carry of a CEW is not permissible.
  3. Officers carrying the CEW should perform a spark test and ensure the battery is > 20% on the unit prior to every shift.
  4. When reasonable, officers should not hold both a firearm and CEW at the same time.

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5. Officers shall provide a verbal warning prior to the application of a CEW so long as it is not practical and does not otherwise endanger the safety of the officer(s) or others.
6. Officers must balance the need for deployment of a CEW against the secondary concerns of the following risk factors:
  - (a) Presence of flammable materials.
  - (b) Subject located in elevated position.
  - (c) Subject operating a vehicle.
  - (d) Subject running.
  - (e) Subject is obviously, or know to be pregnant.
  - (f) Subject in water subjected to drowning hazard.
  - (g) Subject obviously frail or infirm.
7. Officers shall deliver only the number of deployment cycles reasonably necessary to control the subject.
8. Officers shall monitor the subject for injury or adverse reaction as soon as practical after the subject is under control and arrange medical care, if necessary.
9. Officers may remove the probes when safe to do so and in accordance with their training. If the probes are embedded in sensitive tissue areas, i.e. neck, face, groin, or the breast of a female, officers shall facilitate transport to a medical facility for removal.
10. After the probes have been removed, they shall be handled as a biohazard and packaged according to training procedure.
11. Any officer who uses a CEW shall comply with the use of force reporting requirements and turn the CEW over to the supervisor or officer responsible for downloading data contained within.

#### 300.4.4 PROTECTIVE ALTERNATIVES

The purpose of protective alternatives is to overcome active resistance, assaultive behavior, or their threats. The DAAT system incorporates the following tactics into this mode: active countermeasures, incapacitating techniques, intermediate weapons (baton, kinetic energy projectiles, police K-9).

- (a) Police batons shall be carried for use by officers assigned to uniform patrol.
  1. The baton may be used to strike the subject in the designated target areas of the body, i.e. torso, legs, arms in accordance with techniques taught as part of the DAAT system. Intentional strikes to the subject's head and neck shall be considered deadly force and must meet the justification of such action.
  2. Officers shall monitor the subject for injury as soon as practical after the subject is under control and arrange medical care if requested by the subject.



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#### (b) Kinetic Energy Projectiles

1. Officers who have been trained may use department-issued kinetic energy impact weapons (2581 Super Sock) in circumstances where a level of force less than deadly force, may be appropriate for resolving the situation and when the risk associated with closing on the subject to take control makes other alternatives unsafe or impractical.
2. Officers are not required or compelled to use kinetic energy impact projectiles in lieu of other reasonable tactics if the involved officers determines that deployment of these munitions cannot be done safely. The safety of hostages, innocent persons, and officers takes priority over the safety of subjects engaged in criminal or suicidal behavior.
3. Deadly force cover shall be required in all cases in which the subject possesses a weapon capable of causing death or great bodily harm.
4. Officers shall provide a verbal warning prior to the application of a kinetic energy impact projectile so long as it is not practical and does not otherwise endanger the safety of the officer(s) or others.
5. The need to immediately incapacitate the subject must be weighed against the risk of causing great bodily harm or death. Intentional targeting of the head and neck shall be considered deadly force and must meet the justification for such action.
6. Safety Procedures
  - (a) Shotguns specifically designated for use with kinetic energy projectiles will be specifically marked in a manner that makes them readily identifiable as such.
  - (b) Officers will inspect the shotgun and projectiles at the beginning of each shift to ensure that the shotgun is in proper working order and the projectiles are of the approved type and appear to be free from defects.
  - (c) When it is deployed, the shotgun will be unloaded and properly and securely stored in the vehicle. When deploying the kinetic energy projectile shotgun, the officer shall visually inspect the kinetic energy projectiles to ensure that conventional ammunition is not being loaded into the shotgun
  - (d) Absent compelling circumstances, officers who must transition from conventional ammunition to kinetic energy projectiles will employ the two-person rule for loading. The two-person rule is a safety measure in which a second officer watches the unloading and loading process to ensure that the weapon is completely emptied of conventional ammunition.

### **300.5 FOLLOW THROUGH CONSIDERATIONS**

#### **300.5.1 HANDCUFFING / RESTRAINTS**

Restraint devices are authorized in accordance with DAAT and Department Policy 302. Restraints shall not be used to punish, to display authority, or as a show of force.

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#### 300.5.2 MEDICAL CONSIDERATIONS

- (a) Subjects will be monitored for injury and timely medical care will be provided as necessary as soon as safe to do so subsequent to any use of force. If an injury is observed or reported by the subject, officers shall provide first aid or request medical assistance.
- (b) Persons who exhibit extreme agitations, violent irrational behavior accompanied by profuse sweating, extraordinary strength beyond their physical characteristics and imperviousness to pain (sometimes called "excited delirium syndrome"), 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 possible and have medical personal stage if appropriate.
- (c) Officers who identify medically significant behavior when encountering a violent subject should consider response tactics geared to accomplish the following:
  - 1. Avoid increasing the subjects agitation or excitement often accomplished containing the subject in a specified area where waiting for EMS personnel to respond.
  - 2. Minimize physical struggles with the subject often accomplished by using a CEW to control the subject once EMS personnel are in place.
  - 3. Minimize the use of restraints - often accomplished by chemical restraints medically applied by EMS personnel on scene.
  - 4. Get medical care for the subject as quickly as possible often accomplished by expediting access to EMS personnel and rapid transport to a medical facility.

#### **300.6 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.

A report will be required when an officer is forced to use any of the following:

- (a) When action results in, or is alleged to have resulted in, injury or death of another person
- (b) Firearms: discharge whether intentional or non-intentional. Exceptions are humane euthanizing of animals, training, or lawful recreational purposes.
- (c) Pointing a firearm at an individual shall be documented in the Use of Force form.

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- (d) Electronic Control Device
- (e) Chemical Agents
- (f) Any Protective Alternatives.

The primary officer and witnessing or participating officers shall generate a case report and complete individual narratives where the above listed uses of force occur. Each individual officer that has used any of the above mentioned uses of force shall complete a use of force report as per the Department's reporting practices in addition or supplementary to the case report. Officers shall also complete any reports or documentation as directed by a supervisor.

#### **300.6.1 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.
- (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 Conducted Energy Weapon 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.

#### **300.7 DEADLY FORCE APPLICATIONS**

Deadly force represents the highest level of force available to law enforcement officers with the purpose to stop the threat. Deadly force is the intentional use of a firearm, other instrument, or technique that creates a high probability of death or great bodily harm. When reasonable, the officer shall, prior to 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:

- (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 serious bodily injury.
- (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 serious bodily injury or death, and the officer reasonably believes that there is an imminent risk of serious bodily injury or

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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 serious bodily injury or death without a weapon, and the officer believes the individual intends to do so.

#### **300.7.1 SHOOTING AT OR FROM MOVING VEHICLES**

Shots fired at or from a moving vehicle involves 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.

#### **300.8 EXCEPTIONAL CIRCUMSTANCES**

It is recognized that situations necessitating the reasonable use of force, including deadly force, are dynamic and unpredictable. There are exceptional situations where deadly force is reasonable and justified;

- (a) **Target Specific Directed Area Fire:** The purposeful, controlled, sustained fire directed at a perpetrator who has caused or imminently threatens to cause death or great bodily harm to the officer(s) or others, but whom is not clearly observable. Generally, officers should establish target identification, acquisition, and isolation before discharging their firearm. Officers may direct fire to the specifically identified location where the subject has concealed themselves without isolation if the consequence of not stopping the threat is greater than possibly striking an innocent person.
- (b) **Greater Danger Exception:** Generally, officers should establish target isolation before discharging their firearm. However, situations may occur where the consequence of not stopping the threat is worse than the possibility of striking an innocent person. The chance that the officer's bullet might strike an innocent person is preferable to the likelihood of the suspect killing or injuring many others.
- (c) **Untrained But Justified Techniques:** It is recognized that there may be circumstances where the use of deadly force is justified but the tactics employed by the officer may not be trained techniques; an example of this could be a choke hold. Choke holds and any other untrained technique, method, or tactic that creates a high probability of death or great bodily harm are prohibited and may only be intentionally used in situations

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where there is an imminent threat of death or great bodily harm to the officer(s) or other persons.

- (d) Injured Animals: The use of a firearm is authorized for humanely euthanizing an injured animal.

### **300.9 REMOVAL FROM LINE OF DUTY ASSIGNMENT**

Generally, whenever an employee's actions or use of force in an official capacity, or while using Department equipment, results in death or very serious injury to another, that employee will be placed in a temporary administrative assignment pending an administrative review. The Chief of Police may exercise discretion and choose not to place an employee in an administrative assignment in any case.

### **300.10 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.

#### **300.10.1 SUPERVISOR USE OF FORCE REPORT REVIEW**

The Supervisor in charge of Use of Force Procedures 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.

#### **300.11 POLICY AVAILABILITY**

This policy shall be made available to the public at no charge upon request (Wis. Stat. § 66.0511(2)).

#### **300.12 TRAINING**

Officers will receive periodic training on this policy and demonstrate their knowledge and understanding.

#### **300.13 USE OF FORCE ANALYSIS**

At least annually, the Chief of Police should prepare an analysis report on use of force incidents. 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.