



POLICY & PROCEDURE

WEST BEND POLICE DEPARTMENT

SUBJECT: **USE OF FORCE**

NUMBER: **6.01**

WILEAG STANDARD: 5.1.1, 5.1.2, 5.1.4, 5.2.1, 12.1.4

EFFECTIVE: **06/29/20**

- I. **PURPOSE:** The purpose of this Policy & Procedure is to establish a policy and procedure regarding the use of force as required by WI SS 66.0511(2).
- II. **POLICY:** West Bend Police Officers are authorized by Wisconsin State Statutes and this Policy & Procedure to use the level of force reasonably necessary to protect life, maintain order, and accomplish lawful objectives. The Department adopts and follows the Wisconsin Department of Justice Law Enforcement Standards Board Defense and Arrest Tactics (DAAT) and Firearms guidelines. Sworn officers shall attend all Department DAAT and Firearms trainings and demonstrate continued competency in the use of force.

III. PROCEDURE

A. Use of Force Authorization

1. Sworn officers are authorized to use reasonable force to:
 - a) Protect themselves or others from bodily harm or death.
 - b) Overcome resistance to a lawful arrest.
 - c) Maintain control and/or prevent escape of a subject in custody.
2. Sworn officers shall use only the amount of force that is reasonably necessary.
 - a) Officers shall discontinue the use of force once full control is achieved.
3. When the use of force is required, officers shall utilize the accepted and trained techniques contained in the Wisconsin Department of Justice Law Enforcement Standards Board Defense and Arrest Tactics (DAAT) and Firearms guidelines.
 - a) Officers are prohibited from using force techniques not contained in the DAAT and Firearms manual unless the accepted options are not available or would be ineffective, the force is not trained but justified, and the use and level of force is objectively reasonable based on the circumstances.
 - b) Chokeholds or any similar restraint that intentionally limits a person's ability to breathe are prohibited unless the officer is authorized to use deadly force.

This Policy & Procedure supersedes all previous written directives on the related subject matter.

B. Use of Deadly Force

1. Deadly Force is the intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
2. Sworn officers are authorized to use deadly force to:
 - a) Stop what they reasonably believe is an imminent threat of death or great bodily harm to themselves or others when all other options have failed or would be ineffective.
 - b) Prevent the escape of a suspect whom the officer reasonably believes poses a significant threat of death or great bodily harm to the officer or others when the officer reasonably believes there is no other way to affect the arrest.
3. All sworn officers shall receive training and education on the use of deadly force before being authorized to carry a firearm and shall be routinely educated, trained, and assessed to ensure competency in the use of deadly force.
4. Firearms are classified by the State of Wisconsin DAAT and Firearms systems as Deadly Force and are used by an Officer to stop the threat of great bodily harm or death to himself or others.
 - a) All Officers shall carry the Department issued firearm while on duty.
 - b) Subjects controlled by Deadly Force shall receive appropriate after-care including:
 - 1) Normal stabilization, monitoring, and debriefing as defined by DAAT.
 - 2) Appropriate first-aid measures as soon as can be safely administered.
 - 3) Emergency medical assistance.
 - 4) Officers shall notify accepting personnel that the subject was controlled with deadly force on turn-over.

C. Use of Less Lethal Force

1. Oleoresin Capsicum Spray
 - a) Oleoresin Capsicum (OC) is an inflammatory agent comprised of a mixture of an oily resin and naturally occurring oil derived from varieties of the red pepper plant. OC Spray is classified by the State of Wisconsin DAAT system as a Control Device and may be used by an Officer to overcome active resistance or its threat under circumstances which could create a risk of bodily harm.
 - b) All Officers shall carry OC Spray while on duty.
 - c) The target area when deploying OC Spray is the facial area.
 - d) Subjects controlled with OC shall receive appropriate after-care including:

This Policy & Procedure supersedes all previous written directives on the related subject matter.

- 1) Normal stabilization, monitoring, and debriefing as defined by DAAT.
- 2) Remove the subject to fresh air and face into the wind.
- 3) If possible, rinse the subject's face with water.
- 4) Medical assistance will be provided under any of the following circumstances:
 - i) Any observable adverse physical reaction or injury.
 - ii) Symptoms lasting longer than 45 minutes.
 - iii) If the subject requests it.
- 5) Officers shall notify accepting personnel that the subject was controlled with OC on turn-over.

2. Electronic Control Devices

- a) Electronic Control Devices (ECDs) are instruments in which a safe amount of electricity is used to affect the sensory and/or motor nervous system of a resistive subject. ECDs are classified by the State of Wisconsin DAAT system as a Control Device and may be used by an Officer to overcome active resistance or its threat under circumstances which could create a risk of bodily harm.
- b) All Officers assigned to the Patrol Division shall carry a Taser while on duty.
- c) Carrying a Taser by Administrative Personnel and Detectives shall be discretionary.
- d) The target areas when deploying an ECD are the abdomen, back, and legs.
- e) Electronic Control Device restrictions:
 - 1) ECDs shall be carried only on an Officer's "reaction side" in a cross drawn manner to limit the possibility of weapon confusion with the duty firearm.
 - 2) Unless special circumstances exist, ECDs shall not be used:
 - i) Without the availability of lethal cover.
 - ii) In close proximity to flammable or highly combustible materials,
 - iii) When it is reasonable to believe the subject's incapacitation could result in serious injury or death, such as a fall from an elevated area, running or forward momentum, the operation of a vehicle or machinery, proximity to water, or other such circumstances.
 - iv) Against the physically infirmed, elderly, children, or obviously pregnant women.
- f) Subjects controlled with ECDs shall receive appropriate after-care including:

This Policy & Procedure supersedes all previous written directives on the related subject matter.

- 1) Normal stabilization, monitoring, and debriefing as defined by DAAT.
- 2) Removal of probes in non-sensitive areas following trained procedure.
- 3) Medical assistance will be provided under any of the following circumstances:
 - i) Removal of probes from any sensitive area (face, neck, groin, or breast of a female subject)
 - ii) Any observable adverse physical reaction or injury.
 - iii) If the subject requests it.
- 4) Officers shall notify accepting personnel that the subject was controlled with an ECD on turn-over.

3. Impact Weapons

a) Baton

- 1) The baton is an impact weapon classified by the State of Wisconsin DAAT system as an Intermediate Weapon and may be used by an Officer to impede a subject from continued active resistance, assaultive, or otherwise dangerous behavior.
- 2) All Officers assigned to the Patrol Division shall carry a Baton while on duty.
- 3) Carrying a Baton by Administrative Personnel and Detectives shall be discretionary.
- 4) The target areas when striking with the baton are the lower abdomen (baton jab), and the knee and elbow area. The intentional striking of the head and neck area shall only be used when deadly force is justified.

b) Less-Lethal Impact Munitions

- 1) Less-Lethal Impact Munitions are “extended range” impact weapons, which are classified by the State of Wisconsin DAAT system as an Intermediate Weapon and may be used by an Officer to impede a subject from continued active resistance, assaultive, or otherwise dangerous behavior.
- 2) Only Officers who have completed an approved department training course in Less-Lethal Impact Munitions shall be authorized to use them.
- 3) Officers deploying Less-Lethal Impact Munitions shall make every effort to alert other officers on scene that Less-Lethal Impact Munitions are being utilized.
- 4) The primary target areas are the lower abdomen and common peroneal nerve, located on the outside of the thigh. The intentional striking of the head and neck area shall only be used when deadly force is justified.

This Policy & Procedure supersedes all previous written directives on the related subject matter.

- c) Subjects controlled with Impact Weapons shall receive appropriate after-care including:
 - 1) Normal stabilization, monitoring, and debriefing as defined by DAAT.
 - 2) Medical assistance will be provided under any of the following circumstances:
 - i) Any observable adverse physical reaction or injury.
 - ii) If the subject requests it.
 - 3) Officers shall notify accepting personnel that the subject was controlled with an Impact Weapon on turn-over.
- 4. Chemical Munitions
 - a) Chemical Munitions are classified by the State of Wisconsin DAAT system as control devices and may be used to overcome active resistance or its threat under circumstances that could create a risk of bodily harm.
 - b) The Department maintains two types of Chemical Munitions:
 - 1) Orthochlorobenzalmalononitrile (CS) Munitions
 - i. CS is classified as an irritant.
 - ii. Reactions to CS include skin irritation, eye irritation including tears, blinking, and involuntary closure, mucus evacuation, coughing, and/or sneezing.
 - 2) Oleoresin Capsicum (OC) Munitions
 - i. OC is classified as an inflammatory agent.
 - ii. Reactions to OC include skin irritation, eye irritation including tears, blinking, and involuntary closure, mucus evacuation, coughing, sneezing, and irritation of the throat and lungs.
 - c) The delivery system options for the Department's Chemical Munitions are handheld spray systems, hand-thrown devices, and launchable munition rounds.
 - d) Only Officers who have completed an approved department training course in Chemical Munitions shall be authorized to use them.
 - e) Officers deploying Chemical Munitions shall make every effort to alert other officers at the scene that Chemical Munitions are being utilized.
 - f) Subjects controlled with Chemical Munitions shall receive appropriate after-care including:
 - 1) Normal stabilization, monitoring, and debriefing as defined by DAAT.

This Policy & Procedure supersedes all previous written directives on the related subject matter.

- 2) Remove the subject to fresh air and face into the wind.
- 3) If possible, rinse the subject's face and exposed skin with water.
- 4) Medical assistance will be provided under any of the following circumstances:
 - i. Any observable adverse physical reaction or injury.
 - ii. Symptoms lasting longer than 45 minutes.
 - iii. If the subject requests it.
- g) Officers shall notify accepting personnel that the subject was controlled with Chemical Munitions on turn-over.
- h) Officers shall issue West Bend Police Department Chemical Munitions Use Notification Form #184 to the owner of any property on which Chemical Munitions were deployed.
 - 1) Additional forms shall be prominently posted on the entrances to any structure in which Chemical Munitions were deployed.
 - 2) This requirement is for the deployment of Chemical Munitions and is not required for a standard use of OC Spray.

D. Use of Force Training and Education Requirements

1. The Department's Unified Tactics Instructors shall routinely educate, train, and assess all officers to ensure competency in the use of force.
 - a) Use of force training shall be conducted minimally on an annual basis.
2. Sworn officers shall attend all Department Unified Tactics trainings.
 - a) Any absences must be approved by the Chief of Police.
3. All trainings and demonstrated competencies shall be documented by the Department's Unified Tactics Instructors and maintained in the training files.
4. Sworn officers shall demonstrate competency in the use of force by successful completion of all Department Unified Tactics training courses approved by the Chief of Police.
 - a) Sworn officers who fail to demonstrate competency in the use of force shall complete a remedial training and educational program designed to improve deficiencies and establish competency before being allowed to return to duty.
 - b) Any sworn officer who fails to demonstrate competency in the use of force is subject to dismissal from the Department.

This Policy & Procedure supersedes all previous written directives on the related subject matter.