

	<b>Whitewater Police Department Policy Manual</b>	
	Text Name: <b>FORCE</b>	
	Title: <b>Use and Response to Deadly and Non-Deadly Force Incidents</b>	
Issue Date: 01/01/1993	Last Revision: 12/07/2021	Reviewed: 12/07/2021
Special Instructions:	WILEAG Standard: 1.7.1, 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.2.1, 5.3.1, 5.3.2, 5.3.4, 6.3.8, 12.1.1, 12.1.2, 12.1.3, 12.1.4	

## I. PURPOSE

The purpose of this policy is to provide officers clear direction in use of force situations. Officers have the privilege to use force when it becomes necessary in the performance of their official duties. They shall only use the amount of force that is reasonably necessary to accomplish their objectives. The Supreme Court stated that reasonableness should be judged under the totality of the circumstances from the perspective of a reasonable officer at the scene with similar training and experience. The Court also noted that officers must frequently make split-second decisions. The below factors are to be considered when determining the objective reasonableness of a use of force incident.

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

## II. POLICY

It is the policy of the Whitewater Police Department to require all sworn officers to follow the State of Wisconsin's Law Enforcement Training and Standards' system of Defensive and Arrest Tactics when making all use of force decisions. Officers shall make every effort to preserve and protect human life and the safety of all persons, and shall respect and uphold the dignity of all persons at all times in a nondiscriminatory manner.

## III. DISCUSSION

Sound police management practices require comprehensive guidelines relating to the overall use of force by law enforcement personnel. The Whitewater Police Department will follow these practices and provide guidelines to its personnel regarding the application of various techniques, weapons, and equipment used to maintain control of subjects. Under many circumstances, application of force is a necessary part of the law enforcement profession. Proper training and demonstrated proficiency are necessary to ensure the safety of officers and the public should an officer be required to use force in the course of their duties. Furthermore, officers have a duty and obligation to report use of force outside the scope of this policy, and to intervene to prevent or stop any known and apparent use of excessive force by another officer when it is objectively reasonable to do so.

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### IV. DEFINITIONS

- A. Active Resistance: Behavior which physically counteracts an officer's control efforts and which creates risk of bodily harm to the officer, subject, and/or other persons.
- B. Area Saturation: Deployment of a pepperball projectile at a fixed object that allows the projectile to break open and create a cloud of PAVA (Pelargonic Acid Vanillylamide). This PAVA cloud is designed to expose a large number of people, or someone who is hiding or out of view, to the OC irritant in an effort to gain physical change in behavior from a subject or compliance with verbal commands.
- C. Assaultive Behavior: Direct actions or conduct that generates bodily harm.
- D. Blocking a Vehicle: Positioning a department vehicle in close proximity to another vehicle with the intent of restricting its movement.
- E. Bodily Harm: Physical pain or injury, illness, or any impairment of physical condition.
- F. Choke Hold: A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.
- G. Critical Incident: Any incident in which an officer has been involved in, which has a high probability of resulting in death.
- H. Electronic Control Device (ECD): Instruments that deliver an appropriate amount of electricity to the body with the intent of temporarily overloading the sensory and/or motor nervous systems with the purpose of overcoming an active resistance or its threat. Currently the chosen ECD tool at the Whitewater Police Department is the Taser.
- I. Defensive and Arrest Tactics (DAAT): Wisconsin's system of subject control which includes verbalization skills coupled with physical alternatives.
- J. Deadly Force: The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
- K. Firearms Training Coordinator: A Wisconsin certified Firearms instructor designated that responsibility by the Chief of Police.
- L. 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" WI § 939.22(14).
- M. Impact Munitions: Impact munitions include flexible and non-flexible ballistic projectiles that are used to control an actively resistive or assaultive subject through pain compliance and at times to disorient or incapacitate an individual. (See also Less-Lethal Force.)
- N. Intermediate Weapons: Intermediate weapons include a variety of impact weapons

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- designed to impede a subject's ability to resist. The intermediate weapons referred to in this policy include police batons and impact munitions. (See also Impact Munitions and Less Lethal Force.)
- O. Lawful Force: A physical act by a police officer in the performance of duty when it is used to accomplish a legitimate law enforcement goal and the level of force used is reasonable considering all the facts and circumstances of the incident.
  - P. Less-Lethal Force: Force used to control a subject, generally through the use of impact munitions, with the intent of causing pain, disorientation, or incapacitation. Less lethal force may cause bodily harm with a low probability of causing great bodily harm or death. (See also Impact Munitions.)
  - Q. Less-Lethal Munitions: A kinetic energy round that is defined as, "The intentional use of an instrument to impede a subject, the use of which is not likely to cause death." (LESB DAAT Tactical Advisory Committee Amended September 27, 2002.)
  - R. Necessary Force: That amount of force, applied by an officer against a person by any means, which is reasonably necessary to control a person, a situation or to achieve a legitimate law enforcement goal.
  - S. Non-Deadly Force: Any use of force other than that which is considered deadly force.
  - T. Officer-involved Death: Death of an individual that results directly from an action or an omission of a law enforcement officer while the law enforcement officer is on duty or while the law enforcement officer is off duty but performing activities that are consistent with his or her law enforcement duties.
  - U. Passive Resistance: Non-compliant and non-threatening behavior.
  - V. Physical Restraint: Holding, restraining, pushing, pulling, or other physical manipulation without the use of any weapon by one or more officers acting alone or, in concert to control a person or to affect an arrest.
  - W. Pinning a Vehicle: Utilizing a department vehicle to make physical contact with another vehicle with the intent of restricting its movement without causing significant damage.
  - X. Reasonably Believes: Means that an ordinary, prudent and reasonably intelligent police officer believes that a certain fact situation exists and such belief is reasonable under the circumstances known to the officer at the time the officer acted.
  - Y. Target Impact: Deployment of a pepperball projectile directly onto the body of a subject. This is a less lethal impact and OC irritant utilized as an intermediate weapon with the purpose to impede and overcome continued resistance, assaultive behavior, or its threat. Direct impact deployments use a combination of kinetic impact and OC irritant to gain physical change in behavior from a subject or compliance with verbal commands.

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### V. PROCEDURE

#### A. Use of Force Generally

1. The decision to use force and the amount of force to be used should be based on the totality of the circumstances of the incident. An officer may use force to:
  - a. Achieve and maintain control of resistive subjects
  - b. Detain persons reasonably suspected of criminal behavior
  - c. Make lawful arrests
  - d. Defend themselves or others
  - e. Prevent escape
  - f. Bring an unlawful situation safely under control

When it is objectively reasonable that a subject is fully in the control of law enforcement, then force must terminate.

2. 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. The amount of force an officer may use should be based on the following *Intervention Options*:
  - a. PRESENCE – The first mode. Presence reflects the fact that sometimes all that is needed to control a situation is the presence of an officer. The purpose of this mode is to present a visible display of authority.
  - b. DIALOGUE – The second mode. Dialogue covers the range of tactical communication from very low-level questioning to very directive commands. The purpose of dialogue is to verbally persuade subjects to comply with an officer’s lawful directives.
  - c. CONTROL ALTERNATIVES – The third mode. It includes a wide range of tactics and tools for controlling subjects. The purpose of Control Alternatives is to overcome passive resistance, active resistance, or its threat. The tactics/tools within Control Alternatives are:

<u>Tactic / Tool</u>	<u>Goal</u>
Escort Holds	To safely initiate physical contact
Compliance Holds	To overcome passive resistance
OC / Pepperball (Area Saturation) / ECD	To overcome active resistance or its threat
Passive Countermeasures	To decentralize

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- 1) Compliance Holds (Come Along)
  - a) Compliance holds may be used by an officer to overcome passive resistance when attempts at dialog have failed to gain the subject's compliance and an overriding safety concern reasonably necessitates the subject's immediate removal from a scene.
  - b) Compliance holds may also be used by an officer to overcome active resistance or assaultive behavior and to assist in stabilization and handcuffing.
  - c) Once compliance is achieved, officers will decrease the pressure on the subject's wrist to a level where control can be maintained.
- 2) Pressure Points (Mandibular Angle and Hypoglossal)
  - a) Pressure points may be used by an officer to overcome passive resistance when attempts at dialog have failed to gain the subject's compliance and an overriding safety concern reasonably necessitates the subject's immediate removal from a scene.
  - b) Pressure points may also be used by an officer to overcome active resistance or assaultive behavior and to assist in stabilization and handcuffing.
  - c) Officers will use only touch pressure, using the tips of the thumb or fingers to apply pressure points. The use of any object or weapon to apply pressure points is specifically prohibited.
- 3) Passive Countermeasures (Decentralizations)
  - a) Decentralizations may be used by an officer when the situation reasonably requires that a subject be controlled on the ground.
  - b) During the use of any decentralization, officers shall attempt to protect the subject's head/neck and attempt to control the speed of the subject's decent as much as reasonably possible under the circumstances. It is recognized that a dynamic application of these techniques could be necessary during an encounter with a violent subject.
- 4) Use of Oleoresin Capsicum (OC) Spray

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- a) Officers of the Whitewater Police Department who have been trained in the use of OC spray by a certified instructor will carry OC spray. All department-issued OC spray will be composed of non-toxic and non-flammable ingredients.
- b) The use of OC spray is permitted by officers when:
  - i. A person is actively aggressive towards officers or others.
  - ii. After an officer has indicated to a subject that he or she intends to apprehend or restrain the person, that person indicates to the officer by words and actions that he or she intends to physically resist the officer's efforts to apprehend or restrain him/her or intends to cause harm to the officer.
  - iii. Passive resistance or verbal arguments against being arrested do not permit the use of OC spray without words and actions showing intent to physically resist or to harm the officer.
  - iv. When the officer reasonably believes, considering all the information available to the officer, that efforts at physical restraint would be ineffective or would unreasonably subject the officer to bodily harm.
- c) Officers will not brandish or display OC spray unless its use is anticipated.
- d) When OC spray is used against a person or animal, the user will notify the Lieutenant or Officer-In-Charge.
- e) Officers shall exercise sound judgment when using OC spray and shall consider the potential for cross-contamination to the user, other officers, and bystanders.
- f) OC spray shall not be used by officers (unless unavoidable) if it appears children less than two years of age are in close proximity to the area that would be contaminated.
- g) Department personnel who use OC spray against a person shall ensure that the person is decontaminated as soon as practical after the person has been subdued. Officers shall:
  - i. Expose the person to fresh air and flush exposed areas with large amounts of cold water as soon as

practical.

- ii. Remove contact lenses and contaminated clothing. Inform the person that clothing should be washed thoroughly and soft contact lenses may have to be discarded.
- iii. Do not apply salves, creams, or lotions and inform the subject that additional relief may be gained by washing affected areas with soap and water.
- iv. Monitor the subject for one-half hour after application.
- v. If an adverse reaction occurs, or if requested by the subject, emergency medical personnel shall be contacted.
- vi. If incarcerated, notify confinement personnel of the use of OC spray.
- vii. If practical, ventilate any enclosed areas where OC spray was used or advise occupant/s to do same.
- viii. If circumstances permit, and it can be done without endangering departmental personnel, reasonable efforts to decontaminate animals should be made or the information conveyed to the animal's owner.

5) Use of Pepperball Projectiles – Area Saturation Only

- a) The Department utilizes the Mission-4 Technologies as its chosen pepperball compressed gas projectile launcher.
- b) Officers of the Whitewater Police Department who have been trained in the use of pepperball projectiles by a certified instructor will be able to deploy the pepperball projectiles. All department issued pepperball projectiles will be composed of non-toxic and non-flammable ingredients.
- c) Mission-4 Technologies:

Area Saturation: Falls under the Control Alternative of the Disturbance Resolution Model under Control Devices with the purpose of overcoming active resistance or its threat. Area Saturation is deploying the pepperball projectile OC irritant directly at fixed inanimate objects to create a PAVA

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cloud. Examples of fixed objects to deploy into would be; walls, roadways, trees, vehicles, etc. Area Saturation range is 0 – 175 feet with an area saturation of up to 50 meters.

- d) Pepperball projectiles are plastic spheres that are filled with a derivative of the OC powder irritant. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder, the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, groin or breasts. Therefore, officers using the pepperball projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily harm or death to the officers or others.
- e) The use of pepperball projectiles for Area Saturation only, is permitted by officers when:
  - i. A person is actively aggressive towards officers or others.
  - ii. After an officer has indicated to a subject that he or she intends to apprehend or restrain the person, that person indicates to the officer by words and actions that he or she intends to physically resist the officer's efforts to apprehend or restrain him/her or intends to cause harm to the officer.
  - iii. Passive resistance or verbal arguments against being arrested do not permit the use of pepperball projectiles without words and actions showing intent to physically resist or to harm the officer.
  - iv. When the officer reasonably believes, considering all the information available to the officer, that efforts at physical restraint would be ineffective or would unreasonably subject the officer to bodily harm.
- f) Officers will not brandish or display the pepperball projectile launcher unless its use is anticipated.
- g) When the pepperball projectile launcher is deployed, dispatch shall be notified via radio. Dispatch will acknowledge by repeating the transmission to include the location in which the deployment will be made.

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- h) Officers intending to fire the pepperball projectile launcher should verbalize their intent to other officers at the scene by using statements such as, "firing pepperball launcher."
- i) When pepperball projectiles are used against a person or animal, the user will notify the Lieutenant or Officer-In-Charge.
- j) Officers shall exercise sound judgment when using the pepperball projectile launcher and shall consider the potential for cross-contamination to the user, other officers, and bystanders.
- k) The pepperball projectile launcher shall not be used by officers (unless unavoidable) if it appears children less than two years of age are in close proximity to the area that would be contaminated.
- l) Department personnel who use the pepperball projectile launcher against a person shall ensure that the person is decontaminated as soon as practical after the person has been subdued. Officers shall:
  - i. Expose the person to fresh air and flush exposed areas with large amounts of cold water as soon as practical.
  - ii. Remove contact lenses and contaminated clothing. Inform the person that clothing should be washed thoroughly and soft contact lenses may have to be discarded.
  - iii. Do not apply salves, creams, or lotions and inform the subject that additional relief may be gained by washing affected areas with soap and water.
  - iv. Monitor the subject for one-half hour after application.
  - v. If an adverse reaction occurs, or if requested by the subject, emergency medical personnel shall be contacted.
  - vi. If incarcerated, notify confinement personnel of the use of the pepperball projectiles.
  - vii. If practical, ventilate any enclosed areas where the

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pepperball projectiles were used or advise occupant/s to do same.

- viii. If circumstances permit, and it can be done without endangering department personnel, reasonable efforts to decontaminate animals should be made or the information conveyed to the animal's owner.

### 6) Use of the Electronic Control Devices (ECD)

- a) The Department utilizes the TASER as its chosen ECD tool within the Control Alternatives Mode.
- b) Only trained officers may carry and deploy a TASER. After application of the TASER, applicable follow through procedures shall be utilized when safe to do so. The below procedures should be followed:
  - c) The use of the ECD tool is permitted by officers when:
    - i. A person is actively aggressive towards officers or others.
    - ii. After an officer has indicated to a subject that he or she intends to apprehend or restrain the person, that person indicates to the officer by words and actions that he or she intends to physically resist the officer's efforts to apprehend or restrain him/her or intends to cause harm to the officer.
    - iii. Passive resistance or verbal arguments against being arrested do not permit the use of the ECD tool without words and actions showing intent to physically resist or to harm the officer.
    - iv. When the officer reasonably believes, considering all the information available to the officer, that efforts at physical restraining would be ineffective or would unreasonably subject the officer to bodily harm.
- d) Officers will not brandish or display the ECD tool unless its use is anticipated.
- e) When the ECD tool is used against a person or animal, the user will notify the Lieutenant or Officer-In-Charge.

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- f) If a person has an adverse reaction to a TASER application, or if requested by the subject, transport to a medical facility shall be arranged.
  - g) Officers should avoid intentionally targeting the head, face, throat, genitals and breasts. If the probes are embedded in these sensitive tissue areas, an officer shall arrange transport to a medical facility for removal. If the probes are embedded in other non-sensitive tissue areas, a trained officer may remove them per the trained procedures. See **ANNEX B** for preferred target zones.
  - h) Officers shall exercise sound judgement when using the ECD tool and should generally not use the tool against pregnant women, elderly persons, or young children unless unavoidable.
  - i) The Lieutenant in charge of the ECD is responsible for downloading and printing the incident data from the electronic control device. The data port download report shall then be attached to the offense report.
- d. PROTECTIVE ALTERNATIVES – The fourth mode. It includes tactics and tools to protect an officer while also managing continuing resistance. The purpose of a Protective Alternative is to overcome continued resistance, assaultive behavior, or its threat. The tactics/tools within the Protective Alternatives are:

<u>Tactic / Tool</u>	<u>Goal</u>
Active Countermeasures	To create dysfunction
Incapacitating Techniques	To cause the immediate, temporary cessation of violent behavior
Intermediate Weapons (Less Lethal Munitions, Pepperball (Target Impact)	To impede

- 1) Active Countermeasures
  - a) The purpose of active countermeasures is to create a temporary dysfunction of an actively resistive or assaultive subject. The goal is to interrupt the subject’s ability to resist, enabling the officer to direct the subject to the ground for stabilization.
  - b) Incapacitating Techniques (Diffused Strike)
    - i. The diffused strike may be used by an officer when a

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subject engages in violent behavior which poses an articulable threat of harm to the officer or another person. The situation should be such that immediate and temporary cessation of violent behavior is reasonably necessary.

- ii. Because the diffused strike is delivered to the side of the subject's neck (the origin of the brachial plexus of nerves), the officer shall attempt to stabilize the head to prevent striking other vulnerable parts of the neck. It is recognized that a dynamic application of this technique could be necessary during an encounter with a violent subject.

- c) Focused Strikes and Vertical Stuns

- i. Focused strikes or vertical stuns may be used by an officer to create a temporary dysfunction in an actively resistive or assaultive subject. Once the subject's resistance has been controlled, the use of focused strikes and vertical stuns will cease.
- ii. Focused strikes and vertical stuns may also be used to assist an officer in disengaging and gaining distance from a violent or assaultive subject.

- 2) Baton

- a) Only officers who have been trained in the use of batons by a certified DAAT instructor may deploy batons in their official duties.
- b) The use of authorized batons is permitted to impede an actively resistive or assaultive person when the officer reasonably believes that lesser force would be ineffective or would unreasonably subject the officer to bodily harm.
- c) Authorized batons are described as follows:
  - i. Straight wood baton (26" in length)
  - ii. Expandable steel baton (26" in length)
- d) An authorized baton may be withdrawn from its holder and held in the approved ready position if the officer is threatened or confronted with potential bodily harm.

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- e) The authorized target areas for baton strikes are as follows:
  - i. Lower abdominal area (baton jab)
  - ii. Knee area (angle strike and angle-cross strike)
  - iii. Elbow area (angle strike and angle-cross strike)

It is acknowledged that dynamic applications of these techniques could be necessary during an encounter with a violent subject.

- f) The intentional use of a baton to strike the head of a subject carries with it a significant likelihood of causing serious injury or death. Therefore, an intentional strike to a subject's head shall be prohibited, unless the use of deadly force is justified.
- g) If a person is injured by the use of a baton, officers on the scene will immediately provide first aid and emergency medical assistance, if necessary, for the injured person as soon as the scene is secure.

### 3) Use of Pepperball projectiles – Target Impact Only

- a) The Department utilizes the Mission-4 Technologies as its chosen pepperball compressed gas projectile launcher.
- b) Officers of the Whitewater Police Department who have been trained in the use of pepperball projectiles by a certified instructor will be able to deploy the pepperball projectiles. All department issued pepperball projectiles will be composed of non-toxic and non-flammable ingredients.

- c) Mission-4 Technologies:

Target Impact: Falls under the Protective Alternatives mode of the Disturbance Resolution Model which is a less lethal impact and OC irritant utilized as an intermediate weapon with the purpose to impede and overcome continued resistance, assaultive behavior, or its threat. Target Impact is deploying the pepperball projectile directly at the person(s). Target Impact range is 0 – 66 feet.

- d) Pepperball projectiles are plastic spheres that are filled with a derivative of OC powder irritant. Because the compressed gas launcher delivers the projectiles with enough force to burst the projectiles on impact and release the OC powder,

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the potential exists for the projectiles to inflict injury if they strike the head, neck, spine, groin or breasts. Therefore, officers using the pepperball projectile system should not intentionally target those areas, except when the officer reasonably believes the suspect poses an imminent threat of serious bodily harm or death to the officers or others. See **ANNEX B** for preferred target zones.

- e) The use of pepperball projectiles to Target Impact a person(s) is permissible by officers under the following conditions:
  - i. After an officer has indicated to a subject that he or she intends to apprehend or restrain the person, that person indicates to the officer by words and actions that he or she intends to physically resist the officer's efforts to apprehend or restrain him/her or intends to cause harm to the officer.
  - ii. Against an actively resisting or assaultive person, where the officer reasonably believes lesser force would be ineffective or would unreasonably subject the officer to bodily harm.
  - iii. When the officer reasonably believes, considering all the information available to the officer, that efforts at physical restraint would be ineffective and would unreasonably subject the officer to bodily harm.
  - iv. As an alternative to deadly force against a person when an officer reasonably believes that he/she or another person is in imminent danger of death or great bodily harm.
- f) Officers will not brandish or display the pepperball projectile launcher unless its use is anticipated.
- g) When the pepperball projectile launcher is deployed, dispatch shall be notified via radio. Dispatch will acknowledge by repeating the transmission to include the location in which the deployment will be made.
- h) Officers intending to fire the pepperball projectile launcher should verbalize their intent to other officers at the scene by using statements such as, "firing pepperball launcher."
- i) When pepperball projectiles are used against a person or animal, the user will notify the Lieutenant or Officer-In-

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Charge.

- j) Officers shall exercise sound judgment when using the pepperball projectile launcher and shall consider the potential for cross-contamination to the user, other officers, and bystanders.
- k) The pepperball projectile launcher shall not be used by officers (unless unavoidable) if it appears children less than two years of age are in the close proximity to the area that would be contaminated.
- l) Department personnel who use the pepperball projectile launcher against a person shall ensure that the person is decontaminated as soon as practical after the person has been subdued. Officers shall:
  - i. Expose the person to fresh air and flush exposed areas with large amounts of cold water as soon as practical.
  - ii. Remove contact lenses and contaminated clothing. Inform the person that clothing should be washed thoroughly and soft contact lenses may have to be discarded.
  - iii. Do not apply salves, creams, or lotions and inform the subject that additional relief may be gained by washing affected areas with soap and water.
  - iv. Monitor the subject for one-half hour after application.
  - v. If an adverse reaction occurs, or if requested by the subject, emergency medical personnel shall be contacted.
  - vi. If incarcerated, notify confinement personnel of the use of the pepperball projectiles.
  - vii. If practical, ventilate any enclosed areas where the pepperball projectiles were used or advise occupant/s to do same.
  - viii. If circumstances permit, and it can be done without endangering department personnel, reasonable efforts to decontaminate animals should be made or

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the information conveyed to the animal's owner.

### 3) Impact Munitions

- a) The Department utilizes Less Lethal Impact Munitions and places it within the protective alternative mode which is an intermediate weapon.
- b) Only officers who have been trained in the deployment of impact munitions may use such munitions in their official duties.
- c) The use of impact munitions is permissible under the following conditions:
  - i. As an alternative to deadly force against a person when an officer reasonably believes that he/she or another person is in imminent danger of death or great bodily harm.
  - ii. Officers should consider all safety concerns when deciding to use specialty impact munitions against a subject who is threatening the use of deadly force. Under those circumstances, the officer deploying impact munitions should be assisted by at least one and preferably two or more officers who could use deadly force if necessary.
  - iii. Against an actively resistive or assaultive person where the officer reasonably believes lesser force would be ineffective or would unreasonably subject the officer to bodily harm.
  - iv. Against a suicidal person whom the officer reasonably believes poses a threat of causing death or great bodily harm to him/herself.
- d) The authorized impact munitions used by the Department is the 12-gauge drag stabilized beanbag round. (See the **FIREARMS** policy for details.) Use of other less lethal 12-gauge impact munitions shall be limited to only those officers with specific training in their use.
- e) When impact munitions are deployed, dispatch shall be notified via radio that impact munitions are being deployed. Dispatch will acknowledge by repeating the transmission to include the location in which the deployment will be made.

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- f) Fired impact munitions utilized as a protective alternative mode of force will be collected and placed into evidence.
- g) Officers intending to fire impact munitions should verbalize their intent to other officers at the scene by using statements such as, “firing beanbag shotgun.”
- h) Impact munitions may be utilized for deadly force when circumstances would otherwise permit the use of deadly force.
- i) Officers shall exercise sound judgment when using impact munitions, considering the potential for causing great bodily harm or death.
- j) Impact munitions shall be used by only those officers who have received specific training in the use of them.
  - i. Firearms or other devices used to deploy impact munitions shall be well marked so that they can easily be distinguished from other firearms loaded with lethal ammunition.
  - ii. If a person is injured by the use of impact munitions, officers on the scene will immediately provide first aid and emergency medical assistance, if necessary, for the injured person as soon as the scene is secure.
  - iii. When impact munitions are used on a person, the officer will notify the Lieutenant or Officer-In-Charge.
- e. DEADLY FORCE – The fifth mode. 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 or other instrument that creates a high probability of death or great bodily harm. The subject behavior that justifies an officer’s use of deadly force is any behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.
  - 1) Officers may use deadly force to apprehend a criminal suspect who has used or threatened to use deadly force against someone, and presents a continued threat to the public, and you reasonably believe there is no other way to make the arrest or retain custody of the person once arrested. An officer should not use deadly force unless he/she reasonably believes it is necessary to capture a dangerous suspect, and then only as a last resort, if the officer

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believes that all other options have been exhausted or would be ineffective.

- 2) If it is reasonable and practical to do so, officers should identify themselves as law enforcement officers and give verbal warning of their intent to use deadly force, prior to using deadly force.
  - 3) A total roadblock is the complete obstruction of the roadway that does not allow the pursued vehicle an escape route. Total roadblocks should only be employed when deadly force is justified.
  - 4) Shooting at or from a moving vehicle shall only be done if deadly force is justified, and if no better option exists.
  - 5) The intentional ramming of a fleeing vehicle and the Pursuit Immobilization Technique (PIT) are not trained but are justified in a deadly force situation. However, pinning a stopped vehicle and preventing its movement is not considered ramming.
  - 6) "Warning shots" are prohibited.
  - 7) Choke holds are prohibited except in situations where the use of deadly force is legally justified.
  - 8) Officers may use deadly force as the last resort to dispatch an animal so seriously injured or ill that humanity dictates its removal from suffering, but only after careful consideration is given to the public's safety and whether other dispositions may be feasible. If practical, the officer should consult with the officer in-charge prior to dispatching an animal.
3. Follow Through to Intervention Options - Officers have responsibilities after using force. Where an officer used force to establish control over a subject, the officer must monitor the subject for injuries. This may include handcuffing, unless inappropriate (based on the Defensive and Arrest Tactics Training). An initial medical assessment must be conducted as follows:
- a. Determine the level of consciousness, using verbal or physical stimulus.
  - b. Check airway, breathing, and circulation.
  - c. Perform a body check for injuries – severe bleeding, gross deformities, etc.
  - d. Provide any necessary treatment to your level of training and, if needed or the subject requests it, activate the emergency medical system.
  - e. Continue to monitor and remain with the subject until he or she is turned over to someone of equal or greater responsibility. Find out if there is a

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need for long-term monitoring of the subject because of special medical or mental health needs.

### B. Documentation

1. The department requires a written report whenever an employee uses force under the following circumstances:
  - a. When a firearm is discharged, except in a training situation or for lawful recreational purposes.
  - b. When an action results in, or is alleged to have resulted in, injury or death of another person.
  - c. When use of force is at a level of compliance hold or above.
2. The Department requires completion of a **USE OF FORCE FORM** by any officer using force at a level at or above compliance holds. **USE OF FORCE FORMS** must also be completed any time an officer points a firearm at an individual.
  - a. The form will be submitted to the Shift Supervisor who shall review and sign the form.
  - b. The form will be forwarded to a DAAT Instructor who shall review and sign the form.
  - c. The Captain or in his/her absence the Deputy Chief, shall review and sign the form.
  - d. The Deputy Chief shall maintain a file of the **USE OF FORCE FORMS** and use the information to compile an annual report and analysis of the Department's use of force. The report will note any patterns or trends that could indicate training needs and/or policy modifications. This report will be submitted to the Chief of Police each January.
  - e. All force-related offense reports shall be forwarded to the Captain, or in his/her absence, the Deputy Chief, for review. The Captain or Deputy Chief shall forward to the Chief of Police any reports involving the use of force which involve injury or death to a person.
3. TraCS Use of Force Data Collection
  - a. The Captain or Deputy Chief will submit a TraCS Arrest Related Death report for any incident involving a subject who died with no police use of force involved (e.g. in-custody death) or an incident involving a subject who did as a result of a law enforcement use of force.
  - b. The Captain or Deputy Chief will submit a TraCS Use of Force report for any

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of the following types of incidents:

- 1) Subject died as a result of a law enforcement use of force
- 2) Subject experienced serious bodily injury as a result of law enforcement use of force
- 3) Law enforcement discharged a firearm in the direction of a subject, but did not cause harm

### C. Additional Considerations

1. Officers of the Whitewater Police Department shall act in accordance with the principles contained in the Disturbance Resolution model (**ANNEX A**)
2. Officers shall use only that amount of force reasonably necessary to control a situation, effect the arrest of an offender or to control a person.
3. Specific use of force techniques listed in this policy are described in official manuals titled *Defensive and Arrest Tactics: A Training Guide for Law Enforcement Officers* and *Firearms: A Training Guide for Law Enforcement Officers*, both of which are published and updated periodically by the Wisconsin Department of Justice Law Enforcement Standards Board.
4. The Defensive and Arrest Tactics system contains several trained techniques which are taught in a classroom type setting. It is acknowledged that a dynamic application of a trained technique or the use of an untrained technique could be necessary and justified in a confrontation with a resistive subject.
5. Required Notification and Reports upon Discharge of a Firearm
  - a. Whenever an officer is responsible for an accidental or intentional discharge of a firearm while on duty or off duty (other than during firearms training, hunting, or participating in sporting or recreational activities), or the accidental or intentional use of deadly force by any means, to include a motor vehicle, the following notifications shall be made:
    - 1) Used on or directed against a person – Refer to Use of Force Investigations (**OFCINVOLVEDFORCE**) policy for guidelines and protocol.
    - 2) Used against an animal - If a firearm is used against an animal, the officer should notify the Communications Center and his/her Officer-In-Charge prior to discharge, if possible, or immediately thereafter. The officer shall also complete an offense report of the incident.
    - 3) Accidental discharge without injury - The officer shall immediately notify the Officer-In-Charge and complete an interoffice

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memorandum to the Lieutenant in charge of the Use of Force Review Team regarding the circumstances of the incident.

- b. Whenever an officer takes action by any means that results in, or is alleged to have resulted in, accidental or intentional injury/death to a person, including use of non-lethal weapons, the officer shall prepare an offense report describing the circumstances surrounding the injury/death. If the officer is incapacitated or otherwise unable to complete the report, the Officer-In-Charge shall initiate the report.
6. Foot Pursuits
- a. An officer's decision to pursue on foot shall be made with an awareness and appreciation for the risk to the officer and others who may be exposed. In deciding whether to initiate or continue a foot pursuit, officers shall also consider the following risk factors:
    - 1) The severity of the incident and/or offense to which the officer is responding.
    - 2) Officer/subject factor regarding skill level, age, size, and strength of the fleeing subject.
    - 3) Availability of immediate assistance.
    - 4) Geography familiarization and orientation.
    - 5) The necessity of the pursuit based upon whether the identity of the suspect is known or can be determined permitting apprehension at a later time.
    - 6) Whether the person being pursued poses a threat or harm to the public beyond the act of fleeing the officer, if not immediately apprehended.
    - 7) When the foot pursuit enters a building, structure, confined spaces, wooded or otherwise isolated areas without sufficient backup; the officer should consider setting up a perimeter and waiting for additional officers.
    - 8) Consider perimeter and await back-up officers.
  - b. If, during a traffic stop, one or more of the occupants flee, officers have a very unstable and dangerous situation. Officers should follow these guidelines:
    - 1) As a general rule, officers should avoid foot pursuits. They are dangerous and can be difficult to coordinate.

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- 2) If there is a chance that someone is still in the vehicle, maintain coverage of the vehicle.
  - 3) Do not chase a suspect forward of the subject vehicle — the officer may be ambushed by someone still in the vehicle, and fellow officers may be restricted in returning fire without endangering the pursuing officer.
  - 4) Broadcast a description and direction of travel so that responding officers can set up a perimeter and look for the suspect(s).
  - 5) If you lose sight of running suspect(s), guard against an attack from the rear.
  - 6) If there are sufficient officers on scene, officers may set up a perimeter and search for suspect(s).
- c. The foot pursuit should be discontinued when the following risk factors develop:
- 1) The threat of harm to the officer or the fleeing suspect outweighs the necessity for immediate apprehension.
  - 2) Inability to maintain radio contact with communications center.
  - 3) Riotous or unsafe environment.
  - 4) Identity of fleeing suspect is obtained.
  - 5) Termination of pursuit is directed by a supervisor.
- D. Duty to Report Noncompliant Use of Force
1. An officer who, in the course of his or her law enforcement duties, witnesses another law enforcement officer use force in the course of his or her duties that does not comply with the standards laid out in this policy, shall report the noncompliant use of force as soon as practicable after the occurrence. If multiple officers witness a noncompliant use of force, each witnessing officer has a duty to report it.
  2. Reports of noncompliant use of force will be documented in an interoffice memo and submitted to the officer's immediate supervisor. At a minimum, the report of noncompliant use of force must include the following information: date and time of incident, location, individuals present at the time of the incident, reporting officer's actions, and reporting officer's observations relative to the noncompliant use of force. Reports will be made directly to a member of the command staff in cases where the immediate supervisor is not immediately available, or in cases where the supervisor is the officer suspected of noncompliant use of force.

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3. The Deputy Chief will be responsible for investigating reports of noncompliant use of force consistent with the guidelines set forth in the Internal Affairs policy regarding investigation of serious employee misconduct.
4. If the reported noncompliant use of force involves an officer from another agency, the Chief of Police will be responsible for providing that agency's Chief or Sheriff with the details of the report.

### E. Duty to Intervene

1. Officers shall, without regard for chain of command, intervene to prevent or stop another law enforcement officer from using force in the course of his or her duties that does not comply with the standards laid out in this policy if all of the following apply:
  - a. The officer observes the use of force that does not comply with the standards laid out in this policy.
  - b. The circumstances are such that it is safe for the officer to intervene.
2. The duty to intervene is not limited to on-duty officers only; it applies to officers regardless of duty status or location.
3. Officers should consider the following when determining whether or not the circumstances allow them to safely intervene:
  - a. Is the officer in his or her jurisdiction?
  - b. Is the officer in uniform or otherwise immediately identifiable as a law enforcement officer?
  - c. Is the observed use of force in the context of an ongoing tactical situation?
  - d. Is the officer's intervention likely to escalate the situation?
4. An officer who intervenes as required above shall report the intervention to his or her immediate supervisor as soon as practicable after the occurrence of the use of such force. Reports will be made directly to a member of the command staff in cases where the immediate supervisor is not immediately available, or in cases where the supervisor is the officer who used force requiring intervention.

### F. Whistleblower Protections

1. No employee may be discharged, disciplined, demoted, or denied promotion, transfer or reassignment, or otherwise discriminated against in regard to employment, or threatened with any such treatment, because the law enforcement officer reported, or is believed to have reported, any noncompliant use of force; intervened to prevent or stop a noncompliant use of force; initiated,

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participated in, or testified in, or is believed to have initiated, participated in, or testified in, any action or proceeding regarding a noncompliant use of force; or provided any information, or is believed to have provided any information, about noncompliant use of force.

### G. Use of Force Review Team

1. The Chief of Police or his/her designee shall convene the Use of Force Review Team, and it shall consist of the following personnel:
  - a. Captain
  - b. Firearms Training Coordinator
  - c. A D.A.A.T Instructor
  - d. A sworn member of another law enforcement agency, selected by that agency's law enforcement executive.
  - e. One member of the Whitewater Police Department selected by the involved officer(s)
2. If the involved officer is incapacitated and cannot designate an officer to serve on the review team, the Chief of Police or his/her designee will direct the officer's supervisor to select an officer to represent the involved officer. The selectee is subject to the approval of the involved officer(s) should the officer(s) cease to be incapacitated prior to completion of the review.

### H. Use of Force Review Team Duties

1. The Use of Force Review Team shall investigate all of the following incidents, if, after initial administrative review, there is any question whether the force used was justified:
  - a. The accidental or intentional use of deadly force by an officer, whether or not injury or death occurs.
  - b. All incidents resulting in serious injury to a person by an officer's use of force.
    - 1) A complaint received from a citizen alleging that an officer used excessive force resulting in injury to a person shall immediately be referred to the Deputy Chief and/or the Chief of Police for investigation under the guidelines set forth in the Internal Affairs Policy (**INTERNAL**).
  - c. All incidents involving the accidental or intentional discharge of a firearm.
    - 1) Incidents involving the discharge of a firearm to dispatch an animal

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or accidental discharge without injury may be investigated by the Deputy Chief, or his/her designee, but the Chief of Police may elect to convene the Use of Force Review Team in order to formally review the incident.

2. When so directed by the Chief of Police, the Use of Force Review Team shall also investigate any incident involving the use of force by officer(s) of the Department. Refer to Use of Force Investigations (**OFCINVOLVEDFORCE**) policy.
- I. Training
    1. The Firearms Training Coordinator and Defensive and Arrest Tactics instructors shall conduct yearly training, as a part of their respective departmental updates, which will cover the appropriate use of deadly and non-deadly force pursuant to the terms of this policy.
    2. The Department will hold required annual training for all sworn officers in Defensive and Arrest Techniques (DAAT). DAAT training will include substantive instruction on the Department's use of force policies and procedures, de-escalation techniques, and related legal updates.



**ANNEX B**

**3. Use Preferred Target Zones: Rear (when practicable)**

**Below neck (green zone)**

- Large muscles
- Avoid head and neck

*The back is the most preferred target area when reasonably practicable because it contains larger muscle groups and reduces risk of hitting sensitive body areas*

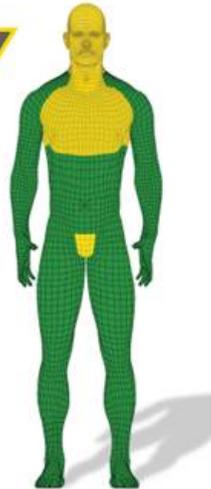


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**3. Use Preferred Target Zones: Front (when practicable)**

**Lower torso (green zone below chest)**

- More effective than hitting the chest
  - Larger muscles (legs)
  - Split the beltline
- Reduces risk of hitting sensitive body areas (see product warnings)
- Increases dart-to-heart safety margin distances
- Do not intentionally target head, eyes, throat, chest or genitals



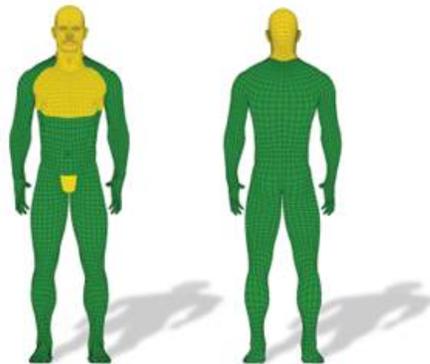
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**3. Use Preferred Target Zones: Front (when practicable)**

CEW cardiac risks are low, but not zero

To reduce cardiac risks (when practicable):

- Target the back
- Avoid targeting the chest
- Avoid heart region
- Avoid repeated or continuous exposures



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