



POLICY & PROCEDURE

MONONA POLICE DEPARTMENT

SUBJECT: **USE OF FORCE**

SCOPE: All Sworn Personnel

DISTRIBUTION: Policy & Procedures Manual

REFERENCE: WI State Statutes: 66.0511, 939.22(14), 939.45, 939.48, and Chapter 941; DAAT Incident Response and Disturbance Resolution Model

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RESCINDS

AMENDS

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STANDARDS: 5.1.1, 5.1.2, 5.1.3, 5.1.4, 5.2.1, 5.3.1, 5.3.2, 5.3.3, 5.3.4

INDEX AS: Control Devices
DAAT (Defense and Arrest Tactics)
Deadly Force
De-escalation
Firearms
Foot Pursuits
Less Lethal Weapons
Non-Deadly Force
Ramming with Police Vehicles
Rendering Medical Aid, Use of Force
Use of Force
Use of Force Reporting
Use of Force Review
Warning Shots

PURPOSE: The purpose of this Policy & Procedure is to establish policies and procedures for the Monona Police Department regarding: the use of force and identifying the responsibilities of officers using force or after it has been used; to provide guidance to officers when persons become injured due to the use of force by an officer; and to provide guidelines for officers for the reporting and review of any officer-involved critical incident.

This Policy & Procedure consists of the following numbered sections:

I. POLICY

- II. DEFINITIONS
- III. DEFENSIVE AND ARREST TACTICS (DAAT)
- IV. USE OF FIREARMS
- V. USE OF VEHICLES - BLOCKADES, BARRIERS, AND RAMMING
- VI. USE OF NON-DEADLY FORCE
- VII. USE OF RESTRAINTS
- VIII. FOOT PURSUITS
- IX. RENDERING MEDICAL AID
- X. REPORTING THE USE OF FORCE

I. POLICY

- A. ~~It is the policy of the Monona Police Department's~~ policy is to value and preserve human life. ~~Therefore, officers shall use only the force, including less than lethal force, necessary that is reasonably objective to gain control, while protecting the lives of the officer or others. to protect life or to effectuate an arrest. Excessive force will not be tolerated. Officers should exercise all safe and reasonable means of control and containment, using only the minimal amount of force necessary to overcome resistance~~ (See Philadelphia PD Directive 10.2 at 2). ~~Officers may include in their decision to use this force option, information known to the officer(s) at the time of the incident or conduct or statements by the subject or a prior history of resistive or assaultive behavior.~~

This policy recognizes constitutional principles but goes ~~aspires to go beyond~~ them. The Fourth Amendment requires that an officer's use of force be "objectively reasonable." *Graham v. Connor*, 490 U.S. 386 (1989). Under this standard, an officer may only use force that a reasonable officer would when facing similar circumstances. The objectively reasonable standard acknowledges the difficult decisions that officers are forced to make under rapidly evolving and often unpredictable circumstances, but it does not provide specific guidance on what to do in any given situation.

The Constitution provides a "floor" for government action. This Department policy goes beyond the minimum requirements of *Graham*. Judgment and discretion will always be the foundation of police officer decision making in the broad range of possible use of force situations. It is not possible to entirely replace judgment and discretion with detailed policy provisions. Nonetheless, this policy requires (1) that de-escalation techniques are used whenever feasible, (2) that force is only used when necessary, and (3) that the amount of force used is proportionate to the situation that an officer encounters (See CCPD UOF Policy at 2).

Sometimes the use of force is unavoidable, and an officer must exercise physical control of a violent, assaultive, or active resister to make an arrest, or to protect members of the public and officers from risk of harm (Seattle Police Manual 8.000 at 2). In doing so:

1. Officers should recognize that their conduct prior to the use of force, including the display of a weapon, may be a factor which can influence the level of force necessary in a given situation.
2. Officers should take reasonable care that their actions do not precipitate an unnecessary, unreasonable, or disproportionate use of force, by placing themselves or others in jeopardy.
3. Officers should continually assess the situation and changing circumstances and modulate the use-of-force appropriately (See Seattle Police Manual 8.000 at 2).

~~Before you can use deadly force, you must reasonably believe that all other options have been exhausted or would be ineffective.~~ Deadly force is always a last resort. (Preclusion, page 77 WI DOJ DAAT training guide; WILEAG 5.1.2.) Deadly force shall never be used until every other reasonable means of apprehension or defense has been exhausted or there is no other reasonable recourse (See Philadelphia PD Directive 10.2 at 2).

B. PRINCIPLES

1. All sworn Officers are required to follow the State of Wisconsin's Law Enforcement Training and Standards' system of Defensive and Arrest Tactics when making all use of force decisions.
2. The Department is committed to upholding lawful, professional, and ethical standards through assertive leadership and supervision before, during, and after every force incident (See Seattle PD Manual 8.000 at 3).
3. Both the Department and individual officers need to be aware of the negative effects of use-of-force incidents and be empowered to take appropriate action to mitigate these effects, such as:
 - a. Explaining actions to subjects or members of the public, when feasible.
 - b. Offering reasonable aid to those affected by a use-of-force.
 - c. Treating subjects, witnesses, and bystanders with professionalism and courtesy.
 - d. Department follow-up with neighbors or family to explain police actions and hear concerns and feedback.

- e. Department follow-up with the involved officer(s) and support, as needed, throughout the process (See Seattle PD Manual 8.000 at 4).
4. Selection of de-escalation options should be guided by the totality of the circumstances with the goal of attaining voluntary compliance. Considerations include:
 - a. Communication:
 1. using communication intended to gain voluntary compliance, such as:
 2. verbal persuasion;
 3. clear instructions;
 4. using verbal techniques, such as Listen and Explain with Equity and Dignity (LEED) to calm an agitated subject and promote rational decision making;
 5. avoiding language, such as taunting or insults, that could escalate the incident;
 6. considering whether any lack of compliance is a deliberate attempt to resist rather than an inability to comply based on factors including, but not limited to:
 - i. medical conditions;
 - ii. mental impairment;
 - iii. developmental disability;
 - iv. physical limitation;
 - v. language barrier;
 - vi. drug interaction;
 - vii. behavioral crisis; or
 - viii. fear or anxiety
 - b. Time:
 1. Attempt to slow down or stabilize the situation so that more time, options and resources are available for incident resolution.

2. Scene stabilization assists in transitioning incidents from dynamic to static by limiting access to unsecured areas, limiting mobility and preventing the introduction of non- involved community members.
 3. Avoiding or minimizing physical confrontation, unless necessary (for example, to protect someone, or stop dangerous behavior).
 4. Calling extra resources or officers to assist, such as crisis intervention team or less-lethal certified officers.
- c. Distance:
1. Maximizing tactical advantage by increasing distance to allow for greater reaction time.
- d. Shielding:
1. Utilizing cover and concealment for tactical advantage, such as:
 - i. placing barriers between an uncooperative subject and officers; or
 - ii. using natural barriers in the immediate environment (See Seattle PD Manual 8.10).
5. Officers should be mindful of a subject's limitation in responding to their commands. Subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including but not limited to alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers (See Philadelphia PD Directive 10.2 at 2).
 6. Officers shall use only force that is ~~reasonably necessary to effectively bring an incident under control~~ objectively reasonable, necessary and proportional to the threat or resistance of the subject, while protecting the lives of the officer and others (Seattle Police Manual 8.000 at 3).
 7. Each officer is responsible for explaining and articulating the specific facts, and reasonable inferences of those facts, which justify the officer's use of force (Seattle PD Manual 8.000 at 2).
 8. Officers will not unnecessarily or unreasonably endanger themselves and others in applying use of force guidelines to actual situations (See Philadelphia PD Directive 10.2 at 2). Once it is safe to do so and the threat has ended, the force must stop (See Seattle PD Manual 8.200).
 9. Any person injured through the use of force ~~by one of its officers~~, shall receive medical aid ~~for such injuries~~ (See Policy and Procedure 5.01 Use of Force XI, below).
 - a. Officers have a duty to provide prompt medical care. The duty includes both

rendering aid and requesting additional aid.

- b. Officers shall always treat people with dignity and respect. Whenever a person is injured, complains of an injury, or requests medical attention, officers shall request medical aid as soon as it is safe and practical.
- c. Officers shall provide appropriate medical care consistent with the officer's training (such as by providing first aid and/or transportation to an emergency medical facility), and when that aid is not sufficient shall request additional aid (such as by contacting emergency medical services) (CCPD UOF Policy at 9; See also WILEAG 5.2.1.; Seattle Police Manual 8.200 at 4).
- d. Certified EMT officers should be given priority to render care, when feasible.
- e. Consent should be assumed for unconscious subject(s) incapable of providing consent.
- f. Officers shall not restrain subjects who are in custody under control in a manner that restricts the subject's ability to breath (Seattle Police Manual 8.2 at 4).
- g. Respect for the sanctity of human life requires officers to closely monitor persons who require medical assistance after a use of force. This responsibility applies during transportation and throughout custody. Officers should pay particular attention to persons believed to be pregnant, children, the elderly, and physically frail individuals. (CCPD UOF Policy at 9; See also WILEAG 5.2.1; Seattle Police Manual 8.200 at 4).

10. Duty to Intervene

- a. Officers have a duty to prevent and stop illegal and inappropriate uses of force by other officers. Every employee has an obligation to ensure compliance, by themselves and others, with Department directives and regulations, as well as all applicable laws, regarding use of force.
- b. Any employee who observes an officer about to use force that is illegal, excessive, or otherwise inconsistent with this directive must, absent extraordinary circumstances, do whatever he/she can to interrupt the flow of events before the fellow officer does something that makes any official action necessary.
- c. Officers can serve each other and the public by simply saying or doing the right thing to prevent a fellow officer from resorting to force illegally or inappropriately.
- d. If a supervisor observes such a violation, the supervisor must issue a direct order to stop the violation. Employees have a duty to report illegal and inappropriate uses of force by other officers. Any employee who

observes or has knowledge of a use of force that is illegal, excessive, or otherwise inconsistent with this directive MUST:

- i. notify a supervisor as soon as possible; and
 - ii. submit an individual written report to a supervisor before reporting off duty on the day the officer becomes aware of the misconduct.
- e. Employees are prohibited from retaliating against an employee who intercedes in or reports illegal or inappropriate uses of force. No employee may retaliate, in any form, against another employee who intercedes in or reports a violation of this directive, or who cooperates with an investigation into a possible violation of this directive. (CCPD UOF Policy at p. 9-10).
11. ~~It is the responsibility of~~ Any officer who uses physical force or any of the enumerated weapons, items or devices indicated below to ~~must~~ complete an incident Report which ~~must~~ on the incident involved and to specifically note the circumstances necessitating, and manner of, such use of force (WILEAG 5.3.1.).
12. All cases where force is used shall be reviewed by the Chief of Police on a documented annual basis.

II. DEFINITIONS

See CCPD UOF Policy at 16 for definitions.

- A. ACTIVE ASSAILANT: A person who is using or imminently threatening the use of force against another person, with or without a weapon, in an aggressive manner that poses an imminent danger to an officer or another person.
- B. ACTIVE RESISTANCE: A person who is uncooperative and fails to comply with directions from an officer, and instead attempts to avoid physical control and/or arrest by creating distance between themselves and the officer or the officer's reach. This type of resistance includes but is not limited to evasive movement of the arm, flailing arms, and full flight by running.
- C. BARRICADED PERSON: A person that is usually, but not always, one or a combination of several types of individuals: 1. A person who has taken a position, inside, outside, or in a vehicle and has indicated by action or implication that he/she may have a weapon and refuses to cooperate with police commands or intends to harm himself/herself. 2. A severely mentally disabled person who has taken a position, inside/outside a dwelling or in a vehicle, and has indicated by action or implication that he/she intends to harm himself/herself or others. (See Philadelphia PD Directive 10.7).
- D. CANINE APPREHENSION: A properly trained police canine may be used to apprehend an Active Resister whenever the handler has probable cause to believe the person has committed a crime, and less intrusive means of apprehension have been exhausted or, under the circumstances, determined to

be ineffective or unavailable.

- E. CHOKEHOLD: Sometimes referred to as a Neck or Carotid Restraint, a chokehold is a technique that involves applying direct pressure to a person's trachea (windpipe) or airway (front of the neck) with the intention of reducing the intake of air. A Carotid Restraint is a technique that applies direct pressure to the carotid artery (on the side of the neck) restricting the flow of blood to the brain and causing a temporary loss of consciousness.
- F. COMPLIANCE TECHNIQUES: Physical techniques that involve the use of non-impact pressure to sensitive areas of the body (mainly areas of skin covering bone) in order to elicit and maintain control of a person. Compliance techniques include joint manipulation and pressure point techniques, but do not include any technique that restricts blood flow to carotid arteries, causing a person to lose oxygen to the brain.
- G. TASER/CONDUCTED ELECTRICAL WEAPON (CEW): A CEW is any device that is capable of firing darts/electrodes that transmit an electrical charge or current. It is a non-lethal force weapon that causes electro-muscular disruption to a combative, violent, or potentially combative, violent subject. The use of this device is intended to incapacitate the subject with a minimal potential for causing death or great bodily harm.
- H. DEADLY FORCE: Force that an officer uses with the purpose of causing, or which the officer knows to create a substantial risk of causing, death or serious bodily harm. Deadly force is not limited to firing a firearm in the direction of another person, but also includes other particularly dangerous tactics. "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." (Page 76 of WI DOJ DAAT training guide).
- I. DEFENSIVE AND ARREST TACTICS (DAAT): A system of verbalization skills coupled with physical alternatives.

ECW #2

- J. DE-ESCALATION: Taking action or communicating verbally or non-verbally during a potential force situation in an attempt to stabilize the situation and reduce the threat without the use of force or with a reduction in the force necessary. Actions taken by an officer meant to stabilize a situation and reduce the immediacy of a potential threat so that a potentially dangerous situation with voluntary compliance and without resorting to force.
- 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 or impairment of the function of any bodily member or organ or other serious bodily injury." WI State Statute 939.22(14)
- L. HOLDING TECHNIQUES: Holding techniques include a firm grip or grab of an arm, wristlocks, come-along holds (i.e. escort holds that are not elevated to compliance techniques), controlled take-downs, and pins against the ground or objects, as well as any combination of the above.

- M. IMMINENT DANGER: Imminent danger describes threatened actions or outcomes that are immediately likely to cause death or serious bodily harm to an officer or another person, unless action is taken. In order to be imminent, the person threatening danger must have the means/instruments and opportunity/ability to cause death or serious bodily harm. The threatened harm does not have to be instantaneous. The period of time involved is dependent on the circumstances and facts of each situation and is not the same in all situations.
- N. IMPACT WEAPONS: Weapons designed to establish control by means of applying mechanical impact to a person to disable elements of his or her musculoskeletal structure. Impact weapons include batons and less lethal ammunition. The Department trains officers to avoid the use of flashlights, radios, firearms, or any item not specifically designed as an impact weapon, unless immediately necessary and no other practical options are available.
- O. OLEORESIN CAPSICUM SPRAY: Also known as OC Spray or Pepper Spray, this is an inflammatory chemical agent that causes an intense burning sensation of the skin, eyes, and mucous membranes. Direct exposure to a person's eyes will likely result in the eyes closing, tearing, and swelling. When inhaled, a person experiences choking, gagging, gasping for breath, or, on rare occasion, unconsciousness. As a result of these symptoms, a person may experience nausea or temporarily impaired thought processes or may become disoriented or lose his or her balance.
- P. PASSIVE RESISTANCE: A person who is not cooperative, in that the person fails to comply (in a non-movement way) with verbal or other direction from an officer.
- Q. PHYSICAL CONTACT: Routine or procedural contact necessary to effectively accomplish a legitimate law enforcement objective. Examples include, guiding a subject into a police vehicle, holding the subject's arm while transporting, handcuffing a subject and maneuvering or securing a subject for a frisk.
- R. PHYSICAL FORCE: Forceful, concentrated striking movements such as punching and kicking, or focused pressure strikes and pressures. These techniques can be combined with takedowns or pins against the ground or other objects.
- S. POLICE PRESENCE: Police presence established through identification of authority and proximity to the person.
- T. POST TRAUMATIC STRESS DISORDER: An anxiety disorder that can result from exposure to short-term severe stress, or the long-term buildup of repetitive and prolonged milder stress
- U. PROPORTIONATE FORCE: Actions, including de-escalation and force, which correspond appropriately with the particular circumstances confronting the officer.
- V. NON-DEADLY FORCE: That amount of force which does not meet the definition

of deadly force but is an amount of force in normal circumstances that can cause bodily harm.

W. OBJECTIVELY REASONABLE FORCE: The reasonableness of a particular use of force is based on the totality of circumstances known by the officer at the time of the use of force and weighs the actions of the officer against the rights of the subject, in light of the circumstances surrounding the event. It must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

1. Factors to be considered in determining the objective reasonableness of force include, but are not limited to:

- a. the severity of the crime at issue,
- b. whether the suspects pose an immediate threat to the safety of the officers or others,
- c. whether the suspect is actively resisting arrest or attempting to evade arrest by flight.
- d. The availability of other resources.
- e. Whether the subject has any perceived physical disability.
- f. Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number of officers versus subjects;

(See Philadelphia PD Directive 10.2 at 3; CCPD UOF Policy at 2; Graham v. Connor, 490 U.S. 386 (1989); Seattle Police Manual 8.050 at 1-2). ~~REASONABLE FORCE: That force which an ordinary, prudent, and intelligent person with the same knowledge of the particular situation as the officer would deem necessary.~~

X. SUBSTANTIAL RISK: A substantial risk is one that is foreseeably likely to occur. That is, the risk is one that a reasonable officer in the same circumstances should anticipate as the likely outcome.

Y. THREATENING ASSAILANT: A person who is using or threatening the use of force against another person, with or without a weapon, in an aggressive manner that may cause physical injury. Examples may include: (1) a person who puts an officer in fear of a battery by advancing on the officer in a threatening manner or closing the distance between the assailant and the officer, thereby reducing the officer's reaction time, and (2) a person who fails to disarm, thereby increasing the likelihood the person's actions are likely to cause physical injury.

III. DEFENSE AND ARREST TACTICS

ECW #8

A. The Department adopts the Defensive and Arrest Tactics System (DAAT). This is a system designed for all police officers for the primary purpose of self-defense. This system includes the Incident Response and Disturbance Resolution Models which provide general guidelines that define the degree and type of force to be used in controlling suspects. All Officers shall be trained in the DAAT system per State of Wisconsin Training and Standard Bureau standards.

1. An officer shall only use the minimum ~~that~~ amount of force which is objectively reasonable to overcome an immediate threat or to effectuate an arrest, gain control in the performance of his/her law enforcement duties. (Philadelphia PD Directive 10.2 at 4).
2. Under no circumstances shall an officer continue to use force (except mere physical restraint) against an individual who has ceased to resist.
3. When an individual only offers passive resistance to arrest, the officer shall bodily remove and transport such an individual with as much regard to the individual's safety and welfare as reasonable, practical, and possible.

ECW #2 and #8

4. When utilizing the Disturbance Resolution Model, the officer must use only that force which is reasonably necessary in reacting to other people's behavior by escalating or de-escalating through the Intervention Options.
5. Use of Force Training will be conducted annually and will include various control techniques.
6. The officer should also consider the totality of the circumstances to include, but not limited to, a suspect's altered state due to alcohol or drugs, mental impairment, medical conditions, or the proximity of weapons. (See Philadelphia PD Directive 10.2 at 4).

B. Incident Response Model: all officers shall follow the most current version of the Incident Response Model adopted by the State of Wisconsin DAAT Advisory Committee 06-07-17.

C. Disturbance Resolution Model: all officers shall follow the most current version of the Disturbance Resolution Model adopted by the State of Wisconsin DAAT Advisory Committee 06-07-17.

IV. USE OF FIREARMS

- A. Sworn personnel are authorized to carry and use weapons under the authority and powers granted to them by Wisconsin State Statutes and exemptions granted under various statutes found in WI. Statutes: Chapter 941. Officers must also follow the requirements set forth in Policy & Procedure 12.01: Firearms and Ammunition.
- B. Unnecessarily or prematurely drawing their firearm may limit an officer's alternatives in controlling a situation, create unnecessary anxiety on the part of the public, and may result in an unwarranted or unintentional discharge of the firearm. (See Seattle PD Manual 8.300).
- C. Officers shall not draw their firearm unless the circumstances surrounding the incident create a reasonable belief that it may be necessary to use the firearm in conformance with policy on the use of firearms (See Seattle PD Manual 8.300).

ECW #3

- D. Whenever safety permits and time allows, officers shall identify themselves and state their intent to shoot prior to using a firearm. ~~Officers are to fire their weapons to stop an assailant from completing a potentially deadly act. The primary target is the central nervous system, to stop the threat and to minimize danger to innocent bystanders.~~
- E. Specific Prohibitions:
 - 1. Officers shall not draw their firearms unless they reasonably believe an immediate threat exists for serious bodily injury or death to themselves or another person. When an officer determines that the threat is over, the officer shall hold his or her firearm, when feasible (See Seattle PD Manual 8.300).
exists
 - 2. Officers shall not use a firearm as an impact weapon (Philadelphia PD Directive 10.2 at 8).
 - 3. Officers shall not fire warning shots.
 - 4. When feasible, officers shall issue a verbal warning to the subject, other officers, and other individuals present, that a firearm will be discharged and defer discharging the firearm for a reasonable amount of time to allow the subject to comply with the warning (See Seattle PD Manual 8.300).
 - 5. It is often a tactically superior police procedure to withdraw, take cover or reposition, rather than the immediate use of force.
 - 6. Officers shall not move into or remain in the path of a moving vehicle. Moving into or remaining in the path of a moving vehicle, whether deliberate or inadvertent, SHALL NOT be justification for discharging a firearm at the vehicle or any of its occupants. An officer in the path of an approaching vehicle shall

attempt to move to a position of safety rather than discharging a firearm at the vehicle or any of the occupants of the vehicle. NOTE: An officer should never place themselves or another person in jeopardy in an attempt to stop a vehicle (See Philadelphia PD Directive 10.2 at 8).

7. All sworn personnel must receive a copy and demonstrate their understanding of the Use of Deadly Force Directive before being authorized to carry a firearm (WILEAG 5.1.2.2.).
- F. Officers may point a firearm at a person only when circumstances create a objectively reasonable belief that it may be immediately necessary for the officer to use deadly force. Officers need not be under attack, but only be reasonably apprehensive that the situation may lead to circumstances outlined in the Use of Deadly Force section of this Order. When the officer no longer reasonably believes that deadly force may be immediately necessary, the officer shall, as soon as practicable, secure or holster the firearm. ~~Officers may display Department authorized firearms when they have reasonable suspicions to believe that the use of deadly force may be necessary.~~ Department authorized firearms should not be displayed under any other circumstances (CCPD UOF Policy at 7; See also WILEAG 5.1.2.1; and Philadelphia PD Directive 10.2 at 6).
1. An officer is not justified in using deadly force when there is no longer an objectively reasonable belief that the suspect is dangerous, even if deadly force would have been justified at an earlier point (See CCPD UOF Policy at 9).
 2. In general, officers may not discharge their weapons as a signal for help or as a warning shot (WILEAG 5.1.3.).
 3. In general, officers may not use deadly force in the following situations:
 - a. Solely to prevent property damage or loss;
 - b. Solely to prevent the destruction of evidence (for example, under no circumstances shall an officer use a chokehold, or any lesser contact with the neck area, in order to prevent the destruction of evidence by ingestion, unless life threatening to the actor);
 - c. Solely to disable moving vehicles;
 - d. Against a person who poses a threat only to themselves (and not to others) (CCPD UOF Policy at 9). See Policy & Procedure 5.03: Deadly Force for more details.
- G. An officer may use deadly force to prevent the escape of a fleeing person only if ALL of the following conditions are met:

1. the officer has probable cause to believe the suspect has committed an offense in which the suspect caused or attempted to cause death or serious bodily harm; and
 2. the suspect will pose an imminent danger of death or serious bodily harm should the escape succeed; and
 3. the use of deadly force presents no substantial risk of injury to innocent persons (See CCPD UOF Policy at 8; Philadelphia PD Directive 10.1 at 7-8).
- H. Pointing a firearm at a person is a reportable force. Officers shall document all incidents where they point a firearm at a person (See Seattle PD Manual 8.300).
- I. Discharging a firearm at or from a moving vehicle entails an even greater risk to innocent persons and passengers because of the risk that the fleeing suspect may lose control of the vehicle. Due to this greater risk and considering that firearms are not generally effective in bringing moving vehicles to a rapid halt, an officer shall not discharge their firearms from a moving vehicle unless the officers are being fired upon (CCPD UOF Policy at 8).

ECW #6

- J. ~~Officers should~~ shall not discharge their firearms at a vehicle unless a person in the vehicle is immediately threatening the officer or another person with deadly force by means other than the vehicle (e.g., officers or civilians are being fired upon by the occupants of the vehicle) and there are no other means available at that time to avert or eliminate the danger. a firearm at or from a moving motor vehicle except as the last measure of self-defense of oneself or another, and only then if the officer believes that the suspect has or is intent upon causing death or great bodily harm to oneself or another person. (See CCPD UOF Policy at 8; Philadelphia PD Directive 10.1 at 7-8; Seattle Police Manual 8.300). ~~If this decision is made, consideration must be given to the safety of innocent bystanders and possible innocent passengers in the vehicle.~~
- K. ~~This section is intended to allow the~~ Officers may ~~to~~ have his/her weapon ready in such circumstances as answering a silent alarm, conducting a building search or confronting a suspect whom there is reasonable grounds to believe may be armed, or when the officer reasonably believes circumstances indicate an imminent danger ~~substantial risk~~ of death or great bodily harm to his/her person or another. (WILEAG 5.1.2.).
- L. Firearms shall not be discharged when it appears likely that an innocent person may be injured unless failure to discharge will result in the greater danger exception. The greater danger exception allows you to shoot without target isolation if the consequence of not stopping the threat would be worse than the possibility of hitting an innocent person.

M. Subjects may be physically or mentally incapable of responding to police commands due to a variety of circumstances including but not limited to alcohol or drugs, mental impairment, medical conditions, or language and cultural barriers. Officers should be mindful of this when making use of force decisions (See Philadelphia PD Directive 10.1 at 1; CCPD UOF Policy at 5).

N. An officer may also discharge a firearm under the following circumstances:

- a. during range practice or competitive sporting events;
- b. to destroy an animal that represents a threat to public safety;
- c. or as a humanitarian measure where the animal is seriously injured.

O. ~~A warning shot should not be fired, however if an officer does fire a warning shot, he/she will need to justify the reason(s) for doing so in a written report.~~

P. After using any force, including lethal or less lethal weapons, officers shall immediately render the appropriate medical aid and request further medical assistance for the suspect and any other injured individuals when necessary and safe to do so. (See CCPD UOF Policy at 9 and Philadelphia PD Directive 10.2 at 7).

Q. Officers who witness inappropriate or excessive force, have a duty to report such violations to a supervisor and Internal Affairs. (Philadelphia PD Directive 10.1 at 3).

~~R. An officer may also discharge a firearm under the following circumstances:~~

- ~~i. During range practice or competitive sporting events.~~
- ~~ii. To destroy an animal that represents a threat to public safety, or as a humanitarian measure where the animal is seriously injured.~~

S. Prior to being authorized to carry a firearm on duty for the Department, officers must meet the following three requirements:

1. Officers shall receive training in the safe handling and operation of Department issued and authorized firearms. Officers must demonstrate their understanding of Department Policy & Procedures and state laws pertaining to deadly weapons and the use thereof.
2. Officers must be certified by the State of Wisconsin in the use of firearms.
3. Officers must qualify with a Department Range Officer.

V. USE OF VEHICLES-BLOCKADES, BARRIERS, AND RAMMING

A. The following may only be employed by an officer if, and only if, the use of deadly force would be authorized:

1. The use of blockades or roadblocks constructed by placing obstacles (including but not limited to police vehicles) of such density and mass upon a roadway that any vehicle colliding with them would be so severely decelerated that its occupants would likely suffer death or serious injury.
2. Ramming of a suspect/evader vehicle by a police vehicle.
3. Forcing a suspect/evader off the roadway or highway and/or into another object by the use of a police vehicle.
4. Also refer to Policy & Procedure 6.02: Vehicle Pursuits-

VI. USE OF NON-DEADLY FORCE

- A. An officer shall use only the amount of force that is reasonably necessary to perform his/her duties. The amount of force which may be employed is determined by the circumstances of a situation, including, but not limited to:
 - ~~1. The nature of the incident of offense.~~
 - ~~2. The behavior of the subject against whom force is to be used, actions by third parties who may be present.~~
 - ~~3. Physical conditions.~~
 - ~~4. The feasibility or availability of alternative actions.~~
 1. the risk of harm presented by the person;
 2. the risk of harm to the officer or innocent citizens by using force;
 3. the seriousness of the law enforcement objective;
 4. whether further de-escalation techniques are feasible, including the time available to an officer to make a decision, and whether additional time could be gained through tactical means;
 5. if there is a practical, less harmful alternative available to the officer;
 6. mental or physical disability, medical condition, and other physical and mental characteristics of the subject; and
 7. whether there are other exigent/emergency circumstances (See CCPD UOF Policy at 5).
- B. Under no circumstances may an officer continue to use force (except for physical restraint) against an individual who has ceased to resist, escape, or otherwise violate the law. As a situation changes, officers must reevaluate the circumstances and continue to respond proportionately (See CCPD UOF Policy at 5).

- C. The officer making an arrest has the right to use only that amount of force reasonably necessary to affect the arrest and maintain control of the arrested individual.
- D. Officers may use objectively reasonable force to:
- ~~1. Overcome an offender's resistance to or threat to resist a lawful arrest.~~
 - ~~2. Prevent the escape of an offender or arrested person.~~
 - ~~3. Protect a third person from bodily harm or death.~~
 - ~~4. Protect himself/herself from bodily harm or death.~~
1. to effect lawful law enforcement objectives, such as to affect a lawful seizure (an arrest or detention) or to carry out a lawful search;
 2. to overcome resistance directed at the officer or others;
 3. to prevent physical harm to the officer or to another person, including intervening in a suicide or other attempt to self-inflict injury;
 4. to protect the officer, or a third party, from unlawful force; or
 5. to prevent property damage or loss (See CCPD UOF Policy at 4).
- E. When an individual offers only passive resistance to arrest, an officer shall take such person into custody and transport such individual with as much regard to the individual's safety and welfare as is reasonable, practical and possible.
- F. Officers shall not mistreat persons who are in their custody. Officers shall handle such persons in accordance with the law and Department policies. The use of excessive and unwarranted force or brutality will not be tolerated under any circumstances and the officer may will be subject ~~the officer~~ to disciplinary action.
- G. Officers MAY NOT use or threaten to use force for the following reasons:
1. to resolve a situation more quickly, unless the extended delay would risk the safety of the person involved, officers, or others, or would significantly interfere with other legitimate law enforcement objectives;
 2. to punish a person or to retaliate against them for past conduct or to impose punishment;
 3. to prevent a person from resisting or fleeing in the future;
 4. to force compliance with an officer's request, unless that request is necessary to serve officer or public safety, or criminal adjudication; or
 5. based on bias against a person's race, ethnicity, nationality, religion, disability,

gender, gender identity, sexual orientation, or any other protected characteristic.

H. Officers responding to any incident that may require the use of force, WILL NOT:

1. sit, kneel, or stand on a subject's back or chest unless essential to maintain the restraint;
2. stand on a subject's head, face and/or neck area;
3. offensively kick and/or stomp on a subject. NOTE: Kicks are authorized for defensive purposes only;
4. use prohibited neck restraints (i.e., choke holds and "sleeper holds"). This will include any incident where an individual attempts to ingest narcotics or other evidence. In the event an officer reasonably believes that an individual has ingested a harmful substance, officers shall summon medical assistance as soon as feasible (See Seattle Police Manual 8.2); or
5. transport an individual in a face down position, especially when handcuffed. This will serve to prevent positional asphyxia that occurs when the position of the subject's body interferes with their ability to breathe. If an individual is having trouble breathing or is demonstrating life-threatening symptoms, medical assistance will be sought immediately.

I. When force is used, an officer WILL:

1. coordinate appropriate tactics with a sufficient number of personnel to safely overcome any resistance;
2. use only the minimal amount of force necessary to overcome resistance;
3. handcuff the individual behind the back, palms out, and ensure handcuffs are double-locked, and do so at the earliest possible time to reduce potential resistance; and
4. check the individual for injuries (See Philadelphia PD Directive 10.2 at 9).

ECW #5

J. An officer who witnesses another officer using force in excess of that permitted by law, training, and/or this Policy & Procedure must intervene and stop the prohibited use of force. The officer shall also report such use of force to a supervisor immediately. If the offending officer is their supervisor then the reporting officer will report the incident to the next supervisor in the chain of command.

Subsequent written notification to the Chief of Police shall be made prior to the end of shift and include the date, time, and place of the occurrence, the identity if known, and description of the participants, and a description of the events and the force used.

K. Use of Less Lethal Weapons. Refer to Policy & Procedure 5.02: Use of Less Lethal

Weapons.

L. Use of Force to Enter Private Property (Also refer to Policy & Procedure 1.10: Arrest Procedures).

1. An officer may use the force reasonably necessary in lawfully entering the land of another to make a felony arrest (not for a misdemeanor or ordinance arrest).~~an officer may use force reasonably believed necessary against persons on that land.~~ An officer may use force to break and enter a fence, enclosure dwelling or other building.
2. Prior to forced entry into a building, the officer should knock on the door announcing that he/she is a police officer unless such announcement is known to be futile.

The officer ~~He/she~~ should announce that their presence ~~he/she is there~~ to make an arrest and demand that the person inside open the door. Only after a reasonable period of time should the officer enter the door without it being opened from the inside. If an officer does break in, ~~he/she~~ should try to do as little damage as possible.

3. There are exceptions to the above policies where police officers may enter without announcement and demand to make a lawful arrest. This occurs when an officer has good reason to believe that an announcement may:
 - a) Help the suspect to escape.
 - b) Endanger persons.
 - c) Result in the destruction of evidence.
4. When executing a search warrant, officers should first secure the area, and then enter the property.

VII. USE OF RESTRAINTS

A. Handcuffs, flex cuffs and leg restraints are to be used by police personnel only to temporarily restrain and secure persons in police custody (Philadelphia PD Directive at 10.05).

B. An officer may use restraining devices ~~in order to~~ if an officer reasonably believes:

1. a detained individual may harm the officer or another person;
2. a detained individual may harm themselves; or
3. a detained individual will attempt to escape (See Philadelphia PD 10.05).

C. An officer should never use restraining devices as punishment.

- D. ~~It is the policy of the Department that a~~ All persons placed in protective custody or under arrest shall be properly handcuffed, except in the case of cooperative, non-threatening persons, where such decision shall be at the officer's discretion.
- E. It is the policy of the Department to use handcuffs or restraining devices during all transportation, except in the case of cooperative, non-threatening persons, where such decision shall be at the officer's discretion. The following use procedures are provided:
1. The officer should use Departmentally-approved restraints.
 2. Handcuffs should be applied to the person's wrists behind his/her back unless not physically possible, or other factors exists, such as:
 - a) Other restraining equipment is in use, i.e., belly chains.
 - b) Conditions exist that make it unreasonable or impossible to place handcuffs behind the subjects back. In all such cases the officer should detail in his/her written report the unusual circumstances that existed and what alternative restraining device or techniques were used.
 3. Handcuffs should be double-locked upon placement on the person in order to negate any attempted tampering by the person and to assure that accidental tightening of the cuffs cannot occur.
 4. Handcuffs should be closed to a firm contact with offender's skin, but not so tightly as to produce pain, although one may expect comments as to discomfort.
 5. Handcuffs should not intentionally be closed so tightly as to cause physical injury to the person.
 6. Handcuffs (or any other restraining device) should be removed from the person upon arrival at a secure area within the Department, or upon transfer of custody to a responsible party. This procedure will not be affected should such removal be likely to result in physical harm to the offender, officers, or other person.
 7. Handcuffs should not be used when it appears likely that the person's wrists or hands are too small, or for some other reason which would negate the restraining effects of handcuffs. In such circumstances, flex cuffs or other restraints will be used.

ECW#1

8. The use of neck restraints and/or "choke holds" by personnel of the Monona Police Department is are prohibited unless the situation requires the use of deadly force that would be justified.

9. The use of handcuffs should not be viewed as an absolute provision of safety. Officers should continue to exercise all due care as to the safety and custody of prisoners. (emphasis in the original).

F. Handcuffing Prisoners Being Transported.

1. Prior to any transportation of persons in custody, they should be searched for weapons. (emphasis in the original).
2. Prior to transporting non-violent children eleven (11) years of age and under, the transporting officer will contact a supervisor who will determine whether handcuffs should be applied and how the child should be transported. Supervisors shall base their decision upon the best interest of the child under the circumstances.

NOTE: Under no circumstances shall children eight (8) years of age or under be transported or detained in an emergency vehicle. Should it be necessary for a child of eight (8) years of age or under to be transported to a police facility, every attempt will be made to have a parent or lawful custodian transport the child to the police facility prior to utilizing a radio patrol car (Philadelphia PD Directive 10.5).

3. Subjects should be handcuffed behind the back. The following factors, among others, may be taken into consideration in choosing alternate means of restraints:
 - a) Other restraining equipment is in use, i.e., belly chains. Handcuffs may be used in front of the body when the prisoner is wearing a garment with a belt through which the handcuffs may be laced to securely pin the hands to prevent flailing about.
 - b) Conditions exist that make it unreasonable or impossible to place handcuffs behind the subjects back. In all such cases the officer should detail in his/her written report the unusual circumstances that existed and what alternative restraining device or techniques were used.
4. Prisoners should be so placed in the police cruiser that seat belts may be secured about the prisoner in order to enhance their safety during transportation. An exception is when hands and feet are restrained separately and the subject has been placed on his/her stomach.
5. The use of handcuffs should not be viewed as an absolute provision of safety. Officers should continue to exercise all due care as to the safety and custody of prisoners.

G. Exceptions to Handcuff Requirements for transportation:

1. Officers should always handcuff unless the officer can articulate exceptional circumstances. Officer discretion may be used in the following circumstances when deciding not to handcuff.

2. Persons who are temporarily incapacitated, such as by a serious wound to the lower arms, hands, etc. or a woman in an advanced stage of pregnancy, etc.
3. Juveniles who are either very young, or whom the officer has personal knowledge of, and as such, determines that the use of handcuffs is not an appropriate action.
4. All officers shall receive defensive tactics training in accordance with Wisconsin Training and Standards guidelines.

VIII. FOOT PURSUITS

A. POLICY

1. It is the policy of this Department that officer safety and the safety of the public shall be the overriding consideration in determining whether or not a foot pursuit will be initiated and continued.
2. This order establishes guidelines for officer's actions during foot pursuits. This order is not to deter officers from engaging in foot pursuits or supervisors to automatically terminate foot pursuits. This order calls attention to the fact that foot pursuits are inherently dangerous police actions (Philadelphia PD Directive 4.10).

B. PROCEDURE

1. An officer may pursue a person(s) if the officer has reasonable suspicion to believe the person(s) may have committed an act that would permit the officer to detain, arrest, or otherwise take that person into custody (Philadelphia PD Directive 4.10. at 1).
2. An officer's decision to pursue on foot shall be made with an awareness and appreciation for the risk to the officer and others who may be exposed. In deciding whether to initiate or continue a foot pursuit, officers shall also consider the following risk factors:
 - a. The severity of the incident and/or offense to which the officer is responding weighted against the need to apprehend (Philadelphia PD Directive 4.10 at 1).
 - b. Any knowledge of weapons in possession of the subject (Philadelphia PD Directive 4.10 at 1).
 - c. Officer/suspect factors regarding skill level, age, size, and strength of the fleeing suspect.
 - d. The necessity of the pursuit based upon whether the identity of the suspect is known or can be determined permitting apprehension at a later time.

- e. Whether the person being pursued poses a threat or harm to the public beyond the act of fleeing the officer, if not immediately apprehended.
 - f. Availability of immediate assistance.
 - g. Geography familiarization and orientation.
 - h. Environmental hazards, such as broken or slippery ground, lighting conditions, fencing and other obstacles (Philadelphia PD Directive 4.10 at 2).
 - i. Availability of other options for apprehending the suspect (Philadelphia PD Directive 4.10 at 2).
 - j. Acting alone (Philadelphia PD Directive 4.10 at 2). Consider perimeter and await back-up officers.
 - k. Communication availability (Philadelphia PD Directive 4.10 at 2).
 - l. Weather/Time of day (Philadelphia PD Directive 4.10 at 2).
 - m. Necessary equipment (Philadelphia PD Directive 4.10 at 2).
 - n. Whether the officer is in uniform or plain clothes (Philadelphia PD Directive 4.10 at 2).
3. Upon engaging in any foot pursuit, the officer(s) should attempt to communicate that they are in foot pursuit with their location, the direction of the pursuit, the reason for the pursuit and the description of the suspect. When a foot pursuit is in progress, other officers will keep police radio clear of unrelated traffic so the pursuing officer(s) can continue to update their location and direction of travel (Philadelphia PD Directive 4.10 at 2).
 4. The pursuing (initiating) officer will immediately coordinate, via police radio with the responding officers to establish a perimeter in the area to contain the suspect (Philadelphia PD Directive 4.10 at 2).
 - a. In the event that the suspect enters a building, structure, confined spaces, wooded or otherwise isolated areas without sufficient backup; the officer should consider setting up a perimeter and waiting for additional officers the initiating officer(s) shall assess the situation, notify police radio their location and determine whether to wait for the arrival of responding officers and a Supervisor so a perimeter around the area can be established.
 - b. A SWAT Unit should always be summoned in cases where the suspect is believed to be armed and/or has taken a defensive posture which would meet the definition of a Barricaded Person (Philadelphia PD Directive 4.10

at 2).

5. The foot pursuit should be discontinued when the following risk factors develop:
 - a. The threat of harm to the officer or the fleeing suspect outweighs the necessity for immediate apprehension.
 - b. Inability to maintain radio contact with communications center.
 - c. Riotous or unsafe environment.
 - d. Identity of fleeing suspect is obtained.
 - e. Termination of pursuit is directed by a supervisor.

IX. RENDERING MEDICAL AID

A. POLICY Treatment of Persons Injured Through the Use of Force

1. Persons subject to the use of force shall be observed to detect obvious changes in their physical or mental condition and administer first aid if required.
2. Summon appropriate medical aid, if necessary. Officers shall automatically request medical aid in certain situations:
 - a. Every use-of-force that causes or is reasonably expected to cause great bodily harm, substantial bodily harm, loss of consciousness or death.
 - b. Taser/CEWs applications.
 - c. After any use-of-force greater than a force that causes transitory pain or the complaint of transitory pain on subjects who are reasonably believed or known to be pregnant, pre-adolescent children, elderly, or physically frail, or disabled (See Seattle Police Manuel 8.200 and 8.400).
3. If necessary, or requested by the injured subject, the injured person/s is/are to be transported by ambulance to the most quickly acceptable medical facility for proper treatment.
4. While ~~During the time~~ awaiting treatment and during the treatment activities, the officer should maintain security.
5. The injured person is to remain handcuffed during treatment unless the handcuffs interfere with such treatment. Should medical treatment require removal of handcuffs, the officer should request that restraints be used by hospital personnel.

If medical treatment requires the removal of handcuffs and hospital restraints are not authorized or utilized, the officer/s should maintain close physical

- proximity to the subject and determine the appropriate level of control and/or restraint use with hospital personnel and security staff based on officer/subject factors, degree of subject's injuries, the possibility of behavior changes of intoxicated and/or drug impaired subjects, and the subject's level of cooperation with officers and hospital personnel.
6. The officer is to remain with the injured person at all times during the hospital stay unless the injury is so serious that escape is not physically possible.
 7. If it is determined that the injured person needs to be admitted to the hospital for additional treatment or a hospital stay, the officer will contact his/her immediate supervisor and coordinate efforts with hospital personnel in order to determine what level of monitoring will be required.
 8. If the injured person is to be released from the Emergency Department following medical evaluation and treatment the officer will notify the appropriate detention facility of the nature of the subject's injuries as well as providing them with any medical discharge instructions or paperwork, if applicable.

ECW #7

X. REPORTING THE USE OF FORCE

- A. A Use of Force report ~~is~~ will be required when an officer ~~uses~~ is forced to use any of the following force:
 1. Discharge of firearm, whether accidental or intentional, except on an approved firearms range for the purpose of firearms practice, training, competition, qualification or legal hunting purposes.
 2. Firearms: striking with or pointing of any firearm.
 3. Conducted Energy Weapon (CEW). The use of or pointing of any CEW at a person
 4. Baton or kinetic energy impact projectiles: use in striking, blocking or pushing of any person.
 5. Chemical agents: use of any chemical agent.
 6. Physical force: striking, punching, pushing or restraining any person.
 7. Oleoresin capsicum: use of any pepper gas aerosol.
- B. The officer involved shall orally advise his/her supervisor of the use of force and the underlying facts justifying his/her use of force as soon as possible.
- C. The officer involved shall make a written report/statement as to the underlying facts and the reasons ~~ableness~~, as perceived by the officer, justifying his/her use of force.

D. If the discharge of the weapon or use of force causes injury or death or great bodily harm, the supervisor shall notify the Chief of Police or designee as soon as possible.

E. The supervisor, as soon as possible during the investigation, shall forward all reports of the investigation to the Chief of Police.

F. ~~A Use of Force Report shall be completed regarding any incident involving the intentional or accidental discharge of a firearm, except on an approved firearms range for the purpose of firearms practice, training, competition, qualification or legal hunting purposes.~~

G. Whenever an officer uses force in the performance of his/her duty, he/she shall indicate in the report of the incident the use of the force and the circumstances and justification for its use.

H. All Use of Force Reports shall be forwarded to the lead DAAT instructor and a copy will be filed with the Chief or designee.

I. Release of Information Regarding Officer Involved Shootings (OIS)

1. A press conference will be held by the Police Commissioner or designee within 72 hours of an officer involved shooting in which an individual was killed or wounded.

2. An official press statement will be released by the Police Commissioner or designee within 72 hours of an incident when an on duty accidental discharge occurs or when an individual was shot at but not struck as a result of a weapons discharge by a member of the Department.

3. The information will include the officer's name, years of service, assignment and duty status.

4. The officer(s) will be placed on Administrative Duty Status pending the outcome of the investigation.

5. The release will contain a preliminary summary stating the circumstances of the incident known at the time and based on the facts collected and confirmed by the investigators. The release will provide a brief synopsis of the incident, condition (injuries) of the individual, charges (if applicable), and the proceeding steps of the investigation. Names of the individual suspect or the officer will be released unless there are public safety concerns (See Philadelphia PD Directive 10.1 at 20 and CCPD UOF Policy at 11).

J. ~~Post use of force procedures removal from duty.~~

~~1. An officer(s) whose actions or use of force results in a death or serious physical injury shall be placed on administrative leave or desk duty by the Chief of Police or his/her designee during the investigation of the incident and/or until such time as the incident investigation or administrative review is completed. The~~

officer shall be available for Departmental interviews and statements regarding the incident and subject to recall to duty.

J. Post use of force review

2. At least once every year the Chief or designee shall conduct a documented review of the use of force reports to determine any policy issues, training or weapons/equipment deficiencies, or disciplinary matters that require attention or any type of future action.

K. The Department will forward information related to the National Use-Of-Force Data Collection-FBI program to the Wisconsin Department of Justice. Additional information regarding this program can be found at the Wisconsin DOJ, Bureau of Justice Information and Analysis.

Walter J. Ostrenga
Chief of Police

This Policy & Procedure cancels and supersedes any and all written directives relative to the subject matter contained herein.

Initial XX/XX/2020