

RIVER HILLS POLICE DEPARTMENT

POLICY/PROCEDURE

Title: Use of Force

Policy No: 2021-01

Effective Date: 01/01/2021

Rescinds: 2019-01

Related Regulations:

Amends:

Distribution: All Police Officers

No. of Pages: 6

I. Purpose

The purpose of this policy is to provide River Hills Police Officers guidelines on the use of force.

This policy is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third party claims. Violation of this policy and procedure, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

II. Policy

It is the policy of River Hills Police Department that officers will use only the amount of force that is reasonably necessary to control a person or to defend himself/herself, or another person, from an imminent threat; or while attempting to arrest, apprehend, or restrain a suspect. The use of force must be objectively reasonable and the officer must use only that force which another officer would use under the same or similar circumstances.

In making a determination as to the reasonableness of force, courts recognize law enforcement officers have to make split-second decisions and reactions. That necessity is taken into consideration. Factors that were considered "objectively reasonable" in U.S. Supreme Court case of "Graham v. Connor" included:

- Severity of the alleged crime.
- Whether the suspect poses an imminent threat to the safety of officers and/or others.
- Whether the suspect is actively resisting or attempting to evade arrest by flight.

III. Definitions

Deadly Force- The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm.

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.

Deadly Force Justification- Behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons.

Imminent Threat- An imminent threat is a threat that an officer reasonably feels is about to

happen. To meet the criteria of "imminent threat", the person who the officer is going to use deadly force against must have the following:

Weapon- A weapon capable of inflicting great bodily harm or death (conventional or unconventional).

Intent- A displayed or indicated intent to cause great bodily harm or death to the officer or another person.

Delivery System- A delivery system for utilizing the weapon, or the capacity to.

Dangerous Weapon- Any device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

Preclusion- An officer reasonably believes all other options have been exhausted or would be ineffective.

Greater Danger Exception- Are the consequences of not stopping the threat worse than the possibility of shooting an innocent person.

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

Passive Resistance- Non-compliant and non-threatening behavior. Refusing to comply with a directive from law enforcement, but does not attempt to engage in a physical activity likely to cause bodily harm to the officer or to another person.

Non-Deadly/Non-Lethal Force- The use of force, which does not have a high probability of resulting in death. This includes any physical effort used to control or restrain a person, to overcome a person's physical resistance.

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

IV. Procedure:

- A. The use of force by an officer should be consistent with the approach considerations, intervention options, and follow through considerations outlined in the attached Disturbance Resolution Model. The application of any degree of force is justified under the "objectively reasonable" standard in II above, only when the officer reasonably believes it is necessary under the totality of the circumstances to accomplish proper law enforcement objectives.
- B. The River Hills Police Department expects officers to observe the following two guidelines in all applications of force:
1. Use the minimum force reasonably necessary to accomplish a legal purpose. When reasonable, officers should try to gain compliance through presence, dialogue, and empty hand control.
 2. Officers may disengage or escalate to higher levels of force to overcome active resistance, threat of active resistance, or increasingly dangerous threats to public safety. Nothing in this policy should be interpreted to mean that an officer is required to engage in prolonged hand-to-hand combat before resorting to a level of force that will more quickly, reasonably, and safely bring a resistive person under physical custody. Once the subject(s) are under control, the officer must reduce

the level of force that is needed to maintain control and maintain a position of advantage.

- C. In determining the amount of force that is reasonably necessary to make an arrest, the officer, based upon their training and experience, should consider the following:
1. Nature of call and information pertaining to the incident/subject(s).
 2. Presence of weapons.
 3. Availability of back-up/assistance.
 4. Observation of the subject- Aggressiveness, Past Experiences/Calls, etc.
 5. Officer/Subject factors- Age, size, and skill of subject(s) compared to the officer.
 6. Any other relevant factors/observations obtained from this particular incident or past experiences with involved subject(s).

D. Application of Non-Lethal Force

1. **Physical Force:** Officers may employ needed and reasonable physical force in order to defend themselves, or another person, or to maintain control over a resisting subject. This includes, but is not limited to: holding, pulling, pushing, striking, kicking, decentralization techniques, pressure points, and compliance holds.
2. **Oleoresin Capsicum (OC Spray):** Officers may utilize OC spray against a subject to overcome active resistance or the threat of active resistance. This is considered a chemical control device.
3. **Conducted Energy Weapon (Taser X2):** The Taser brand X2 model is an electronic control device, or conducted energy weapon, that is designed to use a safe amount of electricity to affect the sensory and/or motor nervous system of the body. Officers must be trained in the use of the conducted energy weapon before carrying it on duty. Officers may utilize the Taser against a subject to overcome active resistance or the threat of active resistance. Use of the Taser should be objectively reasonable in light of the circumstances and deployed consistent with the officer's training. Officers should take into account the circumstances involving the call and surrounding environmental factors when possible. Tasers may also be utilized on subjects who are attempting to harm themselves, including self-inflicted injuries and suicide attempts. Per Taser training, if probes are embedded in sensitive "tissue areas" (neck, face, groin, or breast area of females) officers shall contact North Shore Fire/Rescue for removal or transport to a hospital.
4. **Baton:** Officers may utilize their baton to subdue an actively resisting subject. Officers shall not intentionally strike above a subject's neck area unless use of deadly force is justified.
5. **Brachial Stun-** Officers may employ a diffused strike, or brachial stun, for the purpose of causing the immediate, temporary cessation of violent behavior. This technique should be employed after officers precluded other reasonable alternatives. Because the strike is delivered to the side of the subject's neck (origin of the brachial plexus of nerves), you must stabilize the head while striking to prevent striking other parts of the neck.

Officers who have trained under the guidelines of the DAAT system are trained/authorized to carry a baton, OC spray, and perform brachial stuns. Officers must have training on the department's current Taser model prior to carrying/using the device. Officers with additional training, who may be used within our village or deployed in a specialized unit or as mutual aid, may use other non-lethal items such as,

but not limited to, the following flash-bangs, smoke grenades, tear gas, pepper ball, and less lethal shotguns.

E. Application of Deadly/Lethal Force:

In Wisconsin, an officer justification for deadly force is, "behavior which has caused or imminently threatens to cause death or great bodily harm to you or another person or persons". The definition of deadly force is, "The intentional use of a firearm or other instrument that creates a high probability of death or great bodily harm".

When safety permits and practical, an officer shall attempt to identify themselves as police officers and their intent to shoot. As trained, officers are to fire their weapons to stop the threat of the subject. An officer may use deadly force:

1. When the officer reasonably believes that they face an imminent threat of death or great bodily harm.
2. When the officer reasonably believes that another person is facing an imminent threat of death or great bodily harm.
3. To prevent the escape of a suspect in any situation where the officer has probable cause to believe that the suspect poses a significant threat of death or great bodily harm to the officer or another person.

Other deadly force considerations:

1. An officer may kill a seriously injured or dangerous animal when reasonably practical. A supervisor's approval should be sought when possible.
2. Warning shots shall not be fired.
3. Shooting at, or from, moving vehicles is permitted, but should be used when possible as a last resort.
4. Target Specific Directed Fire is defined as purposeful, controlled, sustained fire directed at a perpetrator who has caused, or imminently threatens, to cause death or great bodily harm to you or others, but whom you may not be able to clearly observe. The purpose of target specific directed fire is to top 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. Before using target specific directed fire, officers must meet the imminent threat criteria (weapon, intent, delivery system) and preclusion requirement. Officer must achieve target acquisition, identification, and isolation, or else satisfy the greater danger exception before shooting.
5. Use of a vehicle to intentionally ram and force a suspect off the roadway into a stationary object constitutes deadly force, and is authorized only as a last resort pursuant to the conditions of this policy.
6. Choke Holds- The River Hills Police Department prohibits the use of chokeholds, except in those situations where deadly force is allowed by law.
 - a. The U.S. Department of Justice defines a choke hold as, "a physical maneuver that restricts an individual's ability to breathe for the purposes of incapacitation".

F. First Aid and Medical Attention

When any form of force is used on an individual or individuals, officers shall check on their well being as quickly as reasonably possible under the circumstances. Officers shall provide first aid to the level they are currently trained and request medical assistance when necessary, as soon as the scene is secure. Medical assistance should

be requested for a person, or persons, for the following:

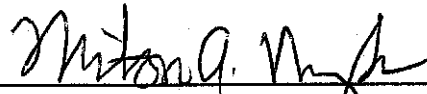
1. Whenever a person requests medical attention. Regardless of whether or not there is an apparent injury.
2. Whenever a person is visibly injured, or otherwise showing symptoms of a medical emergency, but is unable to request assistance due to their level of incapacitation.
3. Any injured person that declines medical attention that potentially could result in great bodily harm and/or death, thus meeting the criteria set forth in Wis. Statutes for Chapter 51.

G. Psychological Services

Officers involved in a deadly force situation will be offered psychological services, which will be directed by the Chief of Police.

H. Reporting Use of Force

1. If not already involved, or on scene, a supervisor/shift commander should be immediately notified when any type of force is used. When possible, the supervising officer should attempt to make it to the scene of the incident.
2. A written report, which includes but is not limited to, "Use of Force" or "Matter Of" reports should be used when:
 - a. When a firearm is discharged outside of firing range or outside of an armorer's duties.
 - b. When use of force results in death, injury, suspected injury, or complaint of injury to a person.
 - c. Anytime an item or type of force listed in previous section D or E are used, a copy of the report should be given to the Chief and also added to the incident report file.



Milton Mrozak, Police Chief
River Hills Police Department

USE OF FORCE REPORT

Copy of Report to Incident File and to Chief

Incident # _____ Date _____ Time _____

Officer _____

Other Officers/Departments Involved in Incident:

Circle All Types of Force Used Below

1. Decentralization Techniques (Physically Forced to Ground) Yes No
2. Vertical Stun Yes No Focused Strikes Yes No Hand Strikes (Punching/Palm Strikes) Yes No
Elbow/Forearm Strikes Yes No Knee Strikes Yes No Kicks Yes No
3. OC Spray Used Yes No
4. Taser Used Yes No If yes, unit ID# from bottom of Taser _____
Taser Pointed/Displayed to Subject Only (Not Physically Used) Yes No
Drive Stun Yes No Cartridge(s) Deployed Yes No Number Deployed _____
5. Baton Yes No Strike to What Part of Body _____
6. Firearm Used Yes No Circle Firearm Used Handgun Rifle
Was Firearm: Displayed/Pointed at Subject Only Discharged
If Discharged: Make _____ Model _____ Serial Number _____
7. Other Type of Force Used _____

Injuries Requiring Medical Attention:

Officer(s) Yes No Type of Injury _____

Subject(s) Yes No Type of Injury _____

Narrative of Incident: _____

