

# Sawyer County Sheriff's Office

<b>Adopted/Effective date</b> May 29, 2015		<b>Number</b> Item #13
<b>Subject</b> Use of Force (ECD, OC & Less Lethal)	<b>Reviewed Date</b>	<b>Revised/Effective date</b>  February 4, 2022

**I. Purpose:**

The purpose of this policy is to provide Sawyer County Sheriff's Deputies with the guidelines for the use of force while carrying out the duties of a law enforcement officer. Law enforcement officers may use force to achieve the legitimate law enforcement objectives of gaining and maintaining control of resistive subjects and making lawful arrests.

**II. Policy:**

It is the policy of this office that deputies use only the force that is reasonably necessary to effectively bring an incident under control while protecting their lives and the lives of others. The use of such force must be objectively reasonable adhering to all applicable federal, state, and local laws.

Granting deputies the lawful authority to use force to protect the welfare of the community requires a careful balancing of all interests. The Sawyer County Sheriff's Office recognizes and respects the value of all human life. In serving our community, deputies will make every effort to preserve and protect human life while upholding the dignity of all persons without prejudice.

The Sawyer County Sheriff's Office adopts the Defensive and Arrest Tactics System (DAAT) as put forth by the State of Wisconsin, Department of Justice, Training and Standards Bureau. This model provides general guidelines that define the degree and type of force to be used, specifies intervention options and modes and specific techniques applicable within each of the tactics.

**III. Definitions:**

Active Counter Measures: To create a temporary dysfunction of an actively resistive or assaultive subject. These techniques include vertical stuns and focused strikes.

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

Assaultive Behavior: Direct actions or conduct that generates bodily harm.

Choke Hold: Application of direct pressure on a person's trachea or airway restricting one's ability to breath.

Control Alternatives: To overcome passive resistance, active resistance, or other threats.

Deadly Force: The intentional use of a firearm or other instrument, the use of which would result in a high probability of death or great bodily harm.

Defense and Arrest Tactics (DAAT): A system of verbalization skills coupled with physical alternatives.

Deployment: The action of triggering the projectile to be launched from the launching system.

Electronic Control Devices (ECD): Instruments in which a safe amount of electricity is used to affect the sensory and/or motor nervous system of the body.

Greater Danger Exception: Shooting without Target Isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.

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.

Incapacitating Techniques: To cause the immediate, temporary cessation of violent behavior.

Intermediate Weapon: To impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior.

Intervention Options: Trained techniques recognized in the DAAT system.

Less Lethal Impact Munition System: A weapon designed to incapacitate a subject by means of launching a flexible projectile that will interrupt a subject's thought process and motor functions.

Objective Reasonableness Standard: The standard established by the Supreme Court in *Graham v. Connor*, which states 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. Three elements of the standard are:

1. Severity of the alleged crime at issue.
2. Whether the person poses an imminent threat to the safety of officers and/or others.
3. Whether the person is actively resisting seizure or attempting to evade arrest by flight.

Oleoresin Capsicum (OC) Spray: Aerosol spray composed of oleoresin capsicum that causes irritation and blinding of the eyes and inflammation of the nose, throat, and skin.

Passive Counter Measures: Techniques that use physical force to direct a subject to the ground or floor. The techniques are designed to overcome active resistance or the threat of active resistance.

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

Preclusion: Belief that all other options have been exhausted or would be ineffective.

Protective Alternatives: To overcome continued resistance, assaultive behavior, or their threats.

#### **IV. Procedure:**

##### **A. Use of Force:**

- A law enforcement officer must only use that amount of force which a reasonable officer would use under the same or similar circumstances.
1. When using force, a law enforcement officer is required to act in good faith to achieve a legitimate law enforcement objective. A law enforcement officer is authorized to only use force that is objectively reasonable based on the totality of the circumstances including the following:
    - a. The severity of the crime at issue.
    - b. Whether the suspect poses an imminent threat to the safety of law enforcement officers or others.
    - c. Whether the suspect is actively resisting or attempting to evade arrest by flight.
  2. Law enforcement officers may use force to achieve the following legitimate law enforcement objectives:
    - 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 and/or others.
    - e. To prevent escape.

##### **B. Training:**

When a deputy uses force as part of his/her law enforcement duties, the use of force must fit into one of these categories.

1. A trained technique.
2. A dynamic application of a trained technique (not quite the classroom model, but as close to it as possible under the circumstances).
3. A technique not trained but justified under the circumstances.

### C. Intervention Options:

The mode a deputy chooses in a given situation depends on the deputy's tactical evaluation and threat assessment. The criteria are whether the level and degree of force is objectively reasonable. Principles that apply:

1. The purpose for the 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 rather than physical force.
2. A deputy may initially use the level and degree of force that is reasonably necessary to achieve control. A deputy need not escalate step by step through the Intervention Options. As the situation dictates, the deputy may move from any mode to another if he/she reasonably believes that a lower level of force would be ineffective.
3. At any time, if the level of force a deputy is using is not effective to gain control, the deputy may disengage or escalate to a higher level of force.
4. Once a deputy has gained control of a subject, he/she shall reduce the level of force needed to maintain control.
5. The deputy must always maintain the position of advantage.

## V. **Force Options**

### A. Oleoresin Capsicum Spray (OC)

The purpose for using OC spray is to overcome active resistance or its threat. OC spray works by creating a variety of physical effects such as; intense burning sensation of the eyes, throat and other exposed areas of the skin. It may also cause inflammation of the respiratory tract resulting in restricted breathing. These effects may result in confusion and disorientation, thus disrupting the subject's ability to resist or continue to resist.

Authorization to Carry and Use OC spray:

1. Only OC spray issued and approved by the Sawyer County Sheriff's Office may be carried and used by deputies while on duty.
2. Only deputies that are trained in the use of OC spray are authorized to use and carry.
3. All deputies assigned to patrol are required to carry OC spray once they have been trained in its proper use and have been issued the OC spray.

Training Requirements:

1. All deputies will complete the State of Wisconsin certified training in the use of oleoresin capsicum aerosol (OC spray).
2. Continuing training/education in the use of OC spray will be provided by the Sheriff's Office.

Use/Deployment of OC Spray:

The Sawyer County Sheriff's Office authorizes the use of OC spray on a subject under the following situations however; the deputy's discretion of the existing threat level will also dictate its use.

1. A verbal warning, and time to allow the subject to comply shall be given prior to the use of OC spray, unless a warning would present a danger to the deputy or others.
2. OC may be used when a subject is threatening to actively resist or is actively resisting a deputy.
3. Subject's attempting destruction of property.
4. Prisoners acting violent in cellblock areas.
5. Against aggressive or dangerous animals that pose a threat of physical injury to a deputy or others.
6. Deputies who use OC against a person shall ensure the person is decontaminated as soon as practical after he or she is under control.

#### Restrictions on the Use of OC spray:

1. To effect an arrest of a person that is only passively resisting (e.g., going limp, offering no physical resistance).
2. On individuals with frail health, young children, the elderly, women believed to be pregnant, or persons with known respiratory conditions. OC spray may only be used under exceptional circumstances involving an imminent danger of suffering serious bodily harm, and the use of the pepper spray is the only reasonable method to control the child or elderly in order to avoid such harm.
3. Once the subject is compliant and under control.
4. Near open flame.

#### Method of Deployment and Contamination:

1. Three (3) one (1) second bursts of the OC spray should be directed to the upper facial area.
2. Generally, OC should not be spray directly at the eyes of a person from a distance of less than three (3) feet because of an increased risk of eye injury from the pressure of the spray.
2. Attempt to remain a minimum of three (3) feet of distance from the subject when discharging OC spray to minimize possible self-contamination.
3. Additional bursts of OC spray may be used if the initial bursts prove ineffective.
  - a. Allow a brief time for the OC spray to take effect before a second application.
  - b. Be prepared to take other appropriate action should the spray fail to be effective.

#### Decontamination:

Deputies who use OC against a subject shall ensure the person is decontaminated as soon as practical after he or she is under control.

1. Use professional communication skills to calm and reassure the subject. Advise the subject the effects will wear off approximately 30-45 minutes.
2. Ask the subject if he or she is wearing contact lenses, and if so, allow him or her to remove them.
3. Ask the subject if they would like medical attention. Initiate EMS if requested or if you feel necessary.
4. Encourage the subject to open his/her eyes and blink.

5. If possible, move the subject to fresh air.
6. Rinse the subjects face and eyes with cool water, preferably from a running tap or hose. Advise subject not to rub his eyes.
7. If available us (non-lotion) soap, preferably baby shampoo, and water to remove the resin from the skin. Do not use salves, creams or lotions.
8. Get medical assistance under the following circumstances;
  - a. If the subject requests it
  - b. If symptoms do not visibly improve after 45 minutes
  - c. If the deputy observes any other problem or otherwise feels that medical assistance is warranted
  - d. If the subject cannot remove his/her contacts lenses on their own.

Deputy Threatened/Assaulted with OC by Subject:

1. When deputy is faced with the threat of OC by a subject, the deputy has the option to disengage or escalate.
2. Attempt to avoid being incapacitated by the spray by closing one or both eyes, blocking the spray with your hand, turning your head away, or holding your breath to avoid breathing the spray.
3. Seek to create distance, enough to be out of the range of the spray.
4. Force options:
  - a. Attempt to defuse the situation with professional communications skills
  - b. Attempt to disarm the subject
  - c. Escalate to a higher level of force
  - d. The appropriate level of force depends on the totality of the circumstances; including the individual officer's own response to OC
  - e. If a deputy has previous experience with OC, they may have knowledge that they can fight through the effects. Or the deputy may know that they become instantly incapacitated by the effects of OC.
  - f. The deputy will conduct a tactical evaluation to determine the appropriate level of force.

Transport of Contaminated Subjects:

1. Deputies should position the subject in a manner that will facilitate free breathing since OC spray may affect some respiratory functions.
2. Deputies shall never leave a contaminated, restrained subject alone.
3. Deputies will transport subjects to the jail as soon as possible.
4. Deputies will contact the dispatch center when OC spray was used to advise on-duty jail personnel for assistance in decontaminating the subject upon arrival at the jail.

B. Other Chemical Munitions

This Department recognizes the use of other chemical agents as a viable force option. The use and/or deployment of these require deputies to be certified and trained in their use. These would include but not limited to:

1. CS (Ortho Chorobenzalmononitrile)

2. Smoke aerosol grenades (constitutes deadly force if used inside a residence or small confined spaces).
3. OC and CS aerosol grenades.
4. OC and CS 37mm launchable.
5. OC and CS 12-gauge ferret rounds.

C. Electronic Controlled Device (ECD)

This device is known as an Electronic Controlled Device (ECD) by Wisconsin Training and Standards, and known as a Conducted Energy Weapon (CEW) by AXON Company standards. For the purpose of this policy, (CEW) will be referred as (ECD). This device discharges an electronic current to override a subject's central nervous system causing temporary incapacitation.

General:

1. The ECD is recognized as part of the Control Alternatives in the Disturbance Resolution Model and may be used by trained personnel under the same basic justifications. Those justifications are when a subject is threatening to or is actively resisting an officer or the subject poses a describable threat of harm to themselves or other.
2. An ECD is not a substitute for deadly force. In cases where a subject is believed to be armed with a dangerous weapon a deputy may not arm him or herself with an ECD unless another deputy at the scene has the immediate ability to deliver deadly force. Deputies armed with an ECD should continuously monitor and evaluate the ability of other deputies present to deliver deadly force.
3. Deputies may also include in the decision to use this force option information known to the deputy at the time of the incident including:
  - a. Conduct or statements of the subject.
  - b. Prior history of resistance
  - c. Assaultive behaviors
  - d. Deputy subject factors
  - e. Severity of the crime at issue
  - f. Attempting to evade seizure by flight

Authorization to Carry and Use an ECD:

1. Only ECD devices approved for use by the Sawyer County Sheriff's Office may be utilized by deputies that have successfully completed the training and required certifications.
2. Deployment and use of ECD devices will be in accordance with departmental training and policy/procedure.
3. The authorized ECD device for the Sawyer County Sheriff's Office is the Taser X2 which is manufactured by AXON.
4. All deputies assigned to patrol are required to carry an ECD once they have been trained and certified in its proper use.

#### Training Requirements:

1. For deputies to carry an ECD, the deputy must successfully complete a minimum of six (6) hours of training sponsored by the Office on the ECD.
2. Deputies must successfully complete a two (2) hour re-certification process annually, as directed by the Office Administrators.

#### Weapon Readiness:

1. Prior to the start of each shift deputies shall do a function check of the ECD, including checking the battery life and a spark test of five seconds to ensure the ECD is functioning properly. Deputies will also check the cartridges to make sure the blast doors are not compromised and that the cartridges are not expired.
  - a. Expired or damaged cartridges must be turned in to the TASER Coordinator
2. Any ECD found not to be functioning correctly shall be taken out of service immediately and a supervisor advised of the issue.
3. ECD's will be carried in an approved holster, and with the safety switch in the "safe" position. The ECD must be carried on the reaction side of the body (i.e. opposite of the service handgun). SWAT team members in tactical gear are exempt from this holstering requirement.

#### Use/Deployment of ECD:

1. The ECD may be used when a subject is threatening to actively resist or is actively resisting a deputy and the subject poses a threat to deputies, or another person and the deputy believes they would have to decentralize the subject.
2. The deployment of an ECD will normally consist of one five (5) second cycle, unless circumstances dictate continuous or multiple activations, which will need to be articulated and meet the requirements of objectively reasonable.
3. The ECD shall not be brandished, displayed, or its use threatened unless it can be reasonably concluded that its use may become justified.
4. Every effort shall be made to deploy an ECD at the preferred target areas.
  - a. Frontal deployments - lower center of mass (below the chest)
  - b. Back deployments – below the neck area
5. Deputies should avoid intentionally targeting the ECD on sensitive areas of the body such as head, throat, chest/breast, or groin.
6. A warning should be announced prior to activation the ECD to the subject and to announce to other deputies that the ECD is going to be deployed unless to do so would place any other person at risk.
7. Upon deployment of an ECD and during its' cycle, assisting deputies should be directed to move in and attempt to gain control of the subject if safe to do so.
  - a. Deputies moving in to gain control should be conscious of the probes and insulated wires to avoid being shocked or break/disconnect the wires.
8. In the event of an unwanted or accidental discharge, the deputy shall contact a supervisor and report the discharge and any issues associated with it.

#### Elevated Risk Cautions:

Because of the increased risk of serious injury to subjects in the following categories, deputies must balance the risk of serious injury with the need for immediate incapacitation.

1. Subjects running.
  - a. Prior to the use of an ECD on a subject that is running, the severity of the crime at issue and whether the subject poses an immediate threat to the safety of the officer or others should be considered
2. Subjects in elevated positions and are at risk of a dangerous fall.
3. Children or elderly subjects.

#### Use/Deployment of ECD Against Animals:

1. Deputies may use an ECD if the deputy reasonably believes that the animal is vicious and is threatening/attacking another person or animal, or if the animal is a public nuisance and needs to be controlled and other options would not be safe or appropriate.
  - a. Deputies should be prepared to act quickly with other restraint devices once an ECD has been deployed against an animal. In all cases the safety of the officer and public shall be considered prior to deployment.

#### Prohibited Use of ECD:

1. Deputies will not use the ECD in a punitive or coercive manner.
2. In a repetitive manner beyond a minimum amount of cycles necessary to place the subject into custody.
3. On a subject that is compliant and under control.
4. On a fleeing subject where the sole justification for the use is the flight of the individual.
  - a. The severity of the offense and other circumstances should be considered before use of the ECD on a fleeing subject
5. On a female subject who is known to the deputy to be pregnant or exhibits physical signs of pregnancy unless the individual is displaying assaultive behavior that could reasonably be construed as possibly causing death or great bodily harm to an individual, the unborn child, or another person and this behavior cannot be dealt with in any other less intrusive fashion.
6. Where the subject is displaying passive resistance without posing a threat of harm to deputy or others.
7. In any environment where a deputy knows that a potentially flammable, volatile or explosive material is present.
8. In any environment where a K-9 is being utilized or the subject is being held by a K-9 unless:
  - a. The K-9 handler or K-9 is incapacitated
  - b. The K-9 handler requests ECD deployment
9. On a subject that is operating a motor vehicle or machinery.
10. Subject that is in water and at risk of drowning without taking proper measures to eliminate drowning risk.

#### Contact (Drive Stun) Deployment:

The ECD can be utilized in the drive stun mode in keeping with the guidelines of department training. Deputies shall not intentionally target areas such as the neck or groin. It is important to note that when the ECD is deployed in this manner, it is:

1. Primarily a pain compliance tool due to lack of probe spread.
2. Minimally effective compared to cartridge deployments.
3. Subject to the same deployment use guidelines and restrictions as those of the ECD in cartridge deployments.

#### Aftercare:

1. Deputies trained in the proper technique of probe removal may remove probes that are imbedded in non-sensitive tissue areas.
2. If the probes are embedded in sensitive tissue areas (neck, head, groin, or breast of a female) the deputy shall arrange transport to a medical facility for removal.
2. If the deputy believes probe removal will cause unnecessary damage to the subject activate EMS for transport to a medical facility for removal.
3. Subjects who have been exposed to ECD deployment will be monitored while in department custody even if they have received medical care.
4. The following subjects shall be transported by EMS to a medical facility for examination following the deployment of the ECD:
  - a. Subject requests medical attention. Officers should ask any subject exposed to deployment of ECD if they desire medical attention.
  - b. Subject is struck in a sensitive area.
  - c. From areas where deputies have difficulty, or could cause injury to the subject.
  - d. Subject does not appear to recover properly after being exposed to a deployment.
  - e. Has been exposed to a continuous energy cycle of 15 seconds or more.
  - f. Has exhibited signs of extreme uncontrolled agitation or hyperactivity prior to ECD exposure or could be reasonably believed to be experiencing Excited Delirium.
5. Photographs of the affected area should be taken after the probes are removed.
6. When a deployment has occurred, the deputy will treat the probes as a biohazard and dispose of them according to established procedures. The cartridge, wires, and AFID's will be collected and disposed of.

#### Medically Significant Behavior (Excited Delirium):

Medically significant behavior includes a variety of behaviors that indicate a serious and potentially life-threatening medical condition is present.

Repeated or prolonged application of an ECD can have an additive effect and could cause injury, especially in someone whose health is already compromised in some way, including by drug use, injury, or over-exertion, as can happen in people displaying medically significant behavior. Before each application of an ECD, as with any other use of force, reassess the situation. If use of the ECD is not providing effective control to permit taking the subject into custody, consider whether it would be appropriate to disengage and/or escalate to another intervention option.

Some of the below signs and behaviors have been associated with excited delirium:

1. Agitation or Excitement = Increased activity and intensity.
  - a. Aggressive, threatening or combative – gets worse when challenged or injured
  - b. Amazing feats of strength
  - c. Pressured loud speech
  - d. Sweating (or loss of sweating late)
  - e. Dilated pupils/less restrictive to light
  - f. Rapid breathing
2. Delirium = Confusion
  - a. Disoriented
  - b. Person, place, time, purpose
  - c. Rapid onset over a short period of recent time
  - d. “He just started acting strange”
  - e. Easily distracted/lack of focus
  - f. Decreased awareness and perception
  - g. Rapid changes in emotions (laughter, anger, sadness)
3. Psychotic = Bizarre behavior
  - a. Thought content inappropriate for circumstances
  - b. Hallucinations (visual or auditory)
  - c. Delusions (grandeur, paranoia or reference)
  - d. Flight of ideas/tangential thinking
  - e. Makes you feel uncomfortable

Responding to Medically Significant Behavior:

If a person is experiencing Excited Delirium or some other medical problem that is contributing to violent behavior, your response tactics should be geared to accomplish the following:

1. Avoid increasing the subject’s agitation or excitement
2. Minimize physical struggles with the subject
3. Get medical care for the subject as quickly as possible
4. Request back up and EMS
5. Weigh the need for immediate control against the risk to the subject
6. Once EMS is on scene, use an ECD to make it possible to approach the subject

D. Intermediate Weapon / Impact Weapon / Less Lethal Impact Munitions

The goal of intermediate weapons is to impede a subject, preventing him or her from continuing resistive, assaultive, or otherwise dangerous behavior.

General:

1. An intermediate weapon is not a substitute for deadly force – in cases where a subject is believed to be armed with a dangerous weapon a deputy may not arm him or herself with an intermediate weapon unless another deputy at the scene has the immediate ability to deliver deadly force. Deputies armed with an intermediate weapon should continuously monitor and evaluate the ability of other deputies present to deliver deadly force.
2. Deputies may also include in the decision to use this force option information known to the deputy at the time of the incident including:

- a. Conduct or statements of the subject.
- b. Prior history of resistance
- c. Assaultive behaviors
- d. Deputy subject factors
- e. Severity of the crime at issue
- f. Attempting to evade seizure by flight

Impact Weapon (Baton):

1. The appropriate target areas for the baton strikes are the lower abdominal area (baton jab) and the knee and elbow area (angle strike and angle cross strike).
2. Deputies assigned to patrol are required to carry an approved impact weapon while on duty. The approved impact weapon is a collapsible baton no longer than 26 inches, a standard baton constructed of wood or product used in the manufacturing of such batons intended for law enforcement use.
3. No subject shall be intentionally struck in the head unless the action is justified under the use of deadly force.

Less Lethal Impact Munitions:

A less lethal impact munition is equal to a baton on the use of force options and may be used by trained personnel under the same basic justification.

Authorization to Use/Deploy Less Lethal Impact Munitions:

1. An approved less lethal impact munition system may only be utilized by deputies that have successfully completed training provided by a certified instructor in its use.
2. The use of less lethal impact munition systems will be in accordance with department training and standards.
3. Only less lethal impact munitions approved by the department certified instructor shall be used.
4. Only shotguns signified by a bright orange stock marked "Less Lethal" or a shotgun with brightly colored and highly visible decals marked "Less Lethal" shall be used for deployment of less lethal impact munitions. The only exception to this would be if a deputy needs to remain unseen and the bright color would be a hinderance.

Training Requirements:

1. To become certified in the use of less lethal impact munitions deputies must successfully complete a minimum of four (4) hours of training conducted by a certified less lethal impact munitions instructor.
2. To maintain the certification, deputies must successfully complete a two (2) hour recertification process bi-annually.

Weapon Readiness:

1. Less lethal impact munitions systems shall remain unloaded at all times while in the squad car.

2. Prior to loading the less lethal munition system, the deputy will verify each impact munition cartridge with another deputy to ensure the system is loaded with a less lethal munition.
3. Prior to the start of each shift the deputy shall check to ensure there are no rounds (live or less lethal) in the deployment system.

#### Use/Deployment of Less Lethal Impact Munition System:

1. Passive resistance without posing a describable threat of harm to self or others does not permit the use of less lethal impact munitions.
2. Less lethal munitions may not be used for coercion. A deputy will not brandish, display, or threaten the use of less lethal impact munition use unless they can reasonably conclude its use may become justified or is anticipated.
3. Deputies should always be prepared with other justified force if necessary.
4. If possible, deputies should announce their intention to use less lethal impact munitions by announcing "Impact, Impact, Impact".
5. Every effort shall be made to deploy the less lethal munition at the preferred target areas. The preferred target areas for the less lethal munition rounds are the thighs, shin (lower leg), buttocks, forearm and bicep area.
6. Anytime a less lethal impact munition is deployed, with the exception of training, the munition and empty cartridge shall be collected and entered as evidence.
7. Utilization of less lethal impact munitions on a subject when in proximity of an unrestrained police K-9 unit which is near or in a bite scenario will be at the discretion of the K-9 handler and is not recommended unless approved by the handler.

#### Prohibited Use of Less Lethal Munitions:

Unless exigent circumstances exist, less lethal munitions are prohibited under the following circumstances:

1. Subject is operating a vehicle or machinery.
2. Female that is obviously pregnant or claims to be pregnant.
3. Subject in water and a drowning risk without taking proper measures to eliminate drowning risk.
4. Intentional targeting of sensitive areas such as the head, neck, groin, chest/breast or kidney area from the back.
5. Handcuffed subjects.

#### Elevated Risk Cautions:

Because of the increased risk of injury to subjects in the following categories, deputies must balance the risk of serious injury with the need for immediate incapacitation. The severity of the offense and whether the subject poses an immediate threat to the safety of the deputy or others shall be considered.

1. Subjects running prior to the use of less lethal impact munition.
2. Subjects at elevated positions and are at risk of a dangerous fall.
3. Children or elderly subjects.
4. Medically significant conditions or behaviors.

#### Use/Deployment of Less Lethal Munitions Against Animals:

The deployment of a less lethal impact munition is permissible against animals.

1. Deputies should be prepared to act quickly with other restraint devices once an impact munition has been deployed against an animal. In all cases the safety of the deputy and the public will be considered.
2. Deputies may use less lethal impact munitions against animals if the deputy reasonably believes that the animal is vicious and is threatening them or another person.

#### Aftercare:

1. Department personnel deploying a less lethal impact munition shall ensure the person is monitored for injury as soon as they are placed under control.
2. Emergency medical personnel shall evaluate the subject for injury and if necessary arrange transport to a medical facility for medical evaluation.
3. If a subject is struck in a sensitive area (head, neck, groin, breast/chest, or kidney from the back) the subject shall be transported to a medical facility for evaluation.
4. If possible, photos of the affected/impact area shall be taken for evidence and documentation purposes.
5. The munition and cartridge shall be collected and entered into evidence.

#### E. Respiratory Restraints

The use of the respiratory restraint known as a “chokehold”, or any hold which applies sufficient pressure to a person’s neck, throat, or windpipe that may hinder or prevent breathing is limited to only those circumstances where deadly force is justified. These types of holds are only permitted as a last resort after all other options have been attempted or considered and those options would have been ineffective.

#### F. Use of Non-Traditional Weapons

It is recognized that in certain situations, deputy may be attacked so suddenly, that the use of approved departmental techniques and/or weapons may be compromised. In these situations, the deputy may utilize non-traditional weapons. This includes any object or instrument the deputy may need to insure their survival or the survival of another. The use of non-traditional weapons must be consistent with this policy.

It is recognized that deputies may carry a folding knife or fixed blade knife on their person while on duty.

1. Folding blade: Folding blade knives shall be of a quality standard design to meet the demands of work assignments. The cutting edge of such knives shall not exceed four and one-half inches in length as measured from tip of blade to handle.
2. Fixed blade: The cutting edge of such instruments may not exceed eight inches in length.
3. The use of the above bladed instruments will fall in the “Not Trained but Justified Under the Circumstances” category of the DAAT model.

#### G. Deadly Force

The purpose of deadly force is to stop a threat and should only be used as a last resort when the deputy reasonably believes all other force options have been exhausted, or would be ineffective to defend the life of the deputy or another person (Preclusion).

1. Deputies may use deadly force when the deputy reasonably believes that their life, or that of another is in imminent danger of death or great bodily harm based on the totality of the circumstances known to the deputy at the time.
  - a. Justification for deadly force is defined as behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person(s).
2. Before using deadly force, deputies should, if practicable and feasible, identify themselves as a police officer, order the suspect to stop the unlawful activity and threaten to use deadly force if the order is not obeyed.
3. Deputies may use deadly force against a “fleeing felon” only when the deputy reasonably believes that the action is within the circumstances of this policy.
  - a. A “fleeing felon” should not be presumed to pose an immediate threat to life in the absence of actions that would lead one to believe otherwise, such as a previously demonstrated threat to, or wanton disregard for human life.
4. When exercising the use of deadly force, the safety of innocent bystanders should not be risked unless their safety has already been endangered and using deadly force is the only possible means of protecting them. (referred to as the Greater Danger Theory)
5. Deputies may use deadly force to protect themselves or others from an animal that the officer reasonably believes may cause great bodily harm if not immediately controlled. Or, to end the suffering of an animal gravely injured or diseased and other disposition is impractical. (Policy Item #15 - IV(L)(2) ).

#### Prohibited Uses of Deadly Force:

1. Deadly force shall not be used as a warning, including warning shots.
2. Firing a weapon from a moving vehicle unless there is reasonable cause to believe that the deputy or another is in imminent danger of death or great bodily harm.
3. Firing a weapon at a moving vehicle unless there is reasonable cause to believe that the deputy or another is in imminent danger of death or great bodily harm. Or, deadly force regarding felons applies.
4. Use of such force where there is unreasonable risk to the lives of innocent bystanders.

#### H. Use of Restraints

1. Deputies shall place restraints on all individuals in custody (safety locked when safe to do so). Unless specific circumstances dictate otherwise, individuals should be handcuffed behind the back.
2. Any restraint not behind the back will be utilized only through the use of a waist-restraint belt.
3. Whenever possible, the deputy responsible for transporting will administer the restraints as needed.

4. Use of restraints will only be applied in a manner in which deputies have been trained in.
5. If leg restraints are utilized, they shall at no time be affixed to a patrol vehicle's partition during transport.
6. If/when flex cuffs are used, they should only be removed through the use of "safety cutters".
7. During the transport of any restrained individual, the deputy shall check on the individual's status throughout the duration of the transport.
8. Deputies should avoid leaving a restrained subject in a prone or face down position once they are controlled, or being transported.

## **VI. Reporting / Duty to Intervene**

### **A. Use of Force Documentation/Reporting**

1. Whenever a deputy uses force in the performance of duty, the deputy shall indicate in a report of the incident, the circumstances of, and justification for its use. Key elements in the report will include:
  - a. Arrival and approach
  - b. Suspects actions/threat assessment
  - c. Deputy's actions
  - d. Follow-through procedures and actions:
    - i. Stabilization and monitoring
    - ii. Medical assessment and care provided
    - iii. Stabilization / restraining (handcuffing, etc.) positioning while in squad.
    - iv. Escort and transportation
2. The deputy must also complete a "Use of Force Checklist" and have that form submitted no later than one (1) working shift after the incident occurred.
  - a. The checklist must be signed and dated by the deputy and forwarded to the Patrol Lieutenant who shall also sign and date it's review.
  - b. The Patrol Lieutenant will maintain all "Use of Force Checklists" submitted by those deputies within the Patrol Division.
3. Procedures in accordance with Policy Item #22 (Officer Involved Death) shall be followed when a deputy is responsible for accidental or intentional discharge of any firearm (other than on an approved range), if the firearms discharge is accidental or intentional use of deadly force by any means resulting in the death or risk of great bodily harm to others.
4. If the deadly force is the accidental discharge of a firearm and does not result in injury:
  - a. The deputy shall inform both the Communications Center and either the on-duty shift Supervisor or senior most deputy on-duty for the shift, of the incident as soon as possible
  - b. The on-duty shift supervisor or senior most deputy on-duty for the shift shall notify the Sheriff, or his/her designee of the incident as soon as possible and a written report completed of the incident as soon as possible.
  - c. Copies of the written report shall be forwarded to the Patrol Lieutenant as soon as possible.

5. In instances where a subject incurred great bodily harm, or killed as a result of a deputy or deputies use of force, or in instances where a deputy or deputies discharge their firearm at a subject but did not injure or kill, or when a subject dies while arrested, detained, or in the course of being arrested; the Patrol Lieutenant will complete and submit via WI TraCS “Use of Force and Arrest Related Death Submission” by the 15<sup>th</sup> day of the following month of the incident. In the event that there are no submissions, the Patrol Lieutenant will complete and submit that there were no report submissions for that month.
6. If deadly force is used against an animal:
  - a. The deputy shall notify the shift supervisor or senior most deputy on duty, when practical to do so, prior to the shooting of any domestic animal.
  - b. The deputy shall complete a written report of the incident before going off duty.
  - c. The deputy shall notify the Communications Center of the shooting of any animal prior to the deputy clearing from the scene.
  - d. In written and oral communication, the term “dispatched” shall be used to describe deadly force against an animal.
7. In the event an ECD was used as a force option, the internal data recorded by the ECD shall be downloaded as soon as possible after the exposure by the TASER Coordinator.

B. Duty to Report Noncompliant Use of Force: Wisconsin State Statute §175.44(3)

1. Any deputy that is present and on duty who observes, or witnesses another law enforcement officer using force that is potentially beyond that which is objectively reasonable as set forth in WI Statute §175.44 shall report these observations to a supervisor as soon as practical.
  - a. If multiple deputies witness the noncompliant action, each deputy has a duty to report the noncompliant use of force.
  - b. If the deputy is working with, or part of a task force involving other agencies, the deputy(s) shall report the noncompliant action to their immediate supervisor.
  - c. If the offending deputy is their current supervisor then the deputy shall report the incident to the next supervisor in the chain of command.
  - d. The reporting will be in the form of a written report documenting his or her individual knowledge and observation of the noncompliant use of force. The report will be separate from any other reports the deputy would normally file and through their chain of command to the Sheriff or Chief Deputy.

C. Duty to Intervene: Wisconsin State Statute § 175.44(4)

1. Any deputy, regardless of duty status, or the chain of command, who is present and observes another law enforcement officer using force that is clearly beyond that which is objectively reasonable as set forth in WI Statute §175.44, must intervene to prevent or stop the unreasonable force when in a safe position to do so.

2. Deputies must consider numerous factors when determining if they are in a position to intervene and it is safe to do so. Some of these safety factors may include but are not limited to:
  - a. Is the deputy in uniform or able to identify themselves as a law enforcement officer?
  - b. Would an immediate intervention escalate the situation?
  - c. Is the deputy in his or her jurisdiction?
  - d. Is the observed use of force in the context of an ongoing tactical situation?
  - e. Is the intervening deputy in a capacity to intervene?
3. Any deputy who intervenes is required to report the intervention to his or her immediate supervisor as soon as practicable.
4. The reporting will be in the form of a written report documenting his or her individual actions. The written report will be separate from any other reports the deputy would normally file and through their chain of command to the Sheriff or Chief Deputy.

D. Whistleblower Protections:

1. Deputies involved or believed to be involved in the reporting of a noncompliant use of force, or intervened to prevent or stop a noncompliant use of force are at a minimum extended all protections under Wisconsin State Statute §174.44 (5)