

**SHOREWOOD POLICE DEPARTMENT
POLICY AND PROCEDURE**

SUBJECT: Use of Force	NUMBER: 3-2
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REFERENCE:	REPLACES: 3-2 Use of Force
TYPE OF POLICY: Procedural	Dated Sept. 14, 2001
EFFECTIVE DATE: August 12, 2004	
DISTRIBUTION: All Sworn /Non-Sworn Personnel	APPROVED BY: <i>A/C W. J. M. [Signature]</i>

PURPOSE:

The purpose of this policy is to provide all sworn/non-sworn personnel of the Shorewood Police Department guidelines designed to standardize and enhance the decision making process regarding the use of force. Proper use of force decisions, based upon reasonableness, ensure due process for citizens as well as provide protection for the officer and department.

This order is to assist the officer with making decisions about use of force options, and to enable the officer to articulate the facts and circumstances regarding use of force to the officer's superiors, the community, and judiciary.

Foundations for this policy are consistent with the laws, practices, and training for defensive and arrest tactics provided by the State of Wisconsin Department of Justice Law Enforcement Standards Bureau.

POLICY:

If the use of force becomes necessary, officers will follow the Disturbance Resolution Model to quickly reach control to avoid undue injury to themselves or others. The Disturbance Resolution Model does not direct officers to apply each option in order. This policy is designed to allow officers to make reasonable decisions to escalate or de-escalate the use of force in direct proportion to the individual situation or subject being confronted. Some technical words or phrases contained in the material from the State of Wisconsin have been changed to allow for a more complete understanding by officers and the community.

This order consists of the following numbered sections:

- I. DISCUSSION
- II. APPROACH CONSIDERATIONS
- III. INTERVENTION OPTIONS
- IV. DISTURBANCE RESOLUTION MODEL
- V. FOLLOW THROUGH CONSIDERATIONS
- VI. REPORTING REQUIREMENTS
- VII. TRAINING

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VIII. PSYCHOLOGICAL SERVICES PROVIDED

IX. LIST OF AUTHORIZED NON-LETHAL WEAPONS AND FIREARMS

I. DISCUSSION

Officers will encounter a full range of behavior in the performance of their duty. Use of force is one tool and a privilege of law granted to the officer to professionally perform his/her duty. Force may be used to accomplish legitimate law enforcement goals, to defend, to control or accomplish a lawful arrest. An officer's decision to use force, and which particular force option may be appropriate, is based upon the totality of circumstances. The officer is to use that level of force which is reasonable to effect control. The standard to determine whether an act was objectively reasonable will be based upon what a reasonable Police Officer would do under the same circumstances. The level and amount of force must be reasonably necessary to control, and once achieved, must de-escalate the use of force level sufficient to maintain control. Use of force is never appropriate to accomplish illegitimate goals such as punishment or revenge.

II. APPROACH CONSIDERATIONS

- A. In any use of force decision, the officer must first be certain that he/she has the legal right to make contact. This legal foundation could be based upon invitation, reasonable suspicion, public disturbance, probable cause, exigent circumstances, or other "legal beginnings".
- B. In addition, the contact should be tactically viable. An officer should evaluate the given situation, and, if necessary, postpone making contact until he/she can be reasonably assured of a favorable outcome.

III. INTERVENTION OPTIONS

- A. There are five modes of force that an officer may use in the performance of duty. If the use of force at a given level proves insufficient, the officer should escalate to a higher level or disengage. The five modes of force combine to create intervention options. These levels are:
 - 1. Presence: The use of force begins when a Police Officer appears at the scene. An appropriate change in the behavior of an individual may occur upon seeing someone who is recognized as being a Police Officer.
 - 2. Dialogue: Is an integral part of the use of force. In many cases the use of commands will be sufficient to control potentially violent individuals. If physical force becomes necessary it is essential that verbalization is used in conjunction with these efforts. The four levels of verbalization are:

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- a. Search Talk: The asking of questions to help assess the subject and decide what to do next.
 - b. Persuasion: Talking in a soft, normal tone of voice with the intent of persuading the subject to comply, short of ordering him/her to do so.
 - c. Light Control Talk: Using an insistent tone to order the subject to comply.
 - d. Heavy Control Talk: Giving specific, unmistakable commands which involve ultimatums. An example of heavy control talk would be "Stay back or I'll shoot!".
3. Empty Hand Control: Empty hand control techniques are to be used when presence and verbalization do not affect control. Verbal tactics are then complemented by physical alternatives.
- a. The empty hand control techniques begin with escort holds. The purpose of escort holds is to safely initiate physical contact. This involves the officer placing his/her hands on one of the subject's arms in an attempt to establish control over the movement of this individual. The use of an escort hold is not advised when the subject has displayed threatening behavior.
 - b. Compliance holds are to be used when the subject resists the officer's attempts to control his/her movement. The purpose of compliance holds is to overcome a passively resisting person. The come along technique involves compressing the subject's wrists until compliance is attained. The pressure points technique involves the officer using a tip of a thumb or finger to apply pressure to the nerve centers located under the ear or jaw until compliance is attained.
 - c. Passive countermeasures are to be used when the officer believes that he/she will not be able to attain control from the standing position.

The purpose of passive countermeasures is decentralization, that is, to direct a subject to the ground. There are four trained methods of decentralization and other techniques that may be needed and justified in dynamically evolving confrontations. In all of these techniques the officer should minimize the chance of injury by protecting the subject's head and neck as much as possible and by controlling the subject's speed of descent.
 - d. Active countermeasures are to be used when the lower level empty hand control techniques prove ineffective or when the totality of the circumstances involved leads the officer to believe that a lower level of force is impractical. The purpose of active countermeasures is to create a temporary dysfunction in the subject's ability to resist, enabling the officer to direct the subject to the ground. Active countermeasures include stunning techniques and focused strikes. Stunning techniques involve directing a subject's torso into a wall or other surface. Focused strikes involve the officer's use of his/her fists, forearms, knees, and feet to create the temporary dysfunction.

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- e. Oleoresin capsicum, generally known as “OC” or pepper spray, is another tactic within the category of empty hand control techniques. The justification for the use of OC is active resistance or its threat. The purpose of the use of OC is the same as for other tactics within the empty hand control category: to gain compliance from a noncompliant subject by disrupting his/her ability to continue resisting.
 - f. The use of a Taser™ device by an officer is another tactic within the category of empty hand control techniques. The justification for the use of a Taser™ device is active resistance or its threat. The purpose of the use of a Taser™ device is the same as for other tactics within empty hand control category: to gain compliance from a noncompliant subject by disrupting his/her ability to continue resisting.
 - g. Incapacitating Techniques – the purpose of incapacitating techniques is to cause the immediate, temporary cessation of violent behavior
 - 1) Trained Tactic-Diffused Strike. Like a stunning technique, the diffused strike disrupts nerve impulses to the brain. Unlike the vertical stun (see III-A-3-d), however, the effect is usually greater, rendering the subject temporarily unconscious.
4. Intermediate Weapon: A baton is to be used when the lower levels of force were ineffective or when the totality of the circumstances involved leads the officer to believe that a lower level of force is impractical. The purpose of using a baton is to impede a subject so as to deter his/her continued resistance or assaultive behavior by decentralizing him/her. This is accomplished by striking the subject’s legs with the baton so as to direct him/her to the ground. Other trained techniques involve strikes to the arm. An intentional baton strike to the head is considered deadly force and would not be justified unless special circumstances could be substantiated.
5. Deadly Force: Is defined as 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. Behavior which justifies the officer's use of deadly force is that which has caused or imminently threatens to cause death or great bodily harm to the officer or to another person(s).
- a. For an “imminent threat” to exist three factors must be present. The subject must display or indicate the intent to cause great bodily harm or death. The subject must have a weapon capable of inflicting great bodily harm or death. And the subject must have a delivery system, that is, have the capacity for the utilization of a weapon. (Some unarmed persons are capable of deadly force, and some people using seemingly non-lethal instruments can cause serious injury or death.) The intended result of the use of deadly force is the immediate cessation of the subject’s behavior. Deadly force should only be used when all other means of force are precluded and when the threat is imminent.
 - b. The existence of a fleeing felon does not in and of itself justify the use of deadly force. The officer must reasonably believe that the actions of this person constitute an imminent threat of death or great bodily harm to the officer or another person.

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- c. The discharge of a warning shot is not justified, unless the use of deadly force is justified and there is no chance of striking a non-involved person.
- d. See Firearm Policy 3-3 regarding the off-duty use of department issued and other firearms.

IV. DISTURBANCE RESOLUTION MODEL

- A. Officers must evaluate each use of force situation. The factors to be considered in this evaluation may cause the officer to escalate faster or omit steps on the confrontational continuum. Those factors to be considered in the evaluation include, but are not limited to the following:
 - 1. Number of aggressive persons involved and number of assisting officers present.
 - 2. Location and surroundings.
 - 3. Officer/subject factors:
 - a. Age of officer versus subject.
 - b. Sex of officer versus subject.
 - c. Physical size and condition of officer versus subject.
 - d. The perceived skill level of the officer versus subject.
 - 4. Special circumstances:
 - a. Officer's reasonable perception of the level of threat presented by the subject.
 - b. Sudden or unexpected assault.
 - c. Demonstrated skill and ability level of the subject, martial arts stance, fighting posture, substance of verbal threat(s).
 - d. Officer's balance, physical position, or ability to retreat or escape.
 - e. Subject's known history of violent behavior.
 - f. Officer's ability to continue, injury, or near exhaustion.

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V. FOLLOW THROUGH CONSIDERATIONS

A. Follow Through Considerations refer to the actions an officer takes after the use of force. There are six phases of Follow Through Considerations:

1. Stabilize: Stabilizing a subject means ensuring that the person is under control and does not pose an imminent threat to officers or civilians. Stabilizing may mean applying handcuffs or other restraints.
2. Monitor/Debrief: Monitoring means simply that the officer is aware and watchful throughout his/her contact with a subject, until that person is no longer under his/her control. Debriefing serves to bring the level of contact to a more normal status. Debriefing is done by using verbalization techniques.
3. Search: Search incident to an arrest is critical to ensure that the arrested person does not have any weapons or contraband that are concealed on his/her person. Searching shall be done in a professional, systematic, and thorough manner.
4. Escort: Escorting techniques shall be used in moving a subject from one location to another. The escorting officer must remember his/her custodial responsibility, remain alert, and continue his/her threat assessment.
5. Transport: This includes transporting a subject in a vehicle to another location.
6. Turnover/Release: This covers the process of removing a subject from the officer's control.

B. Deadly Force Follow Through

1. Any officer whose use of force results in a death or great bodily harm shall immediately be removed from any line duty assignment, pending review by the Shorewood Police Department and the District Attorney's Office.
2. When deadly force has been used by the police, the scene will be secured to allow for a thorough investigation of the incident. If the use of force involved the discharge of an officer's firearm, the weapon will be retained by the officer in charge and treated as potential evidence until the investigation is complete. A replacement firearm should be issued to the officer as soon as possible.
3. Department policy relating to the investigation of citizen complaints, the administrative review and investigation of the use of deadly force, and post-incident employee assistance should be observed where applicable.

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VI. REPORTING REQUIREMENTS

- A. In all instances where the use of force is employed by an officer at the level of passive counter measure or greater, the officer(s) involved will promptly submit a complete and accurate *Use of Force Summary* report (Appendix A) of the incident. A Police Lieutenant will conduct an investigation to determine if the officer's actions were consistent with State law and department policies. He/she will forward a "Matter Of" listing any recommendations for action to the Chief of Police.
- B. Where a firearm is discharged or death occurs as the result of an officer using force, a supervisor will immediately be dispatched to the scene. After the scene has been secured, the shift commander will immediately notify the Chief of Police or his/her designee.
- C. The Criminal Investigation Bureau (CIB) will investigate all police-related shootings where injury-death occurs, and all instances of great bodily harm or death to persons resulting from police action. The Detective Sergeant of the CIB assumes complete responsibility for the criminal investigation unless otherwise determined by the Chief of Police or his/her designee.

VII. TRAINING

- A. All officers must successfully complete state approved training and certification prior to being authorized to carry and use department issued weapons (firearms, expandable baton, O.C. spray, Taser™ X26). Use of these weapons will be consistent with the methods and training provided.

VIII. PSYCHOLOGICAL SERVICES PROVIDED

- A. In all cases, where any person has been injured or killed as a result of a firearm discharged by a department Police Officer, or killed by any other use of force, the involved officers will be required to undergo a debriefing with a department designated psychiatrist or psychologist as soon as possible, but within 48 hours of the incident. The purpose of this debriefing will be to allow the officers to express their feelings and deal with the moral, ethical, and/or psychological aftereffects of the incident. The debriefing shall not be related to any department investigation of the incident and nothing discussed in the debriefing will be reported to the department. The debriefing session will remain protected by the privileged physician/patient relationship.
- B. In all cases, where any person has been injured or killed as a result of a firearm discharged by a department Police Officer, or killed by any other use of force, the involved officer's families will have available to them the services of a department appointed psychiatrist or psychologist, at department expense. The purpose of this offer is to provide the officer's family a source of professional consultation to aid them in dealing with the potential moral and ethical aftereffects of the incident. The psychological services shall not be related to

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any departmental investigation of the incident. Nothing discussed will be divulged to the department. The consultation sessions will remain protected by the privileged physician/patient relationship.

IX. LIST OF AUTHORIZED NON-LETHAL WEAPONS AND FIREARMS

A. Authorized Non-lethal Weapons

1. O.C. Spray (10% solution, stream style)
 - a. Uniformed Officers: First Defense MK-III (required).
 - b. Plainclothes Officers: First Defense MK-III (optional).
2. Taser™ model X26
 - a. Uniformed Officers as assigned
 - b. Plainclothes Officers optional
3. Expandable Baton
 - a. Uniformed Officers: ASP Model F26 (required).
 - b. Plainclothes Officers and Police Lieutenants: ASP Model F21 or F26 (optional).

B. Authorized Firearms

1. See Firearms Policy 3-3 regarding authorized firearms.