

HOBART - LAWRENCE POLICE DEPARTMENT

Connecting and Serving Our Communities



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Use of Force

Scope:

All Department Personnel

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I. PURPOSE

The purpose of this policy is to establish guidelines for the use of force by sworn personnel to effect the detention, seizure, or arrest of a person; in self-defense or defense of another; to prevent or intercede in an attempt at self-injury; in defense of property; and in fulfilling the community caretaker function.

While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, every member of this department is expected to use these guidelines to make such decisions in a professional, impartial, and reasonable manner.

The policy and procedure are based on the Defensive and Arrest Tactics (DAAT) program established by the Wisconsin Department of Justice – Law Enforcement Standards Board and adheres to all applicable federal, state, and local laws.

II. POLICY

The use of force by law enforcement personnel is a matter of critical concern, both to the public and to the law enforcement community. Officers are involved daily in numerous and varied interactions and, when warranted, may use reasonable force in carrying out their duties.

Officers must have an understanding of, and true appreciation for, their authority and limitations. This is especially true with respect to overcoming resistance while engaged in the performance of law enforcement duties.

The Hobart-Lawrence Police Department recognizes and respects the value of all human life and dignity without prejudice to anyone. Vesting officers with the authority to use reasonable force and to protect the public welfare requires monitoring, evaluation, and a careful balancing of all interest. This policy is intended to fulfill the requirements of §66.0511(2), Wis. Stat.

III. DEFINITIONS

- A. Active Resistance: Behavior which physically counteracts an officer's control efforts and creates a risk of bodily harm to the officer, subject, or other persons.
- B. Assaultive Behavior: Direct action or conduct that generates bodily harm.
- C. Bodily Harm: Physical pain or injury, illness, or any impairment of physical condition, but less severe than great bodily harm.
- D. Choke Hold: A physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation.
- E. Deadly Force: The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.
- F. De-escalation: An officers' use of time, distance, and relative positioning, in combination with Professional Communications skills, to attempt to stabilize a situation and reduce the immediacy of a threat posed by an individual.
- G. Defensive and Arrest Tactics (DAAT): A system of verbalization skills coupled with physical alternatives. It is the specific system formulated, approved, and governed by the Wisconsin Department of Justice – Law Enforcement Standards Board.
- H. Feasible: Reasonably capable of being done or carried out under the circumstance to successfully achieve the arrest or lawful objective without increasing risk to the officer or another person.
- I. Force: The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.
- J. Electronic Control Device: A battery powered device that uses propelled wires and probes or direct contact to deliver a safe amount of electricity for the purpose of affecting the sensory and motor functions of the human and animal nervous system. The intended purpose of this device is to incapacitate and help control threatened or active resistance and/or violent persons or animals.
- K. 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 of impairment of the function of any bodily member or organ or any other serious bodily injury.
- L. Imminent: "About to happen." For a subject's threat to be considered imminent, it must meet three criteria: Intent, Weapon, and Delivery System.

- M. Intervention Options: Trained techniques for intervening and gaining control in a disturbance. The techniques are categorized into five modes: presence, dialogue, control alternatives, protective alternatives, and deadly force, each reflecting the need for an increasing level of control. A list of trained intervention options can be found in Appendix A of this policy.
- N. Kinetic Energy Impact Projectiles: Flexible or non-flexible projectiles, which are intended to incapacitate a subject with a minimal potential for causing death or great bodily harm, when compared to conventional projectiles.
- O. Less-Lethal Force Philosophy: A concept of planning and force application, which meets operational objectives, with less potential for causing death or great bodily harm than conventional police tactics.
- P. Non-deadly Force: An amount of force that, under normal circumstances, would not be expected to result in great bodily harm or death.
- Q. Objective Reasonableness Standard: The standard established by the U.S. Supreme Court in *Graham v. Connor* and incorporated in §175.44(2)(b), Wis. Stats., 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. The 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 seizure by flight.
- R. Passive Resistance: Non-complaint and non-threatening resistance to lawful orders.
- S. Reasonable Belief: A conclusion reached by an ordinary, prudent, and reasonably intelligent police officer that a certain fact situation exists under the totality of circumstances perceived by the officer at the time the officer acted.
- T. Reasonable Force: A physical act by a police officer in the performance of duty used to accomplish a legitimate law enforcement goal and objectively reasonable under the totality of circumstances as perceived by the officer at the time the officer acted. The totality of circumstances perceived by the officer can include statements made by the person or a known prior history of resistive or assaultive behavior.
- U. Totality of the Circumstances: All facts and circumstances known to the officer at the time, taken as whole, including the conduct of the officer and the subject

leading up to the use of force.

- V. Vascular Neck Restraint: A technique that can be used to incapacitate individuals by restricting the flow of blood to their brain.

IV. PROCEDURES

A. General Guidelines

1. When using force, a law enforcement officer is required to act in good faith to achieve a legitimate law enforcement objective. Officers shall use only that amount of force that is objectively reasonable, as defined in this policy, to control a situation, effect a seizure, or control a person. A force decision shall be based on the Disturbance Resolution Model and the Intervention Options incorporated in the DAAT system and found in Appendix A and B of this policy.
2. In deciding whether to use force, including which intervention options are appropriate, officers are permitted to consider all information known to the officer at the time of the incident, including conduct or statements made by the subject and prior history of resistive or assaultive behavior.
3. When time and circumstances reasonably permit, officers shall consider whether a subject's lack of compliance is a deliberate attempt to resist or an inability to comply based on factors including, but not limited to:
 - a. Medical condition
 - b. Mental impairment
 - c. Developmental disability
 - d. Physical limitations
 - e. Language barrier
 - f. Alcohol/drug induced impairment
 - g. Behavioral crisis
4. When officers can reasonably conclude that the lack of compliance is attributed to a condition enumerated in Section 3, above, and when deemed safe under the totality of circumstances, officers shall use de-escalation techniques to reduce the need for physical force. Such techniques should not compromise officer or public safety. These techniques may include:
 - a. Containing the threat.
 - b. Placing barriers between the subject and officer.
 - c. Creating distance and seeking cover and/or concealment.

- d. Tactical positioning.
 - e. Utilizing professional communications, including verbal persuasion.
 - f. Requesting additional resources, including additional officers, CIT officers, or less-lethal equipment.
 - g. Ensuring a proportional response.
5. When the level of force used by an officer is not effective in gaining control of the subject, the officer may choose to either disengage or escalate to a higher level of force. This decision will be based on the totality of circumstances and concern for the safety of the officer, citizens, and the subject.
6. Officers may escalate their use of force when a lower force option has failed, or when a lower force option would be clearly ineffective. Officers may use force legitimately when it is needed to achieve control in six specific situations:
- a. To achieve and maintain control of resistive subjects.
 - b. To detain persons reasonably suspected of criminal behavior.
 - c. To make lawful arrests.
 - d. To defend themselves or others.
 - e. To prevent escape.
 - f. To take a person into custody for emergency detention or protective custody.
7. When force is applied, officers shall not use force beyond that which is objectively reasonable to maintain control once the subject has stopped resisting and control of the subject has been established. The use of force must terminate when it is objectively reasonable that the subject is fully under control.
8. A law enforcement officer may use reasonable force to arrest a person or execute a warrant. Additionally, a law enforcement officer making a lawful arrest may command the aid of any person, and such person shall have the same power as that of a law enforcement officer §968.07 and §968.14, Wis. Stats.
9. All persons taken into physical custody will be handcuffed, searched, and then transported in a police vehicle unless exceptional circumstances exist. Prisoner transportation shall be performed in

accordance with the *Prisoner Transport* policy.

10. An officer shall not brandish, display, or threaten the use of any control devices, impact weapons, kinetic energy impact weapons, canine, or firearm unless he or she can reasonably conclude its use may become justified and anticipated.
11. When an officer of the Hobart-Lawrence Police Department uses force in the performance of their duties, their use of force must fit into one of these categories:
 - a. A trained technique.
 - b. A dynamic application of a trained technique.
 - c. A technique not trained but justified under the circumstances.
12. When circumstances reasonably permit, officers should use non-violent strategies and techniques to decrease the intensity of a situation, improve decision-making, improve communication, reduce the need for force, and increase voluntary compliance (e.g., summoning additional resources, formulating a plan, attempting verbal persuasion).

B. Duty to Intervene and/or Report Noncompliant Use of Force

1. In the event an officer, while acting in an official capacity, observes another officer applying a level of force that is not objectively reasonable under the circumstances, as outlined in §175.44(2)(b) or (c), Wis. Stats., he or she shall intervene to stop the use of such force as soon as it is safe to do so.
 - a. In addition to the requirement imposed by this policy and procedure, the aforementioned duty to intervene is mandated by §175.44(4), Wis. Stats.
 - b. Such intervention shall occur without regard for the chain of command or agency affiliation.
 - c. An officer who intervenes as required under this section shall report the intervention to his or her immediate supervisor as soon as practicable following the occurrence of the use of force.
2. In the event an officer, while acting in an official capacity, witnesses another officer use force that does not comply with that which is objectively reasonable under the circumstances, as outlined in §175.44(2)(b) or (c), Wis. Stats., he or she shall report the noncompliant use of force as soon as practicable after the occurrence of the use of force.

- a. In addition to the requirement imposed by this policy and procedure, the aforementioned duty to intervene is mandated by §175.44(3), Wis. Stats.
 - b. Such reporting shall occur without regard for chain of command or agency affiliation of the officer using noncompliant force.
3. An officer who intervenes to stop force that is not objectively reasonable or reports noncompliant use of force shall be afforded all of the whistleblower protections afforded under §175.44(5), Wis. Stats.
4. When observing or reporting force used by a law enforcement officer, each officer should take into account the totality of the circumstances and the possibility that other law enforcement officers may have additional information regarding the threat posed by the subject.

C. Pain Compliance Techniques

1. Pain compliance techniques may be effective in controlling a physically or actively resisting individual.
2. Officers may only apply those pain compliance techniques for which they have successfully completed department-approved training.
3. Officers utilizing any pain compliance technique should consider:
 - a. The degree to which the application of the technique may be controlled given the level of resistance.
 - b. Whether the individual can comply with the direction or orders of the officer.
 - c. Whether the individual has been given sufficient opportunity to comply.
4. The application of any pain compliance technique shall be discontinued once the officer determines that compliance has been achieved.

D. Electronic Control Device (ECD)

1. Officers who have successfully completed a department approved training course and written test concerning ECD use are authorized to carry the device.
 - a. Uniformed officers shall carry an ECD while on-duty if an ECD unit is available.
 - b. Non-uniformed officers may carry an ECD if an ECD unit is

available.

2. An ECD may be used when a subject is threatening to actively resist or is actively resisting an officer and the subject poses an articulable threat of bodily harm to an officer or another person. It may also be used when the subject poses a threat of bodily harm to an officer or another person. It may also be used when the subject poses a threat of bodily harm to himself or herself, such as self-inflicted injury or a suicide attempt. Mere passive resistance does not warrant the use of an ECD.
3. The following factors, when reasonably perceived by the officer at the time of the incident, require elevated justification for deployment. Under the following conditions the risk of direct or secondary injury to the subject is elevated, thus the justification for ECD deployment is also elevated. The officer must balance the elevated risk of injury with the need for immediate apprehension. Factors warranting an elevated deployment justification include:
 - a. Presence of flammable materials.
 - b. Subject located in an elevated position.
 - c. Subject operating a vehicle.
 - d. Subject running.
 - e. Subject obviously, or known to be, pregnant.
 - f. Subject in water sufficient to drown.
 - g. Subject obviously frail or infirm.
4. In each instance where an ECD is deployed, a determination will be made regarding the need for lethal cover. Lethal cover shall be required in all cases in which the subject possesses a weapon capable of causing death or great bodily harm.
5. ECD Deployment Methods
 - a. Only officers with the TASER 7's may utilize a Warning Arc display to de-escalate the situation without having to deploy the cartridge.
 - 1) Do not remove the live cartridge to initiate a Warning Arc.
 - 2) Depress either or both Arc switches, which will not deploy a live cartridge.
 - b. The primary deployment method is to discharge the ECD cartridge,

propelling the probes and wires. When the TASER is in probe mode, it can cause neuro-muscular incapacitation (NMI), which is the stimulation of the motor nerves causing uncontrollable muscle contractions that inhibit a suspect's ability to perform coordinated movement.

c. The back-up deployment method is to firmly drive the attached fired ECD cartridge into the subject's body (drive stun). When used in the drive stun mode, the TASER causes localized pain to the subject.

1) Removing the ECD cartridge to apply a drive stun is discouraged because it provides limited effectiveness and has a higher propensity for causing minor burns or friction abrasions to the skin than probe deployment.

6. ECD Deployment Cycles

a. Officers shall deliver only the number of deployment cycles reasonably necessary to control the subject.

b. If cover officers are available, they should attempt to control the subject during the deployment cycles, if practicable.

c. If multiple cycles have been delivered and the subject still cannot be controlled, officers should consider an escalation of force or should disengage.

7. Department personnel who use an ECD against a person shall ensure the person is monitored for injury as soon as practicable after the person is under control. If an adverse reaction to an ECD occurs, or if requested by the subject, transport to a medical facility shall be arranged.

8. If the probes are imbedded in sensitive tissue areas (i.e., neck, face, groin, or the breast of a female) officers shall arrange transport to a medical facility for removal. Probes that are imbedded in other non-sensitive tissue areas may be removed by a trained officer according to the trained procedures.

a. Officer(s) shall photograph probe impact locations on the subject's body.

b. Officer(s) shall photograph any additional injuries on the subject's body which were caused during an ECD deployment.

9. The probes shall be treated as a contaminated biohazard. Officers removing the probes shall wear protective gloves.

10. After the probes have been removed, they shall be handled as biohazard evidence and packaged according to the trained procedure. The deployed cartridge, wires, and probes shall be retained for the same period as other evidence associated with the incident.
11. Forensic ECD evidence collection shall occur under any of the following circumstances:
 - a. Great bodily harm occurs to the subject or officer during or following the use of an ECD.
 - b. The ECD is not effective, which leads to escalation of force and the use of deadly force.
 - c. The subject dies following the use of an ECD.
12. Forensic ECD evidence collection of the cartridge, Anti-felon identification tags (as applicable), wires, and probes shall be governed by the following collection process:
 - a. Take overall scene photos.
 - b. Mark location of evidence.
 - c. Take detailed measurements of evidence.
 - d. Take detailed photos of evidence prior to collection.
 - e. Take detailed photos of probe or contact marks/wounds.
 - f. Collect probes, wires, and the cartridge as a unit, if possible. Do not break the wires from the probes or cartridge.
 - g. Gently press the probes into the wire channels that house the wires on the front of the cartridge.
 - h. Do not wrap or attempt to untangle the wires.
 - i. Place the whole cartridge unit into a paper bag.
 - j. Collect AFID's (as applicable) in a sealable container and place the container inside the paper bag with the cartridge.
 - k. Place the paper bag into a red biohazard bag and enter into evidence.
 - l. Collect the ECD, place it in a box, and enter it into evidence.
13. When an ECD is used against a person or animal, the Use of Force form

shall include the serial number of the deployed unit on the form so the deployment information can be downloaded.

14. An ECD used against a person or animal is considered to occur when an officer uses the ECD to complete a drive stun or fires the probes, whether the probes hit the intended target or not.
15. Trained officers shall complete a refresher course and a written examination related to the use of the department approved ECD every two years.
16. Only ECD units and accessories approved by the Chief of Police or his/her designee shall be permitted for carry and use by members of the department.

E. Oleoresin Capsicum Spray (OC)

1. Officers who have been trained and certified in the use of OC shall carry department issued OC while on duty.
 - a. Officers who are trained in the use of, and carrying, an ECD may choose not to carry OC.
 - b. If an officer has a special duty assignment that does not make carrying OC feasible, the officer may be exempt from carrying OC for the assignment.
2. Trained personnel may use OC when a subject is threatening to actively resist or is actively resisting an officer and the subject poses an articulable threat of bodily harm to an officer or another person. Mere passive resistance does not warrant the use of OC.
3. Generally, OC should not be sprayed directly at the eyes of a person from a distance of less than three (3) feet because of increases risk of eye injury from the pressure of the spray.
4. Department personnel who use OC against a person shall ensure the person is decontaminated as soon as practicable after he or she is under control.
 - a. If possible, the person should be exposed to fresh air and the contaminated site flushed with cold water or wiped with a department issued OC decontamination product.
 - b. Officers should continue to monitor the exposed person for any unusual reactions to the exposure. If the exposed person has an unusual reaction or requests medical attention, transport to a

medical facility shall be arranged.

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

F. Intermediate Weapons/Impact Weapon: (expandable and straight baton)

1. Uniformed officers shall be required to have an approved impact weapon available to them while on duty. An impact weapon must be carried by a uniformed officer.
2. The use of authorized batons is permitted to impede a subject, preventing them from continuing active resistance or assaultive, or otherwise dangerous, behavior.
3. Permitted baton techniques are those taught as part of the DAAT system governed by the Wisconsin Department of Justice – Law Enforcement Standards Board.

G. Chemical Munitions and Diversionary Devices

1. Chemical munitions and diversionary devices will only be deployed by officers trained in their use.
2. The use of these devices will be in accordance with the requirements of this policy.
3. Injuries to a person resulting from the use of chemical munitions and diversionary devices shall be documented in an incident report.

H. Kinetic Energy Impact Projectiles

1. Trained department personnel may use kinetic energy impact projectiles in circumstances where a level of force less than deadly force may be appropriate for resolving the situation and when the risk associated with closing on the subject to take control makes other alternatives unsafe.
2. In each instance where kinetic energy impact projectiles are deployed, a determination will be made regarding the need for deadly force cover. Deadly force cover will be required in all cases in which the subject possesses a weapon capable of causing death or great bodily harm.
3. The department shall maintain two (2) dedicated less-lethal delivery systems, the Remington 870, 12-gauge pump shotgun and the GL 1-40 40 mm launcher.

- a. Only department personnel trained in the use of these devices are authorized to utilize them.
 - b. Only department authorized and issued rounds may be used in the less-lethal delivery systems.
4. Remington 12- gauge pump shotgun less-lethal delivery system.
 - a. 12- gauge lethal ammunition is not authorized for duty use and will not be carried by an officer, stored in a patrol vehicle, or stored in the police department.
 - b. When deploying the Remington 12- gauge pump shotgun less-lethal delivery system, the officer will visually and physically inspect the weapon to verify it is unloaded. The officer will visually inspect each less lethal kinetic energy impact projectile prior to loading. This deployment loading procedure will be taught during training.
 - c. One Remington 12- gauge pump shotgun less-lethal delivery system will be kept in the supervisor vehicle and a second will be carried in the Canine vehicle – each with 10 rounds of less-lethal ammunition.
5. The Penn Arms GL 1-40 40 mm less-lethal launcher will be kept in each marked squad with three (3) rounds of ammunition.
6. Kinetic energy impact projectiles may be delivered to the subject's body in accordance with the following guidelines:
 - a. Primary Target Areas (Legs and Buttocks): The arms may also be targeted as a primary target under some circumstances. The officer must consider the proximity of the targeted portion of the arm to vital areas of the body. Primary target areas shall be considered when incapacitation is necessary, but the threat is not imminent. Multiple impacts to the primary target areas should be considered before progressing to the secondary target area.
 - b. Secondary Target Area (Lower Abdomen): The secondary target area will be considered when incapacitation is critical due to the imminent threat posed by the subject.
 - c. Head/Neck/Chest Area: Intentional impact to these areas will be avoided unless the use of deadly force is justified.
7. Subjects who are struck by a kinetic energy impact projectile shall be transported by ambulance to a medical facility for examination.

8. Officers shall photograph any injury on a subject's body caused from being struck by a kinetic energy impact projectile.
9. Officers shall collect the impact projectile and empty shell casing as evidence.
 - a. If the impact projectile has been biohazard contaminated, officers shall wear protective gloves.
 - b. The projectile shall be placed in a suitable evidence container before being placed in a red biohazard bag and entered into evidence.
10. Trained officers shall complete a refresher course and written examination every two years.

I. Canine Apprehension

1. The use of a canine to apprehend a subject, resulting in a bite, is considered a use of force under this policy.
2. A police canine may be used to apprehend an individual under the following circumstances:
 - a. There is a reasonable belief that the subject poses an imminent threat of bodily harm to another person or him or herself.
 - b. The subject is physically resisting arrest or detention and poses an imminent threat of bodily harm to the officers and/or others and the use of the canine appears necessary to overcome such resistance.
 - c. The subject is believed to be concealed from officers in an area that makes a canine search and apprehension the most appropriate method to avoid the potential threat outlined in sections a and b, above.
3. Unless a subject presents a reasonably perceived threat of bodily harm to officers or others, mere flight from pursuing officers shall not justify a canine apprehension.
4. When a canine apprehends a subject, the canine shall be given commands to release the bite and be brought under physical control by the handler as soon as practicable after the subject stops the resistive behavior and complies with officer's commands.
5. If the canine bites a subject with no apparent effect on the subject, the canine handler should consider having the canine disengage. Officers

must then decide to escalate or disengage from the situation.

6. If a canine apprehension results in a bite or injury, in addition to the requirements of this policy, the handler shall comply with all requirements established in the *Police Canine* policy. Subjects who are bitten or injured by the canine shall be transported to a medical facility for treatment.

J. Use of Deadly Force

1. The intentional use of deadly force is permissible under the following circumstances:
 - a. As a last resort, to stop behavior that has caused or imminently threatens to cause death or great bodily harm to the officer or another person and when the officer reasonably believes all other options have been exhausted or would be ineffective.
 - b. As the final alternative, to effect an arrest or prevent the escape of a fleeing felon whom the officer reasonably believes has committed a felony involving the actual or threatened use of deadly force. The officer shall also have probable cause to believe the suspect felon poses an imminent threat of death or great bodily harm to the officer, or others, if not immediately apprehended.
 - c. As the last resort, to euthanize a dangerous animal or one that is so seriously injured that humanity dictates its dispatch to alleviate further suffering, but only after careful consideration is given to the public's safety and whether other alternatives may be feasible.
2. If both practicable and feasible, officers shall identify themselves and issue a verbal warning before using deadly force.
3. If an officer has determined that they face a threat that meets the requirements to permit the use of deadly force, and they have decided to discharge their firearm, they must still fulfill three target requirements:
 - a. Target Acquisition
 - b. Target Identification
 - c. Target Isolation
4. One exception to the requirement for target isolation is the "greater danger exception." This exception permits an officer to discharge their

firearm without target isolation if the consequences of not stopping the threat would be worse than the possibility of endangering others in the area.

5. Firearms shall not be discharged at a moving vehicle unless:
 - a. A person in the vehicle is threatening the officer or another person with deadly force by means other than the vehicle; or
 - b. The vehicle is operated in a manner deliberately intended to strike an officer or another person, and all other reasonable means of defense have been exhausted or are not present or practical, which includes moving out of the path of the vehicle.
6. Officers should not shoot at any part of a vehicle in an attempt to disable the vehicle.
7. The decision to discharge a firearm when the target of the force is not clearly visible shall be guided by Section 1, above. Discharging a firearm in this manner is called target-specific directed fire and may be appropriate in certain limited situations.
 - a. This type of discharging of an officer's firearm is purposeful, controlled, sustained fire, which is directed at a perpetrator who has caused or imminently threatens to cause death or great bodily harm to an officer or others, but whom an officer may not be able to clearly observe.
 - b. The purpose of target-specific directed fire is to stop the threat when no other reasonable course of action would allow officers to perform a rescue, escape from danger, or otherwise prevent death or great bodily harm.
 - c. Before using target-specific directed fire, officers must meet the imminent threat criteria (weapon, intent, delivery system) and preclusion requirement. Officers must achieve target acquisition, identification, and isolation, or else satisfy the "greater danger exception," before discharging their firearm.
8. The use of choke holds and/or vascular neck restraints is prohibited, except under circumstances that would otherwise justify the use of deadly force.
9. Deadly force shall not be used when the officer is in doubt as to whether he or she has the legal justification to do so.
10. Officers shall not discharge a firearm as a warning. Warning shots are

prohibited.

K. Pointing a Firearm

1. If an officer intentionally points a firearm at a person in the course of duty and does not discharge the firearm, the officer shall complete an incident report detailing the circumstances. If multiple officers are involved, only the officer assigned the call is required to complete an incident report. All other officers shall prepare and submit a supplement report.
2. A Hobart-Lawrence Police Department Use of Force form is required if an officer intentionally points a firearm at a person in the course of duty and does not discharge the firearm.

L. First Aid and Medical Assistance for Any Use of Force

1. Officers who use force against a person shall ensure the subject is monitored for injury as soon as the scene is secured.
2. If an injury is observed or reported by the person, officers shall provide first aid and/or request medical assistance as needed.
3. In addition to visible injuries and those reported by the subject, officers should be observant for indicators that the subject is experiencing a medically significant event (behaviors that create an elevated risk of sudden in-custody death).
4. If a medically significant event is observed or suspected, officers shall request an emergency response from EMS. Officers shall ensure the subject is continuously monitored until the subject is evaluated by EMS.

M. Required Notifications and Reports upon Use of Force

1. Whenever an officer is responsible for an accidental or intentional discharge of a firearm while on or off duty (other than during firearms training, hunting, or participating in sporting or recreational events), or the accidental or intentional use of deadly force by any means, the following notifications and reports shall be made:
 - a. Intentionally discharged at a person.
 - 1) The officer shall notify an on-duty or on-call supervisor as soon as possible.
 - 2) The supervisor shall notify the on-duty or on-call command officer.

- 3) If the command officer is not the Chief of Police, the Captain will immediately notify him/her.
- 4) An investigation will be conducted and thoroughly documented by investigative personnel in a comprehensive incident report, initiated by the responding supervisor.
- 5) The involved officer will generally not prepare an incident report regarding their involvement in the use of force. Rather, the actions of the involved officer will be documented in the report prepared by investigative personnel following an interview with the involved officer – as outlined in the *Officer Involved Shootings – Critical Incidents* policy.
- 6) Other personnel not directly involved in the incident may be required to prepare supplemental reports documenting their involvement. Preparation of these reports will be coordinated by the Captain.
- 7) Each officer discharging a weapon shall complete a Hobart-Lawrence Police Department Use of Force form.

b. Intentionally discharged at an animal.

- 1) The officer shall notify the Communications Center and his or her supervisor prior to the discharge, or immediately thereafter if prior notifications is not practicable.
- 2) The officer involved in the intentional discharge of a firearm at an animal shall document the justification for the discharge in addition to information about the weapon used, number of rounds expended, and type of animal involved. This documentation shall occur in the CAD screen associated with the incident.
- 3) An incident report is not required unless directed by the supervisor.

c. An accidental discharge not resulting in injury.

- 1) The officer shall immediately notify the on-duty or on-call supervisor.
- 2) The officer shall complete a written memorandum to the Captain that documents the details of the incident.

- d. An accidental discharge resulting in injury.
 - 1) When practicable, the officer shall immediately notify an on-duty or on-call supervisor.
 - 2) The supervisor shall notify the on-duty or on-call command officer.
 - 3) The involved officer shall document the details of the incident in a memorandum to the Captain and prepare an incident report as directed by the supervisor.
 - 4) If the Chief of Police was not the on-call command officer, the Captain shall notify him/her. The Chief of Police may direct the captain to initiate an investigation into the incident.
2. When an officer uses force that includes a control alternative or greater (excluding escort holds), in the order of appearance on the list of Intervention Options, he or she shall contact a supervisor as soon as practicable after the use of force. The officer shall also complete an incident report documenting the circumstances.
3. In addition to any other reporting requirements in this policy, whenever an officer uses any amount of force against another person that results in, or is alleged to have resulted in, injury or death to a person, he or she shall contact a supervisor as soon as practicable after the use of force. Additional guidelines will follow the *Officer Involved Shooting – Critical Incident* policy.
4. Each officer involved in a use of force event shall complete a Use of Force form. When completing a Use of Force form, officer(s) should only include the force or countermeasures used by the officer completing the form.

N. Supervisor or Officer in Charge Responsibilities

1. A supervisor or Officer in Charge (OIC) should respond to a reported application of force resulting in visible injury, if reasonably available. When a supervisor or OIC is able to respond or notified of an incident in which there has been a reported application of force, the supervisor is expected to:
 - a. Obtain the basic facts from the involved officers.
 - 1) Absent an allegation of misconduct or excessive force, this will be considered routine contact in the normal course of

duties.

- b. Ensure that any injured parties are examined and treated.
 - c. When possible, separately obtain a recorded interview with the individual upon whom force was applied. If this interview is conducted without the individual have voluntarily waived his/her Miranda rights, the following shall apply:
 - 1) The content of the interview should not be summarized or included in any related criminal charges.
 - 2) The fact that a recorded interview was conducted should be documented in an informational report.
 - 3) The recording of the interview should be distinctly marked for retention until all potential for civil litigation has expired.
 - d. Once any initial medical assessment has been completed or first aid has been rendered, ensure that photographs have been taken of any areas involving visible injury or complaint of pain, as well as overall photographs of uninjured areas.
 - 1) These photographs should be retained until all potential for civil litigation has expired.
 - e. Identify any witnesses not already included in related reports.
 - f. Review and approve of all related reports and Use of Force forms.
 - g. Evaluate the circumstances surrounding the incident and contact the Captain for further guidance if there is a question of policy noncompliance or if for any reason further investigation may be appropriate.
- 2. In the event that a supervisor or OIC is unable to respond to the scene of an incident involving the reported application of force, the supervisor is still expected to complete as many of the above items as circumstances permit.
 - 3. If a supervisor is involved in a use of force, he or she will contact the Captain or on-call command officer and notify him or her of the situation as soon as practical. If an OIC is involved in the use of force and there is not an on-duty supervisor on, he or she will contact the on-call supervisor or on-call command officer and notify him or her of the situation as soon as practical.

O. Captain's Responsibilities

1. The Captain shall review each incident to determine if a Use of Force Review Team is to be convened under this policy or if the circumstances of the incident warrant an investigation into the officer's use of force.
2. Additionally, the Captain, or designee shall submit Use of Force and Arrest-Related Death Data (UFAD) to the Wisconsin Department of Justice Through TraCS as required by §165.845, Wis. Stats. A qualifying use of force incident – for the purposes of this report means any of the following incidents (§165.845, Wis. Stats.).
 - a. Involving the discharge of a firearm by an officer at or in the direction of a civilian.
 - b. Involving the discharge of a firearm by a civilian at or in the direction of an officer.
 - c. Involving any action taken by an officer in response to an act of resistance that results in great bodily harm or death, §939.22, Wis. Stats.
 - d. Involving an act of resistance taken by a civilian against an officer that results in great bodily harm or death.
3. Annually, the Captain shall complete and submit to the Chief of Police a written analysis of all incidents involving the use of physical force by officers. The report will also identify trends and/or training needs.

P. Use of Force Review Team

1. The Use of Force Review Team shall consist of the following personnel:
 - a. Captain (Chairperson)
 - b. Sergeant (Vice-Chairperson)
 - c. The Village Attorney
 - d. A department DAAT and/or firearms instructor
 - e. One officer selected by the involved officer(s). Each officer involved may select their own officer/representative.
2. If the involved officer is incapacitated and cannot designate an officer to serve on the review team, the Chief of Police will direct the officer's supervisor to select an officer to represent the involved officer. The selected officer is subject to the approval of the involved officer(s)

should the officer(s) cease to be incapacitated prior to the completion of the investigation.

3. If the officer involved in a use of force incident is the Captain, the Chief of Police will chair the Use of Force Review Team. If the Chief of Police is the officer involved, the Captain will coordinate with the Police Commission to select the person who will chair the review team. This may require the assistance of an outside agency.
4. The Use of Force Review Team shall conduct an administrative review of the following uses of force:
 - a. The accidental or intentional use of deadly force by an officer, whether or not injury or death occurs.
 - b. All incidents involving the accidental or intentional discharge of a firearm, excluding the intentional use to dispatch an animal or the use of kinetic energy impact projectiles, unless their use causes great bodily harm or death.
 - c. All incidents resulting in great bodily harm to a person by an officer's use of force.
 - d. Any additional situations as directed by the Chief of Police.
5. This administrative review shall be separate from any criminal investigation conducted by the Captain, or any other investigative agency selected by the Chief of Police.
6. The purpose of this review is to determine whether the use of force was consistent with the policies and *Code of Conduct* of the department.
7. Upon conclusion of the review, the Use of Force Review Team shall submit to the Chief of Police a written report of their findings and conclusions. The report shall include a description of how the review was conducted, a listing of all facts established by the review, any disagreement between members, and a recommended disposition.
8. The Use of Force Review Team report shall include a finding that the officer's use of force was:
 - a. Within policy
 - b. Outside of policy
 - c. Outside of policy, with extenuating circumstances
9. Any officer who uses force which results in death or great bodily harm to

another person shall be assigned to administrative duties, or may be placed on administrative leave at the discretion of the Chief of Police, pending the completion of the use of force review and final action of the Chief of Police.

Q. Policy Distribution and Training

1. A copy of this policy, including all feature amendments or revisions thereto, shall be distributed as outlined in the department's written directive system. In addition, the policy shall be available on the department's website.
2. All personnel shall receive, be trained in, and demonstrate their understanding of this policy before being authorized to carry any weapon in the course of their official duties.
3. On an annual basis, the firearms coordinator shall conduct training on the *Use of Force* policy and any related legal updates for all sworn personnel as part of the firearms training and qualification program. Additional training may occur as dictated by changes to the policy and/or law regarding use of force.
4. Training of force techniques not covered in the Defensive and Arrest Tactics (DAAT) program established by the Wisconsin Department of Justice – Law Enforcement Standards Board (LESB) is permitted if the following conditions are met:
 - a. The technique is trained by an instructor who has received credible training in the performance and instruction of the technique and has maintained certifications in the training, where applicable.
 - b. The technique is evaluated for inclusion in the Intervention Options, found in Appendix B of the policy. This evaluation will consider the purpose and goal of the technique and the propensity for injury. When possible, the technique will be compared to LESB approved techniques to guide the decision, ultimately to be made by the Chief of Police or his/her designee and a certified DAAT instructor.
 - c. Training of the techniques shall be performed in accordance with the *Training* policy.

Michael Renkas
Chief of Police